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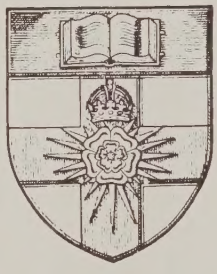

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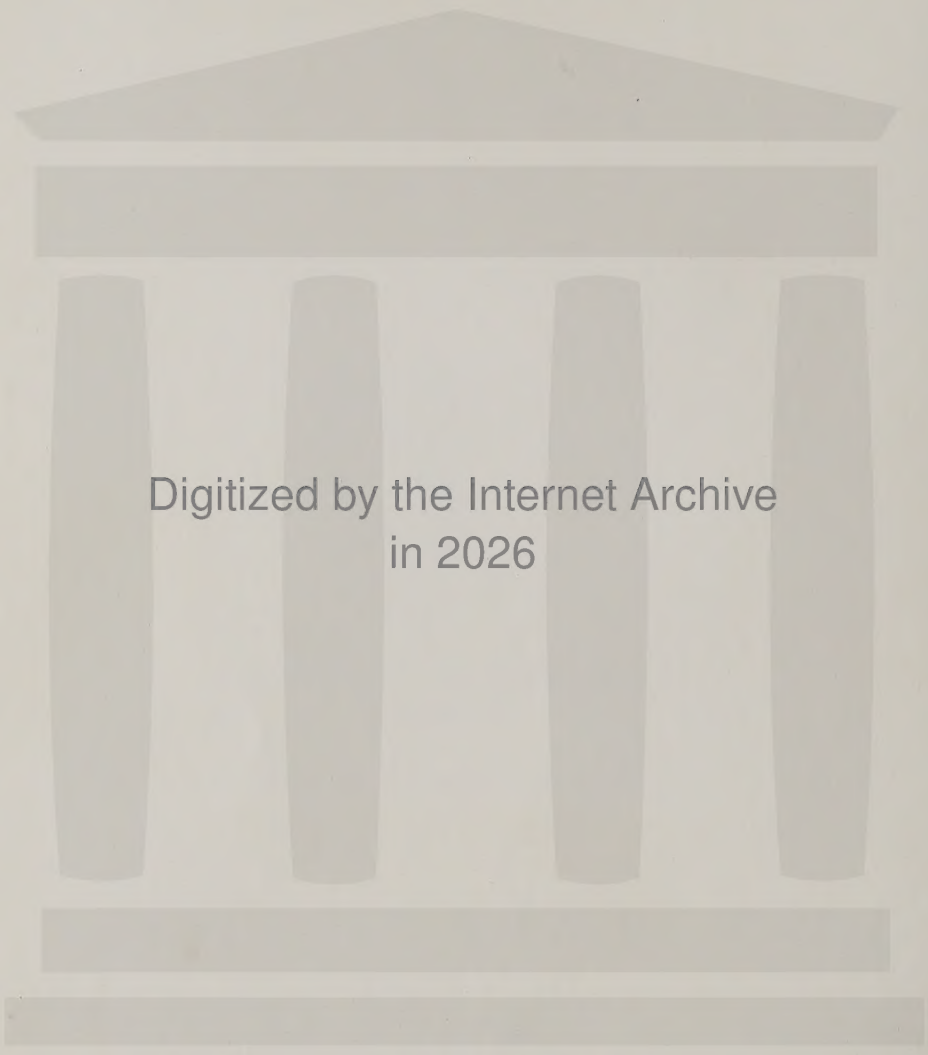
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REPORTS

FROM

COMMISSIONERS, INSPECTORS,

AND OTHERS.

FIFTY-ONE VOLUMES.

— (*49.*) —

TRUCK ACTS (DEPARTMENTAL COMMITTEE).

Session

29 *January* 1908 —— 21 *December* 1908.

VOL. LIX.

1908.

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[Cd. 4442.] Report of the Truck Committee: Vol. I. Report and Appendices. p. 1

[Cd. 4443.] Minutes of Evidence taken before the Truck Committee: Vol. II. Minutes of Evidence (days 1–37). 147

[Cd. 4444.] Minutes of Evidence taken before the Truck Committee: Vol. III. Minutes of Evidence (days 38–66) and Index. 533

DEPARTMENTAL COMMITTEE ON THE TRUCK ACTS.

REPORT

OF THE

TRUCK COMMITTEE.

VOL. I.—REPORT AND APPENDICES.

Presented to both Houses of Parliament by Command of His Majesty.

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DEPARTMENTAL COMMITTEE ON THE TRUCK ACTS.

MINUTES OF APPOINTMENT.

I hereby appoint—

THE RIGHT HONOURABLE THOMAS SHAW, M.P., Lord Advocate for Scotland,

EDWARD A. BROTHERTON, ESQUIRE, M.P.,

FREDERICK CAWLEY, ESQUIRE, M.P.,

MALCOLM DELEVINGNE, ESQUIRE, of the Home Office,

JAMES RAMSAY MACDONALD, ESQUIRE, M.P.,

FREDERICK MADDISON, ESQUIRE, M.P.,

MRS. H. J. TENNANT, and

A. F. YARROW, ESQUIRE,

to be a Committee to inquire into the operation of the Truck Acts, and to consider and report what amendments, or extensions, of those Acts, or changes in their administration, are desirable; particularly whether fines and deductions from wages should be prohibited, and further to consider and report whether the practice of shop-assistants and certain classes of work-people being lodged and boarded by their employers gives rise to abuses needing remedy by an extension of the Truck Acts or by other action of the State.

And I further appoint the Right Honourable Thomas Shaw, M.P., to be Chairman, and Thomas Edward Bettany, Esquire, of the Home Office, to be Secretary of the said Committee.

(Signed) H. J. GLADSTONE,
One of His Majesty's Principal Secretaries of State.

Whitehall,
5th April, 1906.

I hereby appoint Stephen Walsh, Esquire, M.P., to be a member of the Departmental Committee upon the Truck Acts, in the place of J. Ramsay Macdonald, Esquire, M.P., who has resigned.

(Signed) H. J. GLADSTONE.

Whitehall,
4th August, 1906.

REPORT.

To the Right Honourable Herbert John Gladstone, M.P., His Majesty's Secretary of State for the Home Department.

Sir,

1. In accordance with the Minute of 5th April, 1906, appointing us as a Departmental Committee, we have conducted an inquiry into the subjects therein set forth.

In the month of August, 1906, we lost the valuable services of Mr. Ramsay Macdonald, M.P. In his room we have had the advantage of obtaining the services, under your appointment, of Mr. Walsh, M.P.

It very early became evident to us as a committee that the complexities of the subject and its ramifications among the various industries of the country would make the inquiry one which, to be in any sense thorough, would necessarily be of a prolonged character. Around it, as we also soon discovered, or at least around some portions of it, there were ranged certain conflicts of opinion, not only between employers on the one hand and employees on the other, but within each of those classes, as neither among employers as a class nor employees as a class did unanimity of view prevail. We realised, moreover, that there would be extreme difficulty in suppressing a certain exuberance of willingness upon the part of various sections of the industrial community for the hearing and expression of their views. And upon the whole we concluded that the safer and juster, although by far the more laborious, course would be to give a full although lengthy hearing to the numerous interests concerned. While we thus felt ourselves unable to sacrifice thoroughness to dispatch we trust that inquiry so conducted will form the ground for a safer induction for conclusions either of a legislative or administrative character.

Our inquiry has lasted for two years and eight months. We have held eighty-two meetings and have examined 118 witnesses.

2. In the appendix will be found a report of all the legal decisions* which have been pronounced by Courts of Law of authority upon the construction of the Truck Acts, since the passing of the last of the existing Acts, *i.e.*, the Act of 1896. By these and previous decisions the administration of the law in the public departments had of course to be guided. It is well known that the provisions of the statutes have given rise to great difficulties of interpretation, and that Judges of great authority have taken different views as to their meaning. It became necessary for us, therefore, in the first place, to see what was the view held at official headquarters, the statutes and decisions standing as they are, as to the present state and administration of the law. Upon this subject we had the valuable assistance of Sir Henry Cunynghame of the Home Office and of the inspectorate whose operations are directed by that department of State.

The official evidence was followed by numerous representatives of employers and employed, and the trades with regard to which evidence was tendered were as follows, viz. :—the railway, mining and textile industries (including woollen weaving, cotton weaving, worsted, linen, damask weaving, &c.) the various branches of the clothing trade, the iron and steel trade, the engineering and shipbuilding trade, the pottery trade, the Sheffield cutlery and silver and electroplate trades, the laundry trade, the lace-making, lappet, and lino-cloth making trade, the bleaching industry, the catering trade, the gas-making industry, the cocoa and chocolate trade, the hand and machine knitting industry in Ireland and many other miscellaneous trades.

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* A collection of some of the legal decisions prior to the Truck Act of 1896, will be found in the Memorandum presented to Parliament by the Home Office in 1896. [C–8048.] ; and a digest of decisions prior to 1871 in Appendix XV. of the Report of the Truck Commission of 1871.

411. 5,000—Wt. 2227. 12/08. Wy. & S. 4791*r*.

In addition to this, evidence was submitted to us by representatives from Government departments which are large employers of labour, viz :—the Post Office and the War Office ; by representatives of the medical profession on the subject of deductions from wages for medical attendance, and on behalf of societies, such as the Church Army, and also by private individuals who were interested in certain portions of the subject of our reference.

Finally, we received a large body of evidence from shopkeepers and shop assistants in regard to the "living in" system, and members of the committee also personally visited establishments both in the west and east of London where the system obtains. These visits were made without notice or on very short notice. We have to acknowledge the courtesy of the owners of these establishments in allowing us to make a thorough inspection of their arrangements. In no case except one, viz.—that of Messrs. Jeremiah Rotherham and Co., of Boundary Street, Shoreditch, E., was permission to view the premises refused.

3. Through the courtesy of the Home Office we obtained reports as to the laws of the Colonies and certain Foreign Countries on the subject of truck and fines and deductions from wages, and as to the industrial tribunals of France and Germany. Summaries of these reports prepared by our Secretary are printed in Appendices II. and III.

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4. For practical purposes legislation on the subject of truck is generally treated as beginning with the Act of 1831 (1 & 2 William IV., chapter 37). There is, however, a record of legislative efforts* extending over many centuries, aimed at the practice of paying wages in goods.

The nature of the subject and the limits of the early legislation appear from the statute of 1464 in the fourth year of the reign of Edward IV. That Act applied to woollen clothworkers alone. It displays the minuteness of Parliamentary interference in those days, dealing with the length and breadth of broadcloths and cloths called "streits" and "kerseys," &c., and stipulating among other things—

"That every of the said cloths and half cloths shall perfectly and rightly pursue and follow one order of workmanship from one end to the other, without difference in the weaving, fulling, knotting or burling.'

Later on in the statute it is provided—

"That every carder, spinster, weaver, fuller, sheerman, and dyer, shall duly perform his duty in his occupation, upon pain to yield to the party grieved in this behalf his double damages."

And minute punitive sanctions are rigorously set to the performance of the labourer's duty. These attempts at specific regulation have in subsequent centuries disappeared with advancing doctrines as to the freer play of economic forces, but Sections 13 and 14 of the statute still stand as marking principles which have been gradually confirmed and extended. As has been remarked the statute was confined to woollen clothmaking and it narrates that—

"The labourers thereof have been driven to take a great part of their wages in pins, girdles, and other unprofitable wares, under such price that it did not extend to" :

and so it is ordained—

"That every man and woman being clothmakers, from the said Feast of St. Peter, shall pay to the carders, spinsters, and all such other labourers, in any part of the said trade, lawful money for all their lawful wages, and payment of the same."

Gradually the principle was extended to other industries. For instance in 1701 by the Act of 1 Anne, chapter 18, the narrative extends to woollen, linen, fustian, cotton, and iron manufacture, and it is enacted that all "payments and satisfactions . . . . shall be by the lawful coin of the realm, and not by any cloth, victuals, or commodities, in lieu thereof."

5. Whether the union of the Parliaments in 1707 had been the means of the introduction of the term truck, which has its Scotch equivalent in the word "trock," cannot be said with certainty ; but in 1725 by the Act 12 George I., chapter 34, the term appears upon the statute book. The Act itself reflects upon the social

* See collection of statutes in Appendix IV. of the Report of the Truck Commission of 1871.

troubles of the period on account of "great numbers of weavers" having "lately formed themselves into unlawful clubs and societies, and have presumed, contrary to law, to enter into combinations, and to make by-laws or orders, by which they pretend to regulate the trade, and the prices of their goods, and to advance their wages unreasonably," and it makes severe provisions against such combinations, with strong punitive provisions against quitting service before the expiry of the hiring, against spoiling work, and the like. The counterpart, however (the Act dealing mainly with woollen manufactures), obliges and requires the employer to pay "the full wages or other price agreed on in good and lawful money of this Kingdom, and shall not pay the said wages or other price agreed on, or any part thereof, in goods *or by way of truck*, or in any other manner than in money as aforesaid," and it proceeds (much upon the line adopted in more recent legislation), "or make any deductions from such wages or price for or on account of any goods sold or delivered previous to such agreement." In 1749, by the Act, 22 George II., chapter 27, the category of employments was widely extended and the prohibition was repeated against paying "their wages or other price agreed on or any part thereof either in goods or by way of truck or in any other manner than in money." In 1817, after some intervening legislation, the category was still further extended by 57 George III., chapter 115, which deals with what it denominates "the pernicious practice of paying the wages of labourers . . . in goods" and it is narrated that the security given by previous legislation "for the receipt of their wages in money, is in neither of these Acts extended to labouring men employed in the manufacture of articles made of steel, or of steel and iron combined, and of plated articles, or of other articles of cutlery," and provisions are accordingly applied to these industries. By chapter 122 of the same year's legislation the provisions were extended to the coal trade in these words :—

"That the provisions of the aforesaid Act of the twelfth year of the reign of His late Majesty, King George the First, which prohibits the payment of the wages of persons employed in the woollen manufacture in goods, and to secure the payment of every part of their wages in good and lawful money of this Kingdom, be extended to labourers employed in working and getting coal in the United Kingdom of Great Britain and Ireland."

6. The Act of 1831, 1 and 2 William IV., chapter 36, repealed a mass of legislation of this kind extending over three and a half centuries. It comprehended in its repeal so much of the said several recited Acts as regulates or relates to the payment of the wages of workmen in the several trades and occupations therein enumerated in goods or by way of truck. This repeal being effected, the operative statute of 1831, 1 and 2 William IV., chapter 37, was passed into law, and that Act still holds the field as containing the comprehensive statement of the general principles still held operative for the suppression of the practice of truck. The preamble of the Act may be quoted as showing the objects which Parliament had in view :

"Whereas it is necessary to prohibit the payment, in certain trades, of wages in goods or otherwise than in the current coin of the realm."

7. The Act of 1831, however, was far from accomplishing the extirpation of the practice of truck in the relations of employers and employed throughout the country. The enumeration of trades to which it was applied by Section 19 was large, but was specific, and so excluded masses of the population who were engaged in industries other than those set forth. To quote from an able memorandum on the law relating to truck issued by the Home Office in 1896 :—*

"Truck therefore still continued in other employments. It was, perhaps, at its worst among the labourers employed to make railways, who used hardly ever to receive money except at long intervals, when they celebrated an orgie.

"This evil was considered by a Select Committee in 1846, who recommended the extension of the Truck Acts to persons engaged in making railways. (Committee Reports. Vol. xiii., p. 430.) But no Parliamentary action followed this Report until 1887.

"In consequence of a fresh agitation among the working classes, a Royal Commission upon Truck was appointed, of which Charles Bowen, who afterwards became a Lord of Appeal, was chairman.

"This important commission went over the whole of the ground again, and presented a voluminous report.

"They endeavoured to form some estimate of the extent to which the Truck Act was then being broken and they came to the conclusion that, counting women and children, probably nearly half a million of people were dependent on works where either poundage (*i.e.*, interest on money advances) is charged, or a shop kept by the employer. Truck was found chiefly to exist in the coal and iron mines in Wales : it was carried on by means of long-deferred wage payments, which forced the men to seek for advances, which they got as a grace, and as a condition of which they were bound to deal at the employer's shop. A man who, having received his advance, slipped away with it without expending it in the employer's shop, was called a 'sloper,' a term which has passed into vulgar language."

* [G 8048].

8. It is certainly very remarkable that the action of Parliament in extending the scope of the Truck Acts was so slow and that a period of fifty-six years should have elapsed before an amending Act reached the statute book. In 1887, however, two bills were introduced into the House of Commons, one by Mr. Bradlaugh and one by Mr. Donald Crawford, and the bill of the former, with drastic amendments, passed into law.

By the Act of 1887 the principle was extended to any "person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner or otherwise engaged in manual labour, whether under the age of 21 years or above that age, has entered into or works under a contract with an employer, whether the contract . . . . . be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour." (In the course of attempting to define "manual labour" the Courts of Law have produced curious distinctions, to which we refer later). Provision was also made for a more effective enforcement of the Acts.

9. Nine years later still came the Act of 1896, which dealt, however, with a somewhat different subject matter, that of fines and charges of various kinds made against the worker by his employer, and did not further extend the application of the previous Acts.

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10. The statutes then which bear the name of the Truck Acts are three in number, viz. :—

(1) The Truck Act, 1831 (1 & 2 William IV. Cap. 37).

(2) The Truck Act, 1887 (50 & 51 Victoria, Cap. 46), and

(3) The Truck Act, 1896 (59 & 60 Victoria, Cap. 44).

In addition to these statutes there are—

(4) The Hosiery Manufacture (Wages) Act, 1874 (37 & 38 Victoria, Cap. 48), and

(5) The Shop Clubs Act, 1902 (2 Edward VII. Cap. 21).

which have a direct bearing upon truck, and deductions, and generally upon the subjects of our reference.

The provisions of the Acts of 1831 and 1887 and the questions arising upon them are discussed at length in the Home Office Memorandum,[1] to which we have already referred, and as this is available as a Parliamentary Paper, we do not propose to go over the ground in detail. It will be necessary, however, for the purposes of our Report, to explain briefly the present state of the law.

11. As already stated the Act of 1831 remains the leading statute on the main subject of the Acts, viz. :—the actual prohibition of truck itself, that is to say, of the payment of wages in goods or otherwise than in current coin.

The Act commences by laying down the following general provisions :—

First, in the contract of service, wages are to be made payable in current coin of the realm only, and the entire amount of wages earned is to be so paid.

Secondly, no condition is to be imposed in the contract of service, directly or indirectly, as to where, how, or with whom, wages or any part of wages are to be expended.

To ensure the observance of these provisions, and to prevent any evasion, a number of safeguards are devised :—

---

[1] [C. 8048].

(1) All contracts contravening these provisions, and all payments in goods or otherwise than in current coin (subject to certain exceptions), are declared illegal, null and void.

(2) The employer is made liable to penalties for any illegal contract or payment.

(3) The workman may recover by civil proceedings so much of his wages as shall not have been paid in current coin, and the employer is not in any such action to be entitled to any set-off in respect of any goods supplied to the worker on account of wages, or in respect of any goods purchased by the worker at a shop in which the employer is interested.

(4) The employer is not to be entitled to sue the worker for any goods supplied to him on account of wages, or supplied to him at any shop in which the employer is interested.

Certain exceptions are made to the general provisions, to allow of the employer supplying his workers with medical attendance, houses, meals, etc.

"Wages" are defined as meaning anything given as "a recompense, reward or remuneration for any labour done."

The application of the Act was limited to "artificers" in certain trades; this provision was superseded, as we have seen, by the Act of 1887.

It may be observed here that there is nothing in this Act to prevent the sale of goods by the employer to the workman, though the provisions (3) and (4) above may make him disinclined to do so except for cash.

So far as regards Truck proper, the provisions of the Act have not presented much difficulty, except as to the question what persons were comprised within its terms. The reasons why Truck continued to flourish for many years afterwards were that no system of inspection was established with a view to the enforcement of its provisions, a defect remedied (at any rate, to a very large extent) by the Act of 1887.

12. So far as regards deductions from wages other than in respect of the supply of goods or the like, difficult questions arose in consequence of the ambiguous nature of the language employed in the Act, but before proceeding to notice these, it will be convenient to refer to the provisions of the Act of 1887.

The two most important of these have been already mentioned, viz.:—the extension of the Act to fresh classes of workers, and the imposition on the Inspectors of Mines and Factories of the duty of enforcing the Acts in factories, workshops, and mines.

Apart from these, the matters dealt with in the statute of 1887 were chiefly matters of detail. No fresh principles of general importance were introduced and, in particular, the question of deductions was not dealt with.

Two provisions only need be noticed here. First—It is made an offence by Section 6 of the Act to dismiss a workman from his employment, on account of the place where, or the manner in which, or the persons with whom, he has expended his wages—an additional safeguard. Secondly—Where a dealer buys from a person working at his own home and without employing any person other than members of his family articles under the value of £5, made by such person, of wool, cotton, silk, cloth, fur, lace, etc., the Act is to apply as if the dealer were the employer, the maker of the articles the worker, and the price of the article was the wages—an interesting provision as to the working of which, however, we have unfortunately been able to obtain little or no information.

13. But though the effect of the Acts of 1831 and 1887 was clear, so far as the question of Truck proper (*i.e.*, the payment of wages in goods, or otherwise than in current coin) was concerned, its effect was not so clear as regards the subject of deductions. The Act of 1831 provided that the "entire amount" of the wages earned was to be actually paid in the current coin of the realm, subject only to such stoppages or deductions as might be agreed upon between the employer and workman in respect of benefits or advantages supplied by the employer under the provisions of Section 23 of that Act

The Courts were called upon, in a series of cases extending over a considerable period of time, to decide the effect of the Act in regard to deductions of various kinds.

(1.) In a series of cases, of which *Archer* v. *James*[1] is the most important, the legality of deductions in respect of such matters as machine rent, standing room, gas, fire, etc., was considered. The effect of the decisions was that things supplied to the worker not as recompense for his work, but as means of doing his work, are not supplied as part of wages. The worker's wage, being only the recompense for his work, is what remains after deductions in respect of things so supplied have been made. In other words, as was explained by Lord Davey in the recent case of *Williams* v. *North's Navigation Collieries*,[2] the "deductions which had been made from his nominal wages were held not to be in the nature of payment at all, but the mode of calculating and ascertaining the actual amount of his wages."

(2.) The question of deductions in respect of *fines* was not raised until much later. In 1889, the Home Office took proceedings against an employer for deducting from wages fines for spoiled work, injury to the property of the employer, misconduct, and the like, and, the case being dismissed, appealed to the High Court. The Court held that the deduction was not a payment of wages otherwise than in coin of the realm, but a non-payment of wage, and that a non-payment of wages or of any part of wages was not an offence against the Truck Acts. (*Redgrave* v. *Kelly*.[3])

It may be noticed in passing that Section 11 of the Employers and Workmen Act of 1875 appears to have recognised the legality of fines when it uses the language as to *forfeitures* on the ground of absence or leaving work being deducted from or set off against a claim for wages.

(3.) A third important class of deductions, deductions for a worker's *contributions to sick and benefit societies*, came under review in 1892, in the case of *Hewlett* v. *Allen*.[4] The employer in that case made it a condition of employment that his workers should be members of the sick and accident club connected with his works, and deducted (with the acquiescence of the workers though without a formal agreement) the contributions from wages, paying them over to the club. A civil action was brought by one of the workers to recover the amounts so deducted from her wages, and was taken through all the Courts to the House of Lords. The final decision was that "a payment made by an employer, at the instance of a person employed, to discharge some obligation of the person employed, or to place the money in the hands of some person in whose hands the person employed desires it to be placed, is, in the sense and meaning of those Sections [3 and 4 of the Act of 1831] a payment to the person employed as much as if the current coin of the realm had been placed in his or her hands." (Herschell C.). Lord Herschell's comment on the scope and object of those sections is important, and is in agreement with the interpretation placed upon the Act by the decisions in *Archer* v. *James*[1] and *Redgrave* v. *Kelly*,[3] already quoted. He said: "I do not think it can be doubted that the object of this enactment was to strike at the practice which had grown up of employers making their payment in part by the supply of goods in the sale of which they were interested, which it was thought would place the person employed at an unfair disadvantage, and which it was thought was calculated to result in the person employed obtaining something less than the agreed remuneration for services. The contrast in these sections is between payment in current coin of the realm and payment in some other fashion."

(4.) The last question of importance raised on this subject was as to the employer's right to deduct from wages the *amount of any debt* owing to him by the worker, and was decided so recently as 1906 by the House of Lords in the case, *Williams* v. *North's Navigation Collieries* (1889), *Ltd.*[2] (*see* Report of case in Appendix IV.). The worker in that case had been ordered by a Court of Summary Jurisdiction to pay a fine to the employer. The employer on the next pay day deducted from the wages the instalment of the fine then due. The House of Lords held that this deduction was illegal under Section 3 of the Act of 1831, on the ground that this was a "payment in account," and, therefore, a payment otherwise than in current coin of the realm. Davey, L.J., said: "The learned counsel for the respondents argued that the employer was not bound by the Act to pay in full, and non-payment was not an offence under the Act. Be it so; but this was not a case of non-payment or repudiation by the master of his debt, but of retention of a part of the workman's admitted wages in payment of a debt to himself, and was intended to be payment or satisfaction *pro tanto* of the workman's wages."

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[1] [1862] 31 L.J. Q.B. 153; [2] [1906] A.C. 136. [3] 53 J.P. 324. [4] [1892] 2 Q.B. 662; [1894] A.C. 383.

14. Deductions of the kinds mentioned in 1 and 2 above, were dealt with by the Truck Act of 1896. That Act and the decisions noted in paragraphs 3 and 4 bring the matter up to date. The provisions and effect of the Act will be discussed by us at length later in our Report, and need not be described here. It is sufficient here to say that by that Act deductions in respect of fines, in respect of loss to the employer by bad or spoiled work or materials, etc., and in respect of supply of materials, tools and other conveniences to the worker were made subject to conditions intended to protect the worker against harsh or unfair charges on the part of the employer.

Other decisions of the Courts on other points in the Acts will be noticed in the course of the Report.

15. We now proceed to the question of the amendment of the Acts. But before doing so, we desire to place on record an expression of our opinion as to their enforcement. In the first place we beg to testify to the highly appreciative estimate which we have formed as to the services of the inspectors. In considerable numbers they have given evidence before us and we may say in a word that unless their services had been rendered with an unsparing interest far beyond the mere scope of regulation duty we do not think that the benefits of the Acts would have been so widely reaped. In the second place we have felt that what we may designate the social influence of tht Trades Unions of the country in checking abuses, making articulate the grievances of those who would otherwise have silently suffered contraventions of the law, has been productive of more thorough administration and, without either threats or undue espionage, has brought both employers and employed into a regular system of loyalty to the statutes.

16. We deal with the various matters which have engaged our attention during this inquiry, under the following heads:—

I. Workers outside the Acts.
II. Deductions from wages.
III. Miscellaneous.
IV. Shop Assistants.

I.—WORKERS OUTSIDE THE ACTS.

17. It will be convenient if, in the first place, we deal with the question of the classes of workers to whom the present Acts apply. As we have already pointed out, the Act of 1831 was limited in its application to certain specified industries. This limitation was removed by the Act of 1887, which applied the law to all persons engaged in manual labour who have entered into or work under a contract of service or a contract personally to execute any work or labour.

(1) Outworkers.

18. Our attention was called at an early stage of our inquiry to the difficulties caused by the expression "a contract personally to execute any work or labour" in its relation to the large classes of persons engaged, often for very slender remuneration, in toilsome occupations in their own homes. It had been already pointed out in the Report of the Truck Commission of 1871 that the effect of the decisions on the Act of 1831 in the cases of *Sleeman* v. *Barrett*,[1] *Ingram* v. *Barnes*,[2] and *Riley* v. *Warden*,[3] had been to establish that only those persons are protected by the Acts who contract for their own personal labour as distinguished from what has been called the result of labour. In *Ingram* v. *Barnes*[2], the plaintiff, a working brickmaker, contracted to make bricks out of the defendant's clay, at so much per 1,000 bricks, finding all labour. It was held on appeal that the case did not fall within the Act, which applies only to actual wages, and not to the profits of the contract. In *Sleeman* v. *Barrett*,[1] the plaintiff, a butty collier, agreed to get coal by the day or ton and make roads by the day or yard; he employed and paid men under him. In giving judgment, Pollock, C.B., said that "if the engagement is that certain persons are to work and be paid for their labour, and the contract is merely for labour, then whatever may be the form of that contract it is within the Act; but if the contract is not for the labour but for the result of the labour, then it is not within the Act." The Truck Commission over which C. Bowen, afterwards Lord Justice Bowen, presided, made the following recommendation on the subject.

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[1] 2 H. & C. 934. [2] 7 E. & B. 115. [3] 18 L.J. Ex. 120

"We think that these classes of workmen need protection as well as other labourers ; that a definition may, if necessary, be so framed as to discriminate between contractors who engage to supply the result of other persons' labour on a large scale and the former classes of workmen ; and that it is vain to expect that the lowest classes of labourers can be effectually protected so long as the slightly superior class under whom they work and by whom they are immediately paid, are themselves subject to the evils of truck. The view of the law taken by Sir W. Erle (Bowers *v.* Lovekin ;[1] Ingram *v.* Barnes,[2])—that it should be sufficient if the labour is such as is intended by the Act, if it is consistent with the contract that the person should give his personal labour, and if he has in fact done so to a substantial extent—appears in this regard preferable to what has by later cases been established as the correct construction of the present Act."

It will be seen later that we agree with Lord Justice Bowen and are recommending accordingly.

19. Notwithstanding the opinion expressed by the Commission the point was not dealt with in the Act of 1887. Parliament while giving a wide extension to the application of the Act, left the necessity of a contract for personal labour untouched. Why this was so, is not apparent. In the same Act, a special provision was inserted for the protection of persons not working under any contract of service at all, or contract to execute any work or labour, but engaged in making in their own homes with members of their family articles from materials supplied by themselves and selling the result of their labour to shopkeepers or other dealers. The case of the person to whom work was let out or given out to be done was left untouched.

20. It would seem that in 1896 when legislating on the subject of Truck, Parliament intended that outworkers as a class should have the benefit of the protection of the Acts, as Section 10 of that Act extended the duties and powers of the inspectors for the enforcement of the provisions of the Acts to "any place where work is *given out* by the occupier of a factory or workshop, or by a contractor or sub-contractor." That intention, if it existed, was nullified by two cases to which we shall now refer and which declared the law to be the same as decided by the earlier cases under the Act of 1831. In the years 1897 to 1899, prolonged investigations were undertaken by the Home Office into the conditions existing in the home industries of Ireland. A widespread system of truck was discovered. The work, chiefly hosiery, shirt-making, and sprigging, was distributed to the home workers from the local shops, the shopkeepers receiving the work from the manufacturers in the large towns of Ireland and Scotland, for whom they acted as agents, or obtaining the materials themselves and afterwards selling the finished articles ; and many of these shopkeepers were in the habit of paying the workers in goods or by tickets entitling the workers to purchase goods at the shop. Successful prosecutions followed, but on appeal by one of the defendants against his conviction, it was held (*Squire* v. *Sweeney*)[3] by the Irish Court of Queen's Bench, following the decisions in *Ingram* v. *Barnes*[2] and *Sleeman* v. *Barrett*,[4] that the Truck Acts did not apply to the case of these outworkers :—

"By the contract as disclosed upon the evidence, she was not bound to perform the work of knitting personally, or any part of it. Her contract, so far as disclosed by the evidence, would have been performed had she had the work done either in whole or in part by others or wholly by herself."

Therefore because there had been no anterior contract to do work personally—although there might be no moral doubt that the work had in effect been personally done—the Truck Acts were held not to apply.

21. In 1905, the question came before an English Court, also on a Home Office prosecution, in the case of *Squire* v. *Midland Lace Company*.[5] Certain women, called clippers, were in the habit of receiving from firms of lace-makers finished lace after its removal from the lace-making machine for the purpose of removing loose threads, etc. The clippers were not exclusively employed by any one firm; the lacemakers had no control over them; and the clippers might and often did employ others to assist them in the work, or give it to others to execute for them. The English Court, also following the decision in *Ingram* v. *Barnes*,[2] held that as the clippers were not bound to execute the work, or any part of it, themselves, they were not within the Act.

22. We are not surprised that while these decisions were accepted as law the results thus countenanced by such an interpretation of the Acts produced wide-spread dissatisfaction, and the social effects of such a state of the law are such that we think it our duty as a Committee to call attention to them. It will be seen from the illustrations we are about to give that the practices to which we refer prevail most largely in remote

[1] 6 E & B. 584. [2] 7 E. & B. 115. [3] Irish Weekly Law Reports, June 27th, 1900. [4] 2 H. & C. 934.
[5] [1905] 2 K.B. 448.

parts of the United Kingdom where little publicity attends them and where the workers have no Trades Unions or organizations to voice their grievances or promote any attempt at legislative remedy.

23. Miss Squire, one of the inspectors who took part in the investigations in Ireland in 1897 to 1899, gave evidence as to the condition of things she found prevailing in Donegal during these years. We may give an illustration of those conditions from her evidence. In Donegal the worker, dwelling in one of the isolated one-storey cabins built on mountain land or on bog such as the witness describes, takes wool out from the agents' shops in the towns to her own cabin (sometimes at a distance of several miles) and knits it up into socks and stockings, and at week ends carries back to the towns the week's work, say two dozen of socks, or if some member of her family have assisted her, two and a half-dozen. The rate of remuneration for the shorter socks was 9d. or 10d. a dozen pairs—that is to say less than one penny a pair—and for the long golf stockings which "sell from 6s. or 7s. to 12s. a pair," "perhaps 2s. 6d. a dozen" (*Q.* 1717), that is 2½d. a pair. Instead however, of being paid by the truck master the 2s. 6d. or 3s. a week which is due to her, she is paid in goods, mostly in small packets of tea, which the witness stated was priced at a high figure which she put at 3s. 6d. per lb. They may also get some other article of diet, such as brown sugar or maize; many of the people seem to subsist chiefly upon maize and tea. For very lonely districts the truck master sends a cart at intervals and his man unpacks his tea and his wool, "giving out the wool and taking in the work and paying for it in tea" (*Q.* 1713). No money passes.

24. In view of the statements which reached us that the condition of things described by Miss Squire no longer existed, and as this was one of the cases brought to our notice in which the system of truck proper was alleged still to prevail, we thought it desirable, in addition to taking oral evidence, that a special investigation should be made, and on our suggestion Miss Martindale, one of the inspectors of factories, was detailed by the Home Office to undertake it. Her interesting report will be found printed in full in the evidence she subsequently gave before the Committee (*Q.* 16553). It deals with each of the three principal home industries of Donegal, viz.:—(1) Sprigging, or the embroidery of handkerchiefs, fancy and household linens; (2) hand and machine knitting; (3) machining and finishing shirts and collars. In some respects the conditions would seem to have improved in the ten years that have elapsed since the previous investigations, no doubt largely as a result of the attention that was then called to the matter. For instance, the reward for hand-knitting ordinary men's socks was from 1s. 6d. to 2s. per dozen pairs (fine ones 4s. per dozen pairs), and for fancy golf stockings from 8s. to 18s. a dozen pairs, according to the quality of the yarn. In many cases the price to be paid for the work is fixed by the manufacturer, and in some it is stamped on the article so that the worker may know what she ought to get, or the manufacturers, instead of employing a local agent, send down their own servants to distribute and collect the work.

25. As regards the question, however, which concerns this Committee, the existence of truck in these industries, no real change appears to have taken place. The prices charged for the tea and other articles may be less exorbitant, but the evil still exists. The actual prices paid for tea are stated in this report to be "2s., 2s. 4d. and 2s. 8d. per lb. (usually the two latter)" (*Q.* 16553). Again, the Truck Acts may be nominally observed by handing actual coin to the worker. But, as a general rule, no work is to be obtained, at any rate not the best work, unless the wages are left at the shop; or else the workers are allowed, or even induced, to get heavily into debt, to be wiped off subsequently by out work. Miss Martindale says that, though she received from the workers complaints as to the difficulty of obtaining coin, "it seems to be almost instinctive with them that it would be an ungenerous act to take their wages from the shop" (*Q* 16553). We think it right to note a subject upon which this witness gives valuable evidence:—

> "I am convinced that in Donegal the truck system and the credit system are working hand in hand with serious and far reaching results. In the course of an inquiry lasting only three weeks it was impossible to do more than touch on the fringe of such a large question as the credit system of Ireland. I gathered, however, sufficient evidence to realise the importance of the question, and to feel that an investigation into the shopping conditions is required, and great alterations needed, before a change for the better could be realised in the conditions of living amongst the Donegal peasantry. It appears to me that it will be impossible to stamp out the Truck system until the Credit system changes greatly for the better." (*Q.* 16553.)

26. Evidence was given with the view of rebutting the testimony of the Inspectors; but we do not doubt that the system had been described with substantial accuracy

by them. We had the advantage of having also the evidence of the clerk to one of the unions and district councils of the county, who was also a justice of the peace. He admitted frankly that both merchants and people were at a disadvantage because the people had got into debt, and as a natural consequence things went from bad to worse, and that it might be possible that if anyone stood out for his money instead of taking goods, however much he wanted the money, he might find himself in a worse position than before. He suggested that the law was really not known in these remote districts, and in answer to the question, "Supposing the system was remedied, and people were paid in money instead of in goods, do you not think it would let the people hold up their heads and have a greater sense of independence than under the present system?" he said: "It would. It would be very much better for both parties." (*Q.* 15711.)

27. Evidence was also given as to the existence of similar practices in other parts of the country. In *Cornwall*, women in very humble circumstances and receiving poor relief eked out their parish allowance with knitting what are known as fishermen's guernseys. The truck masters' establishments are drapery shops. They supply the wool and on the delivery of the garment knitted therefrom the payment for the work is made not in cash but in drapery. "They could only obtain in payment for their work, drapery, and as these were very old women who had no use for blue silk sashes and lace and mantles that were given to them by the truck masters, they had to negotiate a sale with their friends in the village, and sometimes they were very hard put to it to find a purchaser" (*Q.* 1754). One case was mentioned which was brought into court. It was that of an old Cornish woman who had received in payment for knitting woollen guernseys, "three yards of wide blue ribbon. It was of absolutely no use to her. She took it to two or three people in the village and managed at last to find two children who were going to a school feast, and she sold it to their mother." (*Q.* 1761.)

Evidence was also given as to the existence of the system in the case of the corset-makers who live in villages near *Bristol* and of the glove-makers in *Somerset.*

28. We have already referred to the tenth section of the Act of 1887 which brought under the law against truck, the case where the finished article wrought from materials, say wool or the like, furnished by the worker is sold by him to the merchant. The section has had little application, so far as we have been able to ascertain, but there was one part of the country in which it might have been operative with very considerable effect. We refer to the *Shetland Islands*, in which the workers produce from wool, often of their own growing, articles of the finest quality and of exquisite design. These they sell to the shopkeepers, but the remarkable fact in the situation is that the habit of payment in goods has become so much one of the customs of the people that it has been extremely difficult to eradicate it, and for a very considerable time the law has been ignored or defied. On learning this the Committee directed the attention of the authorities in Shetland to the matter, and the Chief Constable of the Lerwick district gave valuable evidence upon the subject. His explanation, substantially, was that he knew of the state of matters but could not put the law into operation because he found himself unable to secure evidence as to the contraventions which he was perfectly aware were going on. He asked for additions to his staff and plain clothes assistance. His views and request were communicated to the sheriff of the county, who, with much courtesy and promptitude, placed himself in communication with the county authorities, and it is now hoped that the administration of the law will be put upon a more satisfactory footing in that county.

29. We may mention that from another remote part of the country, viz. :—the Island of *Harris*, we obtained evidence pointing to similar violations of the Truck Act on the part of the local merchants, including the agents of the Scottish Home Industries Association, in the supply of goods instead of coin to the makers of Harris tweed. So far as the Association was concerned, the state of matters there was explained to the Committee in the interesting narrative contained in the evidence of the Duchess of Sutherland, who is the President of the Association, and who attended as a witness and explained to us in detail the operations of the Society in Harris and other parts of the Hebrides. In describing the impoverished condition of the people, and the system of advancing the raw materials for their industry by the merchants in former times, her Grace said: "I think they advanced everything the people wanted, and the poor

people got tied up in debt" (*Q.* 4265.) The Association, however, she said, had been anxious to conform scrupulously to the law. They had to provide the supplies of goods in these Islands, and so the materials for the operation of truck were convenient enough, but being well advised, they kept the payment of wages earned apart from the sale transactions, and, accordingly, "when the people bring in their manufactured tweed they are not only free to get money but do actually get money" (*Q.* 4313), and that what they buy is an ordinary mercantile transaction. The Duchess admitted this, but added with perfect candour, "but we will not supply them with further wool until they pay up their original debt" (*Q.* 4313). To a further question: "And so far as concerns the necessaries supplied to them by you, that is a totally separate account?" Her Grace replied: "Absolutely." "They are free to go where they like for these things, and are in no way bound to your Association?" To which she answered: "In no way, except by honour" (*Q.* 4317). We cannot accordingly say that in any of the operations of the Association the law appears to have been violated. As to the benevolence, both in design and in operation, of the work of the Association there can be no doubt.

30. For the reasons stated in Miss Martindale's report, it cannot be expected that the application of the Truck Acts to the case of the outworkers will immediately or entirely remedy the conditions prevailing in these remote districts. Moreover, the relation of persons so employed to the truck masters, who act as general merchants supplying from their shops to their workers most of their necessities, is such that the habits of the people, including chronic indebtedness as one of the conveniences of life, might be temporarily so disturbed by a sudden alteration of the present system that it would not be surprising if the change were for a short period distasteful both to employers and employed. The application, however, of the provisions of the Acts which require the payment of wages in coin, and prohibit the employer either from deducting from wages debts due to him from the worker or claiming to set off such debts will in itself be a substantial gain, and, we hope, the first step to the introduction of a better system.

31. We do not hesitate to recommend the inclusion of outworkers within the scope of the Acts.

The exact form which a statutory provision for this purpose should take will, no doubt, require careful consideration. Obviously it must not be so wide as to include any kind of contractor, large or small. The solution will, perhaps, be found along the lines indicated in the recommendations from the report of the Truck Commission of 1871, which we have quoted above, viz:—That if the labour contracted for is such as is intended by the Act, if it is consistent with the contract that the person should give his personal labour, and if he has in fact done so to a substantial extent, the contract should be regarded as one to which the provisions of the Acts apply.

In recommending that home workers should obtain the protection referred to, the Committee desire to record this interesting fact. They have had evidence with regard to the conditions and products of labour of a great variety of trades, but in none have there been such indications of high artistic excellence as that involved in this home labour. When it is performed in country districts, the products of the natives, say of Shetland in hosiery, or of Donegal in embroidery, afford constant proof of very high native and inherited skill.

(2) Inmates of Charitable Institutions.

32. Certain representations have been referred to us by the Home Office, or have been sent to us direct, on the question of the application of the Truck Acts to industrial work carried on in charitable institutions, such as firewood cutting, joinery work, laundry work, etc. Complaint is made that as inmates engaged in such work receive, in exchange for their labour, board and lodging only, or perhaps in addition a small money payment, the institutions are able to compete unfairly with the ordinary employer of labour. We are not concerned with the matters of controversy arising between these institutions and the trades with which they compete, but the question whether such institutions should come within the scope of the Acts, is one that falls within our terms of reference, and we decided to make inquiry into it. We invited information on the subject from the Church Army, as typical of such institutions, and Mr. W. F. Hamilton, K.C., attended to give evidence on their behalf, and also gave us the benefit of his opinion on the legal questions involved.

33. As regards the practice of the Church Army, he informed us that each man on entering the labour homes signs an agreement undertaking to live a good life, to be a total abstainer, to abstain from disobedience, idleness, insubordination, and so forth, and then to do his best after the first month to obtain work for himself. The men are employed chiefly at wood chopping, because it is the most economical way of carrying on the homes ; they are paid at piece-work rates ; 6s. is deducted every week from their earnings for their board and lodging, and 1s. a week pocket money is allowed, the rest being reserved for them till they leave the homes. The object of the homes is not only to give employment to honest respectable men who are temporarily out of work, but to reform wastrels, and Mr. Hamilton explained that if the Truck Acts applied to the homes in such a way as to render necessary the payment to the men of all that they earned in cash the result would be disastrous. He said :

"If you were to amend the Truck Acts so as to bring the labour homes within the scope of the Truck Acts, in our view the reformatory part of our work in those labour homes would be crippled, if not destroyed. My reasons for saying so are these : If the wages are paid in cash only, to wastrels, then the temptation at the end of the first week when you put 9s. into a man's hands would be to spend the money in drink or dissipation, instead of paying for his board and lodging 6s. and starting a reserve fund ; it would be almost irresistible." (*Q.* 12780.)

34. Upon the question whether these institutions are subject to the provisions of the Truck Acts, Mr. Hamilton said that in the first place he doubted whether there was any contract of service, having regard to the extraordinary nature of the contract, or whether the Church Army was an "employer," and the men who came into the labour homes "workmen" within the meaning of the Act. If, however, it was decided that the Acts did apply, he thought that the transaction might be held to come within Section 23 of the Act of 1831. Assuming, however, that it was held that the ordinary relation of employer and employed existed, and that Section 23 did not cover the case, he thought it would be very desirable that the Church Army labour homes and all similar organisations should be exempted from the Truck Acts on the ground that they did not come within the mischief aimed at by the Acts.

In the case of some institutions, clothing, and other benefits and advantages are given as well as food and lodging.

35. This question of the applicability of the Truck Acts to charitable institutions has never been determined in the Courts of Law, but the point was raised indirectly in the case of the *Poplar Union* v. *Martin*.[1] In that case the question came up incidentally whether the terms offered to a man in the Salvation Army Colony at Hadleigh, viz., board and lodging and 6d. a week involved an infringement of the Truck Acts and Mr. Justice Phillimore said "Finally, I should like to say (we have only heard the case out upon one side) that I have been utterly unable to see for myself how the terms offered to the respondent in this case could be said to be a violation of the Truck Acts."

36. Whether on a strict reading of the Acts, the relation of institutions of this character to their inmates is one which comes within the provisions of the Truck Acts, the case does not appear to us within the mischief aimed at by the Acts, and we do not think their provisions should apply. There is no question in the case of a *bona fide* charity of an employer attempting to take an unfair advantage of his workers, and making a profit out of the supply of articles and other advantages to them ; in the case of very few of these institutions are the profits of the industrial work carried on sufficient to cover the expenses of the institution. The application of the Acts would seriously interfere with the beneficent work which they do, and no abuse has been brought to our notice which requires the intervention of the law.

Where, however, under the guise of charity an institution is carried on really as a profit making concern and so becomes an employer of labour for the purpose of such profit making, then we think such an institution should be put under the same law as to truck which applies to its commercial rivals.

(3) Other Workers.

37. The only other class of workers not at present included in the Acts in respect of which representations have been made to us is the class of shop assistants (including in that term persons employed in restaurants and similar places). We deal with this class in a later section of our Report.

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[1] L.T. XCI. 550.

38. A number of decisions have been given by the Courts of Law as to the classes of workers included in the definition of 'workman' which is applied for the purposes of the Acts. An omnibus conductor, a tramcar driver, and a goods guard have been held not to be included, as not being engaged in manual labour; on the other hand, it has been held that a motor-omnibus driver is a "workman" within the definition. While it is obvious that whatever boundary line may be drawn by any definition attempted, there may be doubtful cases on the one side or the other, we submit for your consideration whether the time has not arrived when Parliament should undertake the duty of endeavouring, to the best of its power, to put an end to distinctions such as those which we have quoted – distinctions which cannot, it appears to us, be defended upon any grounds of practical good sense. In our view every one of these workers excluded by law should be included. That they were workers there was no doubt, and we do not think an industrial question of this kind should be hampered in its handling by the acquiescence of the Legislature in distinctions such as those referred to.

In the Irish case *Squire* v. *Sweeney*[1] to which we have already referred, the Court were apparently of opinion that the worker was outside the Acts, not only because there was no contract for personal service, but also because knitting socks was not manual labour within the meaning of the definition. This interpretation if correct would have very serious results. We cannot think the view however to be correct. Knitting was included in the trades to which the Act of 1831 applied; it is one of the industries included in section 10 of the Act of 1887; and the decision is inconsistent with decisions of the English courts as to meaning of the same phrase in the Factory Acts (compare *Hoare* v. *Green*[2]). The question has not been raised elsewhere, before or since the case in question.

II.—DEDUCTIONS FROM WAGES.

39. The most important part of our inquiry has been that which related to what are commonly known as deductions from wages, and to the working and sufficiency of the provisions of the Acts which deal with them.

This part of our inquiry we propose to divide into five heads, viz:

A—Deductions or payments made in respect of fines under Section 1 of the Truck Act of 1896.

B—Deductions or payments made in respect of damaged goods, spoilt work, &c., under Section 2 of that Act.

C—Deductions or payments made in respect of materials, &c., under Section 3 of that Act.

D—Deductions made under Sections 23 and 24 of the Truck Act of 1831.

E—Deductions for benefit societies, etc.

40. The phrase "deductions from wages," though we retain it for convenience as that in popular use is not the phrase used in the Act of 1896. Some of the deductions in question are, as we have already seen (p. 8) not deductions from wages, but a mode of ascertaining the actual amount of wages. Other deductions (*i.e.*, in respect of contributions to benefit societies) are not deductions at all from wages, but actual payment of wages. The only deductions *from wages, properly so-called*, which are still recognised by the law, are those authorised by section 23 of the Act of 1831.

The Act of 1896, therefore, when it came to deal with deductions for fines damaged work, materials, etc., had to deal with them not as deductions from wages but as deductions from *the sum contracted to be paid for the work*. It is important to bear this in mind when considering the questions which arise under headings A, B, and C.

41. Another point which it is important to bear in mind in considering the questions under those headings is that in dealing with deductions from the sum contracted to be paid, we are not concerned with methods by which that sum is arrived at in the first instance. Thus, if an employer reduces the price of a piece of work in his factory by 2½%, the discount of 2½% off the original price is not a deduction from wages but a means of arriving at the wage. A case was laid before the Committee of an apprentice hollow-ware presser working for a firm in the Potteries whose wage

[1] Irish Weekly Law Reports, June 27th 1900. [2] [1907] 2. K.B., 315.

was fixed at 33% off 16*s.* 8*d.*, which is the ordinary wage of a hollow-ware presser. It is obvious that there is no deduction here from the sum contracted to be paid. Again, a custom exists in some trades of paying a piece price less a fixed percentage in respect of waste that may be made by the worker, or alternatively of making say 13 or 14 articles for the nominal price per dozen. These are both methods of arriving at the rate of payment.

In order to make the matter clear, we will take another illustration. An employer introduces power, &c., into his works. The labour of the worker is facilitated: more articles can be made in the same time. He adopts one of two courses. (1) He reduces piece-work rates by, say, 10 per cent. all round. This is a reduction of the rate of payment, not a deduction from it. Mr. J. Bradbury, who represented the manufacturing silversmiths of Sheffield, gave us an instance of this. He said:—

> "In the case of buffers, when working in the factories the master supplies steam power, sand, oil, leather, etc., for the use of the men, and a deduction of 10 per cent. to 15 per cent. is made from the money earned. If these men had to find their own materials they would be paid without discount being deducted, but they prefer to have the materials supplied, as they find those supplied by the masters to be better than they could procure (buying them in small quantities as they would have to do), and have a regular supply to use instead of wasting their own time in purchasing what they require. Polishers are also supplied with steam power and materials, for instance, lime and cloth, which otherwise they would have to provide for themselves. . . . . In the event of these deductions being abolished the prices paid would be reduced by the amount of the discount now deducted, and net prices would be paid for the work. (Q. 12513.)

or (2) He charges 2*s.* a week, say, for the use of the power, and deducts the sum at the end of the week from the payments due to the worker for the work done. This is a deduction from the sum contracted to be paid.

The first course is one with which the Truck Acts cannot deal, but the Committee have felt strongly the desirability of a net wage being fixed, wherever possible, and they think that this question should engage the serious attention of employers.

The second course comes within the Act of 1896.

42. It should be noted here that the Act of 1896 regulated not only deductions in respect of fines, loss to the employer from damaged work, etc., but also payments to the employer by the worker in respect of these matters, on the ground, no doubt, that such payments would in many cases not be voluntary transactions on the part of the worker but forced upon him by the employer. Except in these cases, however, payments made by the worker to the employer are not regulated by the Truck Acts, and it will be seen later that, as regards some matters on which evidence was given before us on behalf of the workers, it was to deductions by the employer over which the worker had in practice little or no control, rather than to payments by the worker to the employer, in regard to which the worker would have some voice beforehand, that objection was chiefly taken.

(A) Deductions or Payments in respect of Fines.

43. The decision of the Divisional Court in 1889, in the case of *Redgrave* v. *Kelly*,[1] established the legality of fines under the Truck Acts. The result of that decision was that up to 1896 there was no control at all over fines. The Act of 1896 was an attempt for the first time to protect the worker from harsh and unreasonable fines.

To secure this object the Act imposed five conditions: first that there must be a formal agreement for the fine; second, that it must be for something which causes or is likely to cause damage or loss to the employer or interruption or hindrance to his business; thirdly, that it must be fair and reasonable having regard to all the circumstances of the case; fourthly, that written particulars must be given to the worker each time a fine is exacted; and fifthly, that there should be a register of fines open to the inspector. So far as regards factories, workshops, mines, and quarries, but not as regards other industries under the Act, these provisions were to be enforced by Government inspection.

Under this head our inquiry has been directed to two main points:—

(1) The working of the existing provisions of the Act of 1896, the extent to which they have been successful in coping with the evils they were intended

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[1] 53 J.P. 324.

to remedy, the difficulties met with in their enforcement, and the amendments which experience has shewn to be desirable if a system of fining is to be retained.

(2) The advantages and disadvantages of a system of fining, the alternative methods of maintaining discipline, and the possible and probable results that would follow from the abolition of the system.

We have taken a large body of evidence in regard to these two questions.

1. The Working of the Act of 1896.

44. We entertain no doubt, as a result of the evidence we have taken—and our remarks as to the working of the Act under this heading will apply also to the two following headings—that the provisions of the Act of 1896 have been productive of a large amount of good, notwithstanding the existence of certain defects and of certain points hereafter referred to. Our opinion is supported by those best able to take a wide view of the situation.

Thus Dr. Whitelegge, the Chief Inspector of Factories, gave the following evidence on this head:—

"Now, what has been the result of those Acts of Parliament, so worked?—A very great improvement indeed. I am confident that we have checked the worst abuses and more especially with the aid of the 1896 Act.

"What are the conditions of the 1896 Act that seem to have given effectiveness to your work?—Under each of the first three sections a very large quantity of extremely valuable work has been done by the inspectors, and now it is exceptional to find the unreasonable fines and deductions, or the long codes, or the frequency of fining, that was somewhat common at one time." (*Qs.* 245–6.)

And the Principal Lady Inspector of Factories, Miss Anderson, gave the following striking testimony to the value of the Act:—

"I did not quite gather from you what your general view of the value of the Act of 1896 was. In your annual report for 1901 you quote a passage from a report made to you by Miss Squire upon the working of that Act, in which she said: 'The Truck Act, 1896, has now been in force five years and in my experience it has by degrees produced in that time, in spite of limitations, a most marked effect upon fines and deductions in all parts of the country to the advantage of the workpeople.' Then she goes on to develop that. Do you think she went too far in saying that?—Not at all. It has brought out into public view ever so many abuses and evils that were utterly unknown before, and that we could not deal with. Certainly the Act of 1896 has been a great step forward.

"You say that it has remedied to a certain extent abuses of that kind?—It has remedied a great many abuses that were legal until that Act was passed.

"But as regards the three great abuses at which it was aimed, do you think it has remedied them?—It certainly has done a great deal of good towards remedying those.

"And you think its main defects of detail might be remedied by amendment. The faults are not so much faults in the structure of the Acts as faults of detail?—Certainly. I strongly believe in the principles of the Act being extended and strengthened. Abuses have come to light that never could have come to light otherwise." (*Qs.* 1593–6.)

45. In judging of the effect produced during the nine years which have intervened since the passing of the Act and the commencement of our inquiry, it should be borne in mind that the inspectors have had to deal for the first time with an entirely new set of questions, relating to customs and practices which had in many cases existed unchallenged for many years and involving exceedingly difficult and minute investigations and examinations as to details affecting wages, processes of manufacture, discipline in factories, the cost of tools, materials, and light, and other matters. Moreover, the sphere of their operations was enormously wide, covering all the factories and workshops in the United Kingdom. They had to enforce provisions which from the very nature of the subject-matter presented considerable difficulty; and they had also to deal with misunderstandings of the general effect of the Act which have not to this day been altogether removed.

46. At the time of the passing of the Act a great deal of misconception prevailed as to its real nature. The Act was widely supposed to be a measure for the legalisation of fines. This arose partly as a consequence of the provision in the Act which required the employer either to post up a notice or to make a written agreement with the

individual worker; and which led, on the passing of the Act, to many employers posting up long lists of fines of which the workers had never before heard and which were in point of fact illegal. This was a state of things which was remedied as the Inspectors settled down to the new work, but we have found in the course of our inquiry traces still existing of hostility to the Act, and disinclination to make use of it on the part of the workers and their representatives. The attitude thus taken by the workers has undoubtedly diminished the usefulness of the Act and must be taken into account as an important item in judging of the effectiveness of its provisions. Thus the President of the General Union of Weavers and Textile Workers gave the following evidence:—

"With respect to the Act of 1896, I rather gather from your evidence that your union has not used it very much: am I right?—How do you mean?

"I mean to say they have not called the attention of the inspectors to the matter or insisted upon the employers conforming to its provisions?—That is quite true. We have not used it much.

"Why?—Because we did not like it at the time; we did not seem to take to it. Like the Lancashire people, we wanted to be exempt from it at the time, and did not succeed.

"You took part in the same agitation as the weavers?—Yes, as the cotton people.

"And although it became an Act of Parliament your union did not think it worth its while to try and use it?—No; we have gone on what is possibly the obstinate policy of saying we would not have anything to do with it if we could help it, as we did not agree with it at the time.

"Do you think that has been a wise policy?—I am not very certain that it has." (*Qs.* 6945–50.)

The Home Office took steps to bring the Act to the notice of the workers by publishing a Memorandum in popular form, which was put on sale at 1d., and by inserting a brief statement of its provisions in the Abstract of the Factory Act, which is required to be posted in every factory, workshop, etc.; but, notwithstanding this, we found in a number of cases that the workers were either ignorant of, or very imperfectly acquainted with, its provisions, and many cases which have been brought to our notice as cases of hardship turned out to be cases which could have been dealt with under the Act, but had never been brought to the notice of the local Inspector of Factories. The following extract from the evidence of the Secretary of the Amalgamated Society of Steel and Iron Workers of Great Britain is an example of this failure on the part of the workers in some industries to take advantage of the Act:—

"I refer you to Section 2, Sub-section 1, of the Truck Act, 1896: 'The deduction or payment to be made must not exceed the actual or estimated damage occasioned to the employer by the act or omission of the workman.' That is, the deduction must only correspond to the loss caused by the default of the workman. Now in these cases in which you say the loss is not caused by the default of the workman, are the employers nevertheless making deductions?—Yes; they make deductions if a tube is spoilt, whether from bad material, bad heating, bad rolling or bad sheeting.

"You see that provision in the Truck Act?—Yes.

"Have you never taken any action on that?—No; I have never taken the matter up.

"Have you ever called the attention of the Factory Inspector to it?—No.

By Mr. Maddison (*Acting Chairman*).

"It does not matter what Acts are passed if people will not use them. We shall be going on for ever. Mr. Delevingne has called your attention to that section?—I will put that into operation the first time I have an opportunity of doing so." (*Qs.* 17021–5.)

47. On the other hand, we must point out that the Factory Inspectors have testified to the valuable help which has often been given them by the labour organisations.

We quote the following passage from the evidence of Mr. Redgrave, the Superintending Inspector for the Midland Division, in regard to the Birmingham brass trade.

"There are certain unions the operation of which absolutely relieve us from a great deal of technical responsibility on the question of charges and deductions; such a case is that of the brass founders at Birmingham. The deductions in that trade are practically the subject of agreement between the masters and the men, represented by Mr. Timmins on one hand, and by Mr. W. J. Davis (who was formerly inspector of factories) on the other hand. Through the working of that arrangement and the attention of the union to the subject, we have had practically no complaints of deductions in the brass trade." (*Q.* 613.)

48. But though considerable improvement has been effected by the Act of 1896 in regard to fines, there is a general consensus of opinion that much still remains to be done. The evidence we have had shows that:—

(1) It has been found impossible under the provisions of the Act as interpreted by the High Court in the case of *Squire* v. *Bayer*[1] to deal satisfactorily with many cases in which fines have been imposed for the most trivial offences. In the case referred to some girls were fined for dancing in their dinner-hour, in pursuance of a contract under the provisions of section 1 which required that workers should observe "due order and decorum." The Court held that the contract for the fine was good, the employers alleging that injury was likely to be caused to the machinery and materials, and that though the rule did not specify the particular acts or omissions, there was a sufficient compliance with the requirements of the Act. This decision of the Courts has opened the door wide to abuses, for under such a general rule all kinds of petty offences against discipline may be made the subject of a fine.

Miss Squire gave us some idea of the trivial matters for which fines are some times imposed. She said:—

"I have had constant experience of fines for such things as sneezing, laughing, singing, 'cheeking the foreman'—put down simply as that—wearing hair curlers in the hair; that is a very frequent source of fines. . . . .

"It is a breach of discipline to go into the factory with a hair-curler in the hair. . . . .

"I found many cases of 6d. and 1s. fine for that. . . .

"There are a great many fines in one or two factories for sneezing, and I was unable to find that there was anything very special about it—I mean no uproar caused, or anything of that kind; but the foremen seemed to think it was the only way of enforcing their authority to inflict a fine of 6d. . . . .

"Just as an instance of the trivial kind of thing that is solemnly told to one even by the occupier as a reason for fining, I will mention this. One was put down as a breach of Rule 4, which was that the worker should 'observe due order and decorum in the factory.' A girl had been fined 6d., and there seemed great differences as to why this had been imposed, and I was told that it was because she picked a spider off the wall of the factory and put it down by another girl." (*Qs.* 1831–5).

Miss Black gave us other instances of fines for trivial offences, viz.:—

"In a paper factory—talking 1d; reading whilst working machine, 1s.; meddling with tools, 6d.; bad language, 1s.

"In a needle-case making works: laughing or noisiness, 1d. A girl who works riveting hair curlers said they were fined 3d. for gaming, or for throwing tea leaves down the drains." (*Qs.* 5060–1.)

There was one extraordinary fine which she mentioned. We give it in her own words:—

"I find amongst our papers one funny little fine which is not mentioned specifically in my *précis*, namely, that a certain West End dressmaker fines her girls if they come down stairs in couples. On what ground, I do not know at all. They must come down one by one; they are not to come down in twos." (*Q.* 5068.)

Miss Tuckwell supplied other instances of a similar kind (*Qs.* 5255–61). Among others she quoted the following cases; in a jam factory:—

"Burns frequently oblige workers to attend Guy's Hospital: in this case 2d. is deducted from wages for every hour worker is absent. A bad burn entails dismissal; wages from 8s. to 10s. per week. This firm dismisses workers for such trifles as the fetching of hot water from one floor to another." (*Q.* 5257.)

In a chromographic enamel factory:—

"Making tea, 1s. and 2s. fines; eating bread and butter, 6d." (*Q.* 5257.)

It is only right to point out that a large number of the cases quoted to us were not of recent date, many going back as far as the period just subsequent to the passing of the Act of 1896. But we were assured that these cases were typical of the system as it exists to-day.

It is difficult to see with regard to many of these offences, in what way loss or hindrance is caused to the employer's business. *Squire* v. *Bayer*[1] is not an authority for

[1] 2. K. B. 299.

holding that anything which the employer chooses to make an offence, may be made the subject of a fine. Only those offences can be so dealt with which have some relation to the work carried on, and are liable to cause hindrance or injury. It is possible that some of the cases quoted would have been held to be illegal. However, this may be, it is evident that the decision has seriously impaired the value of the section.

(2) The provision that the fine should be "fair and reasonable" has given rise to serious difficulties. There is nothing in the Act itself to guide a Court of Law in coming to a conclusion in regard to this point, and different magistrates have often taken quite different views of what is fair and reasonable. The burden has rested on the Factory Inspectors when taking proceedings to prove the case negatively, viz., that a particular fine was in the circumstances of the case not fair or reasonable, and the result has been to render action on their part difficult.

Stress was laid upon this point by most of the official witnesses who appeared before us. For instance, Miss Squire said (*Qs.* 1800-2):—

"A large number coming within the 1896 Act were not taken into court?—No."

"Why was that?—Because the experience of other cases showed that most of these cases turned upon whether the deduction was fair and reasonable, and the magistrates in other cases had either dismissed the cases or shown a great reluctance to give a decision upon the point as to whether the deduction was in fact fair and reasonable. In cases where we had been defeated it was impossible to appeal, because the decision had been one of fact."

Miss Tuckwell, in giving evidence as to fines for unpunctuality, said:—

"The fines so far as I can make out are never proportioned to the loss in time. . . . The amount of fines seems extremely in excess of any disorganisation which could be caused by one girl being late." (*Qs.* 5268–9.)

She mentioned a case where an employer fined a worker 5d. for being five minutes late. The wages earned by the worker were 5s. a week. So that the fine was calculated at the rate of 5s. per hour, while the wages were calculated at the rate of 5s. per week. (*Q.* 5412.)

Mr. Withey also drew attention to what he called "the exorbitant fines" imposed on girls not earning more than 4s. or 5s. a week for going in late. He said:—

"We found that if girls were ten minutes late they were fined 1d.; if they went in at 8.30 they were fined 2d.; at 9 o'clock 3d. Now, that is entirely out of proportion to the small wage these girls are drawing. In the case of some of the firms, if a girl stops away even through sickness she is fined 6d., without opportunity of explanation.

"I have here a list* of fines in the case of one clothing factory in Leeds. I find from this that a poor girl may be fined a total of 6s. 4½d. in one week. . . . "There are twenty-one items, eighteen of which involve a fine. For instance, anyone leaving the factory without bonnet or hat and standing about in the doorway, fine 3d.; no baskets, mugs, plate, dishes, etc., allowed in the workroom, fine 2d; any workhand taking work away without it being entered when it should be, fine 6d.; no workhand to take any work out of the workroom, fine 1s.; any works hand leaving her place in the room without sufficient reason, fine 2d.; any workhand talking, singing, or behaving unseemly, fine 3d.; any workhand disobeying her foreman or using saucy or abusive-language, subject to instant dismissal or fined 6d.; any workhand absenting herself without leave, 6d. each day; any workhand changing from one machine to another without leave of the mechanic, fine 1s.; using the wrong sewing, such as cotton instead of linen thread, subject to instant dismissal or fined 1s.; losing or soiling garment tickets, for each ticket a fine of ½d.; losing or destroying file tickets, fine 2d.; bad work which cannot be altered, damages and loss of material to be paid for by the workhand, no workhand is allowed to touch the gas or electric light or the apparatus connected with it, fine 6d.; etc." (*Qs* 5448–9.)

49. We conclude as a result of the evidence we have taken that most of the bad cases have been eliminated by the Act of 1896, but that the system of fining is still very prevalent and that much hardship and injustice are caused. We may say, speaking generally, that in the organised trades we have not had any evidence of serious or widespread abuses, though occasionally even in these trades isolated instances of hardship or injustice have been brought to our notice. The President of the General Union of Weavers and Textile Workers told the Committee that the Trade Union often brought pressure to bear upon the employer and succeeded in rectifying abuses. He added, however, that unfortunately the worst cases occur where the workers are not in any union.

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* The Committee understand that this list is not now in existence.

The representative of the Northern Counties Amalgamated Weavers' Association gave the following evidence :—

"Then there are fines?—Yes, in our work more or less, but not very great, but the operative has the choice of coming to us about it and in such cases we go to the mill. All of us are practical weavers and we know as much about the cloth as the employer or the weaver. After examining the cloth and hearing the evidence we decide who is to blame.

"Can you give us a concrete example?—Yes, take a piece of cloth which the employer says shows a fault; it may be a few ends woven down longer than he thinks reasonable. I should carefully examine the cloth, and should ask the weaver as to the reason for these ends. If she satisfies me that the material supplied was faulty and caused the odd threads I might come to the conclusion that the weaver had done her level best and that whilst the cloth was not perfect the fact that the material was faulty would be an excuse for her as she had to make a good job as possible out of the materials supplied. In such a case I might say that I thought she was not liable and should resist the fine." (*Q.* 6287–8.)

We conclude from this evidence, and that of other representatives of the organised trades, that the unions in these trades are able as a rule to protect their members against unreasonable fines.

50. But as might be expected, it is in the unorganised trades that abuses chiefly occur. From the evidence we have had, it is clear that in cases where trade organisation is weak and the workers are consequently unable to protect themselves, extortion in the shape of unreasonable fines is frequently practised. We think, therefore, that it is necessary that further steps for the protection of the workers should be devised. The question whether this protection should take the form of further regulation or of abolition, is one that we now propose to consider.

2. The Abolition of Fines.

The Evidence of the Workers.

51. There was a preponderance of opinion among the representatives of the workers that fines should be abolished. In support of this view it was represented :—

(1) That actual experience shews that fines are not a real deterrent.

(2) That the moral effect on the worker is bad: he feels that having paid the fine he has discharged his obligation to the employer. As Miss Tuckwell, the representative of the Women's Trades Union League, said, "fines . . . leave on the mind of a girl or a lad, whoever it may be, the feeling that they have really paid for what they have done" (*Q.* 5325).

(3) That fines are often unfairly imposed and the system consequently creates a sense of injustice and tends to irritation among the workers. In particular, stress was laid on the fact that the worker has no appeal against the decision of the employer. Many of the representatives of the workers dwelt upon this point (Turner, *Q.* 6952; Shackleton, *Qs.* 6414–6).

Some witnesses stated that the sub-officials who inflict fines are expected to produce a certain number during the week, or at any rate that it is no detriment to him in the eyes of his employer (Shackleton, *Qs.* 6293, 6351–2; Devine, *Qs.* 7381–2), and the allegation was made that some employers looked upon the system as a source of profit to themselves, and that this encourages petty fining. Frequently the operative is afraid to raise the question of the justice or injustice of a fine for fear of dismissal (Withey, *Qs.* 5503–4): his only remedy is either to accept the situation or leave his employment (R. Bell, *Qs.* 4771-2).

(4) That discipline can be maintained and in the best works is maintained by proper supervision and moral control with the alternative of dismissal in the background. This part of the case was thus put by Miss Tuckwell :—

"From personal experience as a teacher and organiser, and working among women, I find that discipline is maintained without punishment—that the discipline is, in fact, arrived at without punishment. . . .

"Do the instances of their successful abolition (*i.e.* of fines) justify you in your opinion?—Those I have heard of, certainly.

"Do you know of any cases in which they have been abolished and in which there has been a reversion to them ?—I have not heard of any case, but if I had it would not shake my opinion.

"I am not sure of that. You should not commit yourselt to that till you have investigated it ?—I ought, perhaps, to give my reason. I should only feel that my alternative had not been properly tried. When one has had considerable experience in dealing with people, and knows that one can deal with them without punishment, what one feels is that the alternative, which is proper management of the rules, is unassailable, if only trouble is taken to get it.

"I follow your opinion, which is very strong, in this sense, that you think that proper discipline would effect, for disciplinary purposes, all that fines at present effect ?—Yes." (*Qs.* 5320–4.)

52. On the other hand, the evidence given by Miss Black, on behalf of the Women's Industrial Council, was that while the Council felt very strongly that disciplinary fines are a bad way of maintaining discipline, they did not feel that they could ask the law to forbid them (*Qs.* 5128–9). They considered that employers must have a certain latitude in enforcing discipline. Miss Lawson, speaking for the Freedom of Labour Defence, stated that, in her experience, many workers prefer fines to the alternative of suspension or dismissal, and that the prohibition of fining might do more harm than good.

53. As we have stated, the labour representatives considered that the employer's power in the last resort to dismiss an unsatisfactory worker was sufficient to ensure the maintenance of discipline, in the belief that the more severe the penalty, the greater its deterrent value. But dismissal is not the only alternative that would be open to the employer, if the power to fine were abolished, and we had to put to them the possibility of other forms of punishment. Of these the most important is the power of suspension (and in suspension we include locking out for lateness). This is a form of punishment actually substituted for fines on the London and North Western Railway in consequence of the restrictive provisions of the Act of 1896, and in other employments. We examined the workers' representatives closely on this point, and we found that conflicting views were held. Mr. R. Bell, M.P., speaking on behalf of the railway workers, was strenuously opposed to suspension except in cases of serious accident, but he thought that if the power of suspending men for trivial offences on railways were taken away from subordinate officials, the question would right itself (*Qs.* 4822, 4859–60, 4973–6). Mr. Shackleton, M.P., said that the workers would set their faces against temporary suspension as a system (*Q.* 6322), but he did not like to give a definite opinion as to the prohibition of suspension by law (*Qs.* 6366–9).

Mr. Twist (Lancashire and Cheshire Miners Federation), speaking for the miners, said that suspensions and fines were equally cruel and injurious, and that there was nothing to choose between them (*Qs.* 8139–45). The President of the same Federation, Mr. Greenall, said that the practice is occasionally resorted to in mines, but that if a man is wrongly suspended, the trade union takes action. He did not think it was a method of punishment which would be established on a wholesale scale, because a man who is suspended is not earning profit for his employer (*Qs.* 7613–7). Mr. Smillie, the President of the Scottish Miners' Federation, said that suspension was better than fining, but he did not like it, and thought dismissal more effective (*Qs.* 16963–5).

Miss Tuckwell (giving evidence on behalf of the Women's Trade Union League) thought that the system was as bad as that of fines, and was only another form of fining. She thought it should be abolished (*Qs.* 5341, 5348, 5358, 5366–7, 5829–35).

On the other hand Mr. Turner, the President of the General Union of Weavers and Textile Workers, said that he would not object to it so far as disciplinary purposes were concerned (*Q.* 6877): he thought it would be more serious for both parties than a fine, and so would not be so often resorted to (*Q.* 6959). Mr. Drew (Secretary to the Bradford Trades Council and President of the Weavers and Textile Workers Association in Bradford), saw no difficulty in suspension, and said that he thought it would be an excellent remedy as against fining (*Qs.* 6123–5). He was careful to say that this was a point upon which he was giving his own opinion, as the point had never been considered by those whom he represented (*Q.* 6127).

Nearly all, however, of the workers' representatives seemed to regard it as a right of the employer which could hardly be interfered with, save through the channel of the trade organisation.

54. We gather from their evidence that most of the labour witnesses who have appeared before us have not had any practical experience of suspension as an organised system of punishment. Apart from the mild form known as locking out, it had come within their knowledge only as an occasional penalty inflicted on workers in isolated cases. We have therefore no materials on which to gauge what would be the general feeling of the workers as between a system of fines on the one hand and suspensions on the other, except the evidence given by Mr. R. Bell, M.P. It appears to us to be significant to find that Mr. Bell preferred fines to suspensions. In answer to the Chairman's question, putting the alternative, Mr. Bell said (*Q.* 4834):—

"Assuming that we must have one or the other, I should say that I prefer fines, as a suspension is never less than one day, whereas a fine may be less than a day's wage."

We are bound to attach great weight to this opinion, because Mr. Bell is the one witness who possesses an intimate knowledge of the practical working of both systems.

55. There remains the system of locking out for lateness, which is a form of suspension. The question of unpunctuality is one that has been brought very prominently before the Committee and it may be convenient to refer to it here. It is the offence for which fines are most commonly imposed, and where a system of fining is not in force the alternative of locking out is often adopted. It is a common practice in many factories for the gate to be shut at a certain time and for workers who arrive late to be shut out. The period of suspension may be for half an hour, an hour, or even half a day. The necessity of some form of punishment for unpunctuality is recognised by the majority of the workers. Mr. Withey (Secretary of the Leeds branch of the Amalgamated Union of Clothiers Operatives) said he did not object to a small fine for lateness: "If they will not come in time I should inflict a small fine, and if that did not cure them I would clear them off the premises" (*Qs.* 5541–2). Mr. Drew regarded it as quite fair to shut out a girl who was late till breakfast-time (*Qs.* 6175–6). Miss Galway, who represented the textile operatives of Ireland, said she was strongly of opinion that locking out was better than fines, but she said that some of the girls would rather "stand" a small fine than be locked out (*Qs.* 16713–4). Miss Tuckwell acknowledged that in cases where unpunctuality would disorganise work, the penalty of shutting out a worker seemed to be, on the face of it, a thing which must be (*Qs.* 5794–7). Mr. Turner did not object to suspension for occasional late comers, though for habitual late comers he thought dismissal was the remedy (*Qs.* 6875–7).

It must be admitted that unpunctuality may be a source of trouble, inconvenience and loss, not only to the employer but also to other workers. A worker who is constantly late may not only cause loss to the employer, because his machinery is running all the time, but he may disorganise the work of other persons, where he is one of three or four who work in a gang. An employer is therefore bound to protect himself in some way against it, and if he does not care to fine his employees he must have resort to some other method of maintaining discipline. If there are drawbacks to a system of fining, there are also objections to the alternative of locking-out from the point of view of the workers. It has been put to us that, if the morning is wet, men and women who are shut out may have to stand about in the rain for some time, and run the risk to health. Moreover, there is the danger that workers who are shut out and have to find some way of passing the time till the gate opens again, will spend the interval in the public-house and thus fall into the drinking habit. We think that these considerations should not be lost sight of in estimating the comparative merits of this system and the system of fining.

The Evidence of Employers.

56. There was to speak generally some divergence of view among employers as to the value of fines as a deterrent.

Very notable in this class of evidence stands the testimony of Mr. Cadbury and Mr. Ferens. In both of these cases—very large works (Cadbury's Cocoa and Reckitt's Blue and starch)—a system of fines had once existed, but it had been abandoned or dispensed with. This was done under conditions exhibiting the most scrupulous care for the interests of the workers. Every consideration was given by the firm not only to the points of supervision and discipline but to more general questions, such as provisions for the health, comfort and general welfare of those employed; these provisions being furnished as part of the general on-cost of the concern. Even these gentlemen, however, would not commit themselves to recommend total abolition of any form of punishment by way of discipline.

While, however, these witnesses did not consider that fines were much of a deterrent, most of the other employers who gave evidence before us testified to their value. Some employers, who said they rarely found it necessary to impose fines, declared that the power of fining was invaluable to discipline, the knowledge of the worker of his liability to a fine being sufficient to keep him up to the mark. (McNicol, *Qs.* 17377–9, Siemens, *Qs.* 17497–8.)

57. We questioned the employers as to the manner in which fines were imposed, particularly as to whether a caution usually preceded the fine and as to whether an appeal lay from the official imposing the fine to the head of the firm. While, of course, the practice differs with different firms, it seems to be usually the case that in the best works cautions precede fines, and that fining is only resorted to for the purpose of pulling up a worker who has continually offended against discipline. In many cases the fine seems to be held *in terrorem* over the workers and is rarely enforced in practice, and confirmation of this is to be found in the very small amounts imposed in a year in some large works. Those of the employers who were questioned on the second point, declared that the worker could always, if he chose, appeal to superior authority against the decision of the official imposing the fine. (Harrison *Qs.* 9531–3, 9538–40, Aspinall *Qs.* 9761–5, 9782–7, Butterworth *Qs.* 11508–12, 11621–4, Taylor *Qs.* 11082–86, J. Ward *Qs.* 17670–5). The allegation made by the workers that fines were treated as a source of profit was repudiated by almost all the employers and employers' associations that gave evidence before us. The usual practice is for disciplinary fines to go into some fund for the benefit of the workers.

58. As regards the firms who do not rely on fines for maintaining discipline, we found that some resort to the system of suspension. This is the system employed by Messrs. Cadbury Bros., by Messrs. Reckitt & Sons, and by the London and North-Western Railway, and in the mild form of locking out for lateness it is in force in many factories. By other employers of labour a mixed system of fines and suspensions is in force (London and Yorkshire Railway, Midland Railway and North Eastern Railway). The difficulty of suspension is that, as Mr. Donaldson (Chief Superintendent of Ordnance Factories), Mr. Burton (Chairman of the Joint Committee of Pottery Manufacturers of Great Britain), and Mr. Siemens (President of the Engineering and Shipbuilding Employers' Federation) pointed out, it would in some industries interfere with production and with the employment of other workers, and this is no doubt the reason why most employers prefer a system of fines. Thus Mr. Burton says:—

"In a business like ours which is split up into a great many departments there are many branches of the trade. Perhaps in works like those of Wedgwood's or Doulton's and many others, such as my own, there would be fifty, sixty, or a hundred different departments, and the work passes on from one department to another. In many of those departments the thing is simple; the person works alone. But in many other departments, especially in the making departments and in the firing of ovens and kilns and the placing of the articles into those ovens and kilns, the dipping of the ware, and so forth, men and boys and girls, or women and boys and girls, work together in small gangs. Take the case of plate-making. A plate-maker needs two assistants generally, and sometimes three, to bring clay, to carry moulds, to help in the work, and so forth. Now suppose you suspend one of his attendants for misconduct or carelessness, you paralyse that man and his gang, it may be for a whole day, or for the period of suspension, whatever it may be. You are not only punishing the person who has committed the fault, but you are punishing somebody who has done nothing at all." (*Q.* 17077.)

For the same reason dismissal except in the bad cases is not a form of punishment which commends itself to employers. Mr. Burton gave us the following example of the difficulties that might arise :—

"Suppose, for instance, I had to discharge my head slipmaker, the man who prepares the clay for the potter's use. I am thankful to say there is no particular likelihood of that, but I know that at a pottery that would be regarded as one of the most serious changes one would possibly have to make. For weeks after that everybody who worked on that works might suffer in their wages because the new man could not do the work like the old one, and he would not quite know the ropes. When you have a man in that position you do your best to keep him at his work, because so much depends upon him." (*Q.* 17163.)

Mr. Siemens also dwelt on the difficulties involved in a system either of suspensions or dismissals from the point of view of the employer. He said :—

"It must be remembered that if a man is sent away he does not do any work for us—whereas we want the work done. So it is not in the interest of the employers or of the work that men should be dismissed—especially skilled men, because we cannot go into the street and pick up the first man we see and put him to the work." (*Q.* 17494.)

"We don't want to dismiss our people ; and if men can be kept right by holding over their heads the threat of a fine, which is seldom imposed, it is all the better for both parties—because workmen do not, as a rule, look out for opportunities of injuring the firm by whom they are employed. (*Q.* 17497.)

Would not the threat of being dismissed have a much severer moral restraint ?—No, it would not, because the men are as well aware as I am that the employer would not send them away except from the direst necessity, because as I have explained to you just now the men are practically becoming specialists in each factory, and if you dismiss a specialist and take on a novice you lose much in bad work, and you also risk the work being done badly." (*Q.* 17499.)

Official Evidence.

59. The principal Home Office representatives, Sir Henry Cunynghame, Dr. Whitelegge, and Miss Anderson, concurred in thinking some form of penalty for offences short of suspension or dismissal to be necessary, and foresaw difficulties if fines were abolished. (Cunynghame *Q.* 112, Whitelegge *Qs.* 282–3, 534–9, Anderson *Q.* 1356.)

Conclusions.

60. We have carefully considered all the different views and suggestions that have been placed before us.

We cordially agree with much that has been said as to the part that supervision and moral influence should play in the maintenance of order in a large works. These must be the basis of any effective system of discipline, whatever the mode of punishment may be. But it is notorious that the power of maintaining discipline differs widely in different persons. Just as in the school, of two masters, or on board ship, of two officers, one is able to maintain perfect discipline by sheer moral influence without the resort to frequent punishment, while the other has constantly to have recourse to some punitive weapon to enforce his authority, so it is with foremen or forewomen in a factory.

Moreover, not only is it the case that these important moral qualities are not possessed by every one and that the supply of such persons is not equal to the demand, but also all classes of workers are not equally amenable to such moral influences.

61. Nor can we altogether accept the views expressed by some representatives of the workers that dismissal is a sufficient remedy and a more effective remedy than a system of fines.

First of all it is not entirely the severity, but the certainty of punishment that is a deterrent. Secondly, the harshness of dismissal as a punishment would be most seriously felt in the ranks of unskilled and unorganised labour where the supply of workers is plentiful and they are least able to protect themselves. Thirdly the value of dismissal as a deterrent will obviously depend to a great extent upon the circumstances. It will be a heavy or a light punishment according as work is difficult or easy to get elsewhere. It would be very severe in cases, for example, where the worker is a specialist trained to do a particular thing, say to use a special tool in a particular works. In such a case dismissal would practically mean ruin. We have no doubt that dismissal for other than offences of a serious character would be felt as a hardship by the workers

generally, and would cause not less resentment and sense of injustice than the present system of fines. We may here quote what was said by the President of the Weavers and Textile Workers' Association in Bradford :—

"I am afraid I am bound to say that dismissal is a thing which the operatives themselves shrink from. When I say that I am expressing the opinion of members of our society, I have not the slightest doubt in saying that they only accept that theory because they are told, and I believe have been educated up to believe, that it is best for them. I mean the girls, left to themselves, would submit to the fines. The difficulty, or perhaps the dislike, of finding new work makes them put up with a great many things." (*Q.* 6114.)

We do not consider that it is either possible or desirable that dismissal should be the only punishment for offences, whether regarded from the point of view of employer or employed, and we are unable therefore to regard it as a practicable alternative to a system of fines.

62. As we have already stated, however, dismissal is not the only alternative which the employer would have at his command, if fining were prohibited by law, and it is no use taking away the power to fine, if the only result would be the adoption by the employer of some other method having the same or possibly even a severer effect. The chief alternatives are suspension, reduction of wages and the bonus system. We proceed to discuss these in the order named.

(1) *Suspension.* There seems good reason to believe that in many cases the method adopted would be suspension, which is already at the present time preferred by many employers. What would be the effect upon the workers of the substitution for fines of a regular system of suspension ? We think that there is no doubt that under such a system the operatives might be in a worse position than under a system of fines. A man who is suspended, say for a week, not only loses his wages for the week, but he is subject to all the temptations which beset a man who has nothing to do, and if he were the head of a household the punishment would usually fall with the greater severity on the wife and children. In dealing with the question of locking out for unpunctuality we have referred to the danger there is that a man may spend in the public house the time he is hanging about waiting for the gate to open. The same danger arises of course in a more intensified form with suspension. Miss Tuckwell called attention to the far more serious dangers which lie in wait for the girl who is suspended from work.

From the employers' point of view the system is not altogether satisfactory. An employer wishes to get his work done, and any system of punishment which interferes with production is against the employer's interest. In the Potteries (and there are other cases of the same kind) men often work in gangs, and the suspension of one worker would disorganise the work of the gang. The effect of suspension in such a case would be to interfere with the labour of other workers and to inflict hardships on others than the actual offender.

It has been suggested to the Committee that suspension should be regulated by law in the same way that fines have been regulated, but we have come to the conclusion that any legislative interference is impracticable. Suspension is simply dismissal for a period, and we do not see how it would be possible, even if it were desirable, to exercise any control over the employer's action in the matter. So far as our remit is concerned we have to deal with it only as an alternative to fining. We are of opinion that it is a harsher alternative.

(2) *Reduction of Pay.*—This is a form of penalty which is in use in the Postal Service, on some of the railways, and no doubt also in other employments. It may take the form, as in the Post Office, of a loss of good conduct stripe, involving the loss of extra pay which the good conduct stripe carried with it, or of withholding of increment ; or, as in the railway service, of disrating or degradation ; or of some other form of reduction of wages. The system, as practised by the Post Office or by the railway companies, is a legitimate method of maintaining discipline, with which it would be impossible to interfere ; but it is clear that if fines were abolished, reduction of pay could be used in such a way as practically to take their place, and with more serious results to the workers. For there would be no such control over this system as exists at present in regard to fines. In the organised trades, no doubt, the workers' associations would be powerful enough to prevent any abuse of such a system, but, as we have already pointed out, it is not in such trades that further protection

is so necessary. It is on the workers in the unorganised trades, where abuses occur under the present system, that a practice such as this would press most hardly.

As regards temporary reduction of wages and piece-work rates, we cannot see how it would be possible by legislation to prevent an employer dismissing an employee and re-engaging him at a reduced wage or offering him fresh work at a lower rate than previously. In the result accordingly it would be found that fines had in effect been re-introduced although in a circuitous, cumbrous and harsh form which might cause in many cases undeserved suffering and loss.

(3) *The Bonus System.*—Evidence was submitted to us as to the existence, particularly in factories in the North of Ireland, of a system of bonuses for punctuality, good work, and the like, the bonus being withheld at the discretion of the employer. It was represented to us that in its actual operation the system was merely a system of fining in disguise, which had been adopted by the employer to evade the restrictions of the Truck Act of 1896; the bonus not being a real addition to the wage, but a part of the wage, and so regarded by the worker. Instances were given in which the bonus represented from 5 to 20 per cent. of the total wage. Thus, Miss Deane said :—

"They lose 2s. out of 10s. or 10s. 6d. I found that this bonus in its proportion to the wages varied in different mills. In one mill the wage would be 9s. 6d. and 6d. bonus, in another the wage would be 8s. 6d. and 1s. 6d. bonus. The general wage plus bonus in the district is pretty much the same, but the amount of bonus in proportion to the wage varies in different mills, so that it really proves that the fine varies in different mills, but the total plus bonus is pretty much the same." (*Q.* 2,379.)

The Home Office tested the legality of this system by proceedings under Section 1 of the Truck Act of 1896 in the case of *Deane* v. *Wilson & Co.*[1] (*see* report of case in Appendix IV.); it may be instructive to set out in some detail the facts of the case and the grounds for the decision at which the Court arrived. The complainant was Miss Deane, one of His Majesty's Lady Inspectors of Factories, and the respondent Abraham Wilson & Co.

The respondents, factory spinners in Newry, employed Theresa Dixon. Her wages were 1s. 4d. a day, and the respondents also gave a bonus of 2s. a week for a full attendance and for that alone. Full attendance meant fifty-five and a half hours per week, and absence for even a quarter of a day involved the loss of the whole 2s., in addition to a deduction from the daily wage proportionate to the period of absence. During the week ending February 10th, 1906, Theresa Dixon did not give full attendance, being absent for a quarter of a day. Fourpence, which represented the quarter day's wage, was not paid to her, and the 2s. bonus, which she would have been entitled to if she had made full attendance, was also not paid to her. She therefore received only 7s. 8d. The complainant contended that the 2s. was part of the sum contracted to be paid to the worker for a full week of fifty-five and a half hours' work, and that the deduction of the 2s. "bonus" was a deduction for or in respect of a fine for failure to make full attendance, and that, therefore, the employer had committed a breach of the Truck Act, 1896, in that the particulars in writing required by the Act had not been supplied to the worker on the occasion when the deduction was made. The justices dismissed the summons on the ground that the 2s. was a bonus prize, or special consideration for full attendance and could not be computed as wages, and that, therefore, there was no fine inflicted.

The High Court upheld the decision of the magistrates. In his judgment, Mr. Justice Andrews made the following observations :—

"The 2*s.* which the worker would have been entitled to, if she had given full attendance, but which she never became entitled to, was not paid to her, and the question is, did this non-payment constitute an offence under the Act? In my opinion it did not, and I think the magistrates' determination "that the charge be dismissed on the merits" was correct in point of law. I am unable to hold that the non-payment of the 2*s.* which was not earned and never became due was a *deduction* from the *sum contracted to be paid* to the worker. There was no contract to pay it unless it was earned. If she had not worked at all during the week, though the contract for service remained, she would not have been entitled to any payment, and could it be said that when being entitled to nothing, she was paid nothing, the non-payment was an offence under the Act? Further, even if this non-payment of the 2*s.* which she did not earn could be possibly held to be a *deduction* from the sum *contracted to be paid* to her, it could not, in my opinion, be held to be a deduction for or in respect of a *fine*. The non-payment took nothing from her to which in any view she had become entitled, or to which when the week ended she could ever have become entitled. It was simply withholding payment of what she had not earned, and never could earn. I do not think that the Act was ever intended to apply to such a case which, in my opinion, is not within its letter or spirit. I can see nothing unfair or unreasonable

in a contract with a worker to pay him so much a day for each day he works, and if he works full time for a week to give him, at the end of the week, an additional sum, in consideration of his uninterrupted work. Such a contract is beneficial to both the employer and the employed. Under it the worker gets an additional payment to which he would not otherwise be entitled, and the employer gets, what may be very important for him, uninterrupted work. To hold that non-payment of such an addition, when not earned, was an offence under the Act, would, in my opinion, be to deprive the employer of a fair and reasonable means of securing uninterrupted work."

The system is obviously open to grave abuse, and from the evidence placed before us we believe it is abused. We have considered very carefully the possibility of placing it under some form of control, whether the power to fine is retained or not. We are faced, however, by the difficulty of differentiating between the true and the false bonus. Where the bonus is *bona fide* intended as a stimulus to good work and is a real addition to the wage, the system is one which is of advantage both to employers and employed, and is adopted by many of the best employers. A suggestion for a system of this kind was in fact made to us by Mr. R. Bell, M.P., who proposed that a system of rewards or bonuses to those who do well, recorded by the giving of marks, should take the place of fining.

It might, we think, be possible to afford some protection to the workers in this matter, by giving a Court power to decide after considering all the circumstances of the case whether or not the bonus was a *bona fide* addition to the current wage, and although a Court might have difficulty in deciding the point, we recommend that such a power should be given.

63. One other alternative suggestion for the maintenance of discipline was made, viz., that there should be a "black list," or record of offenders posted up at the works. We cannot say that any great enthusiasm was evoked by this suggestion. It was made sufficiently clear that the publication of a list of defaulters week by week would be strongly resented by the workpeople.

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64. On a careful review of the whole question we feel that while the system of dealing with small offences by means of fines should not be totally abolished, the time has arrived for its being placed under such restrictions and conditions as will prevent it being a source of profit to the employer on the one hand or the cause of improper or harsh treatment to the worker on the other.

If this method of maintaining discipline is still left to the employer, he will be less likely to have recourse to those alternatives which press hardly upon the workers and which we have passed in review.

65. The suggestion has been made to us that women, young persons and children might be specially treated, as they are for other matters under the Factory Acts, and also in respect of fines under Section 11 of the Employers and Workmen Act, 1875, and that fines might be entirely prohibited in their case. The reasons which have led us not to recommend the abolition of fines apply with much more force in the case of women than in the case of men, and it also has to be borne in mind that any distinction made between men and women, which might be thought to increase the difficulty of women finding employment, would meet with great opposition in certain quarters. We have, therefore, felt unable to accept the suggestion, so far as women are concerned. In the case of children other considerations arise, and we make a recommendation in regard to them later.

Suggestions for Amendment of the Law.

66. While the Committee do not see their way to recommend the total abolition of fines, there are, as already indicated, certain amendments that might be made in the existing law which, in their opinion, would go a long way towards protecting the workers against harsh or unreasonable treatment on the part of the employer, without impairing the usefulness of the system as a means of maintaining discipline. We proceed to discuss these. In making these suggestions, however, we are not taking into consideration the case of mines and quarries, to which we shall refer separately later.

(1) The chief difficulty that has arisen under the Act of 1896 is the determination of the question, in any particular case, of whether a fine is "fair and reasonable, having regard to all the circumstances of the case." There is no appeal from the employer's decision, except to a Court of Law, and, as we have pointed out, the Act supplies no criterion for the guidance of Courts of Law in coming to a conclusion in regard to this point, and different magistrates have often taken quite different views of what is fair and reasonable.

It has been noticed above that in the case of the organised trades a worker can frequently get an unjust decision remedied by the action of his trade union without recourse to law.

We should have been glad if we could have seen our way to recommend some system by which any disputes as to the reasonableness of fines or deductions could have been referred to some committee representative of employers and employed for settlement. Such committees are in existence for other purposes and would form much the most satisfactory way of dealing with the matter. Tribunals of this character (*Conseils de Prudhommes*) exist in France, and also in Germany, and their working has on the whole, we are informed, given general satisfaction. (See Appendix III.—Industrial Tribunals).

The abuses, however, which have been brought to our notice prevail more in the unorganised than in the organised trades, and we are afraid that the establishment of such a tribunal in these trades would present almost insuperable difficulties. We have been compelled therefore, though with regret, to abandon the idea, and have had to consider what other remedies were open.

The evidence we have taken shows that wages small in themselves are often subject to heavy deductions for fines, no regard being had to the amount of wage the worker is earning. We think it should be laid down that the amount of the wage earned is one of the circumstances of the case which should be taken into consideration. Effect would be most directly given to this proposal by fixing in the statute the proportion between wage and fine, which should not be exceeded. This suggestion was put before us by Dr. Whitelegge and Miss Anderson (Whitelegge *Qs.* 267–274, 424–5, and 488, and Anderson *Qs.* 1362–1372), as well as by other witnesses, and in some cases the Factory Inspectors have already induced employers to adopt it. The question what that ratio should be is not an easy matter to decide. The ratio must not be so low as to reduce the efficiency of the fine as a deterrent. After the most careful consideration we have come to the conclusion that a 5 per cent. ratio would be fair, and we therefore recommend that the maximum fine or accumulation of fines in any one week permissible by law shall not exceed 5 per cent. of the wages of the worker.

It will be at once evident to those who have considered the question from a practical point of view how deep is the inroad, which we thus recommend, into the present system, and how, if our recommendations are adopted, they may be expected to render impossible all those not infrequent cases in which the disproportion of the fine imposed to the slender wages earned renders the former unreasonable and extortionate. We trust that it will in effect completely destroy the abuse under which many poorly paid and loosely organised workers suffer.

(2) Another point in connection with the existing system to which we attach great importance is the practice which seems to prevail to a considerable extent in the less highly paid trades of spreading the payment of a fine over a period of several or many weeks. Cases were mentioned to us in which fines of £2, £5, and even £10, were imposed and were paid off by instalments of 1s. a week, so that the worker could not possibly get out of debt to the employer for years. Miss Anderson suggested that instalments should not be carried over more than three weeks or a month, and that then the fine should lapse (*Qs.* 1622–1625). We would go even further than this. While we think the 5 per cent. limit proposed above will go a long way towards putting an end to this practice, we still think it would be in the best interests of the worker that deductions by instalments should be prohibited altogether. We therefore recommend that not more than one deduction shall be allowed to be made in respect of one and the same fine.

(3.) Many instances have been brought to our notice of young persons of sixteen and under being fined, no allowance being made for the fact that they were learning their trade. It seems to us that to fine learners for mistakes which are often due more to inexperience than carelessness is unjust. Moreover, there are other ways of maintaining discipline with boys and girls. We have therefore decided to recommend that fines shall be abolished in the case of young persons of sixteen and under.

There are one or two further points in which we think administration might be facilitated.

(4.) It will be observed that the Act provides for proceedings being taken either for making an illegal contract or for making a deduction not in pursuance of a legal contract. There is no means provided by which a particular instance of an unfair or unreasonable fine can be directly challenged. Miss Anderson says :—

"We bring the case into Court for fining in absence of a contract, and the defendant, if he has got a good lawyer to defend him, will not allow the prosecutor to say one word about the unreasonableness or unfairness of the fine in itself as an element in the case. . . . . The result is that we have to bring a great many cases into Court which appear as purely technical, that is, failure to make a contract when a fine has been deducted, when really what we mind is the fact that an unreasonable fine has been deducted from the worker's wage." (*Q.* 1425.)

We think that the Act should be amended so as to enable the question of the fairness of a particular fine to be raised directly in such cases.

(5) It appears that in at least one important industry the following system of fining has prevailed. No contract is made beforehand with the workers as to the acts or omissions which are to be punished by fine, or as to the amount of the fine to be imposed for these acts or omissions, but on a breach of discipline occurring, the man is asked whether he will submit to a fine in lieu of other punishment, and if he agrees a contract *ad hoc* is made. We are of opinion that whether this system is technically a compliance with the provisions of Section 1 of the Act of 1896 or not, the intention of the Act was obviously to require an antecedent contract and that the system is one which defeats the object of the section. We think that in any amendment of the Act the words to be employed should more clearly give effect to the intention and make it compulsory to have the employer and workmen in possession of the catalogue of specific offences and the amount of relative fines : all this we think was meant to be included in the word "particulars." The words in the section which, it is contended, justify the system, *i.e.* "or the contract is in writing signed by the workmen," might possibly be omitted. The more usual practice appears to be to post a placard containing the list of fines on the works, and we think a placard publicly posted should be made compulsory. The placard should not contain any other matter. A copy of the placard should be furnished without charge to every workman on his entering the employment and on any alteration being made therein.

(6.) It appears to us to be desirable that the Inspectors charged with the enforcement of the Act should be kept informed of the fine contracts at works within their jurisdiction, and we recommend the adoption of a suggestion made to us by Dr. Whitelegge that a copy of the notice or of any variation of it exhibited in factories and workshops under Section 1 of the Act of 1896, should be sent to the district inspector (*Qs.* 421--3). We also suggest that employers shall be required by law to furnish on demand by the district inspector a return of fines imposed on their employees.

(7) In the Abstracts of the Factory Act, Mines Acts and Quarries Act which are required by law to be exhibited in places coming under these Acts, a brief epitome has been inserted by the Home Office of the principal provisions of the Truck Acts. We think it desirable that this should be definitely required by statute.

(8.) We have referred incidentally to the provisions of Section 11 of the Employers and Workmen Act of 1875. The section runs as follows :—

"In the case of a child, young person, or woman subject to the provisions of the Factory Acts, any forfeiture on the ground of absence or leaving work, shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work, except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work."

The provisions of this section have been superseded by the completer legislation of the Act of 1896 and have ceased in practice to be operative. We therefore recommend as a simplification of the law that the section should be repealed.

3. Fines in Mines.

67. We have received a considerable body of evidence from representatives of the miners, from the Secretary to the Mining Association of Great Britain, from the National Association of Colliery Managers, and from H.M. Inspectors of Mines on the subject of fines for disciplinary purposes. Among the matters for which fines are frequently imposed are :—

(1) Breaches of the rules in force at the mine under the Mines Regulation Acts.

(2) Improper filling of tubs, or sending up in the tubs an undue amount of dirt or substances other than coal.

68. The maintenance of discipline is a far more important matter in a mine than it is in a factory or workshop, as on it and on the strict observance of the rules depends the safety of the men employed, and we felt that the question of fines in mines accordingly stands on a somewhat different footing and could not be decided without a very careful consideration of this aspect of the matter. We were consequently of opinion that the subject came rather within the scope of the inquiry of the Royal Commission on Mines appointed to investigate, *inter alia*, the administration of the Mines Acts and the subject of discipline in mines, and we learned that the Commission were actually receiving evidence on this subject. We accordingly decided to communicate with the Royal Commission upon this subject and also the question of improper filling. We print the correspondence that passed in Appendix I.

It will be seen that the Royal Commission propose to deal with the maintenance of discipline in mines by fines. We do not propose therefore to make any recommendation on the subject of disciplinary fines in mines. We have caused a copy of the evidence which we have taken upon the subject to be sent to the Commission.

69. The other question, viz., that of fines for improper filling, the Royal Commission do not intend to investigate, and their decision has placed us in a difficulty. Parliament has established by the Coal Mines Act of 1887, Section 12, a system by which allowances can be made in respect of any dirt sent up in, or of any improper filling of, the tubs. We are of opinion that any imposition of fines in addition to the system of deductions in the statute so as to duplicate fines imposed on the workmen, is improper, but we understand that the whole subject of deductions for dirt and improper filling is one of great delicacy between employers and men and that it would need very careful investigation and consideration to arrive at a satisfactory settlement. Such an investigation would have led us very wide of our terms of reference, and we have not seen our way to undertake it. We therefore make no recommendation on this subject.

4. Fines in Shops.

70. The protection of the Act of 1896 in regard to fines was extended to shop-assistants by Section 1 of that Act.

The evidence we have had does not point to the existence of any serious abuses at the present time in shops in regard to deductions from wages in respect of fines. It was admitted by Miss Bondfield that the Act, though in her opinion not sufficiently drastic, had had a good effect, and would have been even more beneficial in its operation had any provision been made for its enforcement by inspection. Generally the tendency seems to be towards the abolition of the system. This was the evidence both of Miss Bondfield (*Qs.* 13400-1), and of Miss Oliver (*Q.* 18531). Mr. O'Lehane, giving evidence on behalf of the Irish assistants, said that fines were still in vogue in some cities in Ireland, but they had decreased very much and that there was not much to complain of (*Qs.* 14037, 14163-9). All the employers whom we questioned on the subject stated that they had no system of fining.

In some cases, however, long lists of fines are still posted up (*see* copies of some lists of rules and regulations, handed in by Miss Bondfield, in Appendix XI. to the evidence.)

71. The recommendations which we have made in regard to fines generally will afford additional protection in this matter to shop assistants: and we recommend further that the Inspectors of the local authority, who already enforce the provisions of the Shop Hours Act, should also be empowered to enforce the provisions of the Truck Act in regard to fines in shops.

(B) Deductions or Payments for Damage.

72. This subject divides itself into three parts:—

(1) Deductions or payments in respect of bad or negligent work.

(2) Deductions or payments in respect of injury to materials.

(3) Deductions or payments in respect of injury to other property of the employer.

Each of which is dealt with in Section 2 of the Truck Act of 1896.

That section requires: first, that there should be a contract for the deduction or payment; secondly, that the deduction or payment under the contract should not exceed the loss or damage to the employer *occasioned by the act or omission of the workman;* thirdly, that the deduction or payment should be fair and reasonable; and fourthly, that there should be particulars in writing of the act or omission and of the amount of the deduction or payment given to the worker on each occasion of deduction or payment.

We propose to deal with these three matters in the order in which they are given above.

1. *Bad or negligent work.*

73. This is a very wide phrase. It covers work that is valueless to the employer, work that is saleable as inferior goods, and work that is not saleable in the form in which the worker has left it, but can be put right. It seems clear that the employer cannot be called on to pay his employee for work which is valueless to him, nor can he be expected to pay him for inferior work at the same rate as for good work. As the author of the learned memorandum to which we have already referred says (Home Office Memorandum,[1] p. 7) "The employer may say, 'I will pay you for making carpets, but every false stitch you make diminishes the value of the carpet. I engaged you to do good work and not bad, and for every bad stitch you make you must lose a proportionate part of your wage.' It is easy to see that this provision clearly does not offend against the Truck Act, the wage is for good work, not for bad and if the amount deducted is based upon the loss of value occasioned by the bad work, the remainder is clearly the wage to which the workman is entitled. Nothing in the Act says that the man is to be paid wages whether he has earned them or no."

74. The arrangement between employer and worker may take one of several forms.

A.—If the work is of a kind which is rendered altogether valueless to the employer

(1) He may contract with the worker to pay only for good work. This arrangement is adopted for instance in the cocoa and chocolate industry by Mr. Cadbury (*Qs.* 8412–7), in the Sheffield cutlery trade (Dodgson, *Qs.* 1095–1100, Wardley, *Qs.* 12311–8), in the steel and iron trade (Gavin, *Qs.* 16972–4), and, no doubt, in other industries besides;

or (2) he may cover himself in the contract with the worker by making an allowance for a certain amount of waste. We have already referred to this practice on page 16. Complaints have been made to us that in fixing the wage rates allowances

[1] [C. 8048].

are sometimes made for waste by other workers. Miss Paterson mentioned one rather curious case arising in the toy balloon trade (*Qs.* 2709–13):—

Then do you know cases of heavy deductions for waste?—Yes, one finds that in some of the piecework trades. I have mentioned the toy balloon trade. There the balloon goes through a great number of hands, chiefly little girls; there are six or seven processes. The work is counted or weighed, sometimes one, sometimes the other. The only process in which there is any waste made is the last process, when the balloons, after being finished, are blown up with little bellows fixed on them; a very large proportion of them burst. There is no suggestion that it is the worker's fault that they burst; they do burst to as much as half the number, especially in some conditions of weather. But the workers who have made the balloons, the workers who have worked the beating machine, the workers who have vulcanised them in bi-sulphate of carbon, are mostly little girls, and the deductions come out at the end, not for what they have done, but in consequence of the bursting of the balloons; so that they all suffer for this unavoidable waste at the end.

You say they suffer; that is to say that the mode of computation of the wages is the finished product?—The finished product all through.

That is a curious kind of piecework?—Yes.

Do you mean that atmospheric changes might, for instance, alter these girls wages?—Not the rate of wages, but in certain conditions of the weather the amount, at least so I am told.

I admit not the rate, but the atmospheric changes to which you have referred might result in giving them a smaller or a larger wage?—Yes, the proportion of good balloons at the end of the blowing-up process is smaller or larger according to the weather.

We understood her to mean that the wages of each class of worker were proportioned to the number of successful balloons turned out. This does not seem to be a case of deductions from wages, but simply a method of calculating wages, and no doubt if the worker in the different processes was paid, not for each successful balloon, but for each balloon she made, there would have to be an alteration of the piecework rates which presumably are at present fixed on the understanding that there will be a great deal of waste.

B.—If the work is still saleable, though not of the same value as if it had been properly made, the employer may:—

(3) if the case is one in which the defect can be made good, send the article back to have it put right in the worker's time or at the worker's expense. Examples of this were given us in the woollen-weaving trade, where it is the custom to employ menders who darn defective pieces, the workers paying the menders either directly or through the employer by deductions from their wages; and in the clothing trade where, in the case of defective articles, an employer may have the fault remedied by the workman who made it;

or (4) he may pay for the work at a lower rate. There is nothing to prevent him agreeing with his workmen to pay different prices for different qualities of work turned out;

or (5) if the case is one in which it not easy to fix a scale of prices for different qualities beforehand, the employer may make a deduction from the agreed price for the work or require a payment to be made to him by the worker.

The last case is the only one which we have to consider; the other arrangements are outside the scope of the Truck Acts.

75. As regards deductions, it has been represented to us on the one hand by the workers:—

(1) That harsh and unreasonable deductions are made. Instances of such deductions were brought to our notice.

(2) That deductions are made for defects due to faults in the machinery or materials. We have had a considerable body of evidence from the workers to this effect. Provision is already made by the Act of 1896 against a worker being penalised for defects in work not due to his own default, as deductions may only be made or payments required in respect of loss occasioned by the act or omission of the worker. We questioned many of the witnesses as to whether any attempt had been made to obtain the protection of the provision by representations to the Inspectors or proceedings in the Courts under Section 5 of the Act for recovery of deductions illegally

made. It appeared that in many cases no such attempt had been made. The President of the General Union of Weavers and Textile Workers (Mr. Turner), who said that the deductions for damage in the woollen-weaving trade in Yorkshire were made irrespective of whether the damage was or was not due to the act or omission of the worker, admitted that this matter had never been tested by the union in the Courts at all. This failure to take advantage of the provisions of the Act makes it difficult for us to form an opinion as to how far they are inadequate to prevent hardship. We are satisfied, however, from the evidence given that in many cases the circumstances are such as to make it extremely difficult to decide whether the defect is due to the fault of the worker or of the machinery or material, and that as the tendency of many employers and officials would be to decide the point in their own favour, cases of hardship must occur against which the worker would practically have no remedy.

(3) That as in the case of fines, the worker has no appeal against the decision of the employer.

76. On the other hand, in strictness it does not seem unfair that the worker should be required to make good defects caused by his negligence or carelessness. Mr. Shackleton, M.P., representing the Northern Counties Amalgamated Weavers Association admitted that there were cases of this kind. He said (*Q.* 6346) :—

"There are others [faults] which are caused by carelessness. Take a case like this. We are paid by the piece and there is a system of averages, driving the workers up to a certain perfection of quantity. In order not to get below the average in the mill a weaver would leave the whole four looms on while he went into the warehouse to take some weft. These looms would be going in his absence, and when he came back very serious damage might be done. The weaver might consider, 'It would take me an hour to make that right ; I will stand a 3d. fine rather than make it right' He will call the attention of the overseer to that and ask him whether he will allow that. That is a damage which the weaver, in a sense, is responsible for, because he left the looms going ; but his motive was that he might not go below the average in order that he might not lose five minutes, which loss might mean that he did not keep up his average at the week end. If a man goes out twice a day for that purpose, as he is required to do, in addition to doing so for purposes of nature, all those periods would make a serious difference in the fifty-five and a half hours. Therefore the looms are kept going and there are frequently faults. But the employer does not complain ; in fact he expects it."

Miss Tuckwell (of the Womens Trade Union League) also gave us an instance of a deduction of this kind. A firm of blouse makers who paid 3s. per dozen pairs for making blouses, deducted 2s. 4d. from the wage for 1½ dozen (4s. 6d.) because the strapping was omitted (owing to the worker's illness) (*Q.* 5287). Clearly this firm could not be expected to pay the worker the full price if there was this defect in the work, and *prima facie* some deduction in such a case does not seem to be unfair, though as to whether or not this particular deduction was reasonable we do not offer an opinion.

77. If deductions are prohibited the employer will resort where practicable to one of the other methods. There is nothing, for instance, to prevent the employer declining to pay anything at all for the defective work, leaving it to the worker to sue, and making a counter claim in respect of the damage. This would probably entail much hardship to the worker. The worker either gets nothing, or he is placed in the invidious position, as well as put to the expense, of taking proceedings against his employer.

The question is closely connected with the second branch of the subject, deductions for damage to the materials themselves, and must be considered in connection with it.

2. *Injury to Materials.*

78. Careless work on the part of the worker frequently involves not only the loss to the employer of the worker's labour, but also damage to the material on which he has been engaged. When the material is valuable, the damage may amount to a considerable sum. A great deal of evidence has been given before us on this head which has called for very serious consideration on our part.

79. Some of the evidence relates again to matters already punishable under the existing law. For instance, we have had many cases (relating to a period some years ago) brought before us in which the worker was compelled to buy the damaged

article, the price of the article being deducted from the wages. This practice is not only clearly contrary to the provisions of Section 2 of the Act of 1896, which limits the payment by the worker to the actual amount of the loss or damage actually caused (in many of the cases that have been brought to our notice, it was clear that the article in question was not rendered entirely valueless), but has been decided also by the High Court in the case of *Smith* v. *Walton*[1] to be illegal under the earlier Acts. Successful prosecutions have in fact been taken by the factory inspectors under the Act of 1896, when instances of the kind have been brought to their notice.

80. Apart from this, many cases have been brought to our notice of heavy deductions out of all proportion to the wages payable to the worker for the work.

These have not in many cases come from the organised trades.

We gather from the evidence of Mr. Turner and Mr. Shackleton that in any serious cases the man goes to his trade union and the union steps in and settles the matter with the employer. A further indication that these deductions are not a serious matter in these trades is afforded by the figures of fines imposed in relation to wages given to us by Mr. Taylor and Mr. Crowther. Thus Mr. Taylor said that he had got out all the figures for three months as to the number of workpeople, the wage paid and the total amount of fines, for twenty-four mills in the North and North-East Lancashire Cotton Spinners' and Manufacturers' Association (*Q.* 10985), and found that the total amount of the fines imposed in the period of three months was £18 13s. 10d. This total includes, of course, all fines; it is not confined to fines for bad work. This, he said, worked out to about one-third of 1d. per week per person. Mr. Crowther, of the West Riding of Yorkshire Woollen Manufacturers' Association, had returns from different manufacturers in the woollen trade, showing that the amount of the fines imposed by them ranged from $4\frac{3}{4}$d. to 9d. per £100 of wages. The proportion of fines in his own firm for damage in 1906 was $5\frac{1}{4}$d. per £100 of wages, and fines in three years, from 1904–6, amounted in all to £3 17s. 10d., on a wages bill of, in 1904, £4,471, in 1905, £5,496, and in 1906, £6,511 (*Qs.* 11837–46). We think that these figures afford some evidence that the matter is not a very serious one, but it does not, of course, preclude the possibility of heavy deductions being made in individual cases. One such case was given by the President of the Bradford Weavers and Textile Workers Association (Mr. Drew) in the worsted industry, where a weaver at Keighley working on short time was fined 4s. 6d. His wages that week were 3s. 6d., and the extra 1s. was taken off the next week's wages. (*Qs.* 6047–8.)

81. As in the case of fines, the evidence of abuses has come chiefly from the unorganised trades. Many instances of the kind in the miscellaneous low-paid industries in which women and girls are employed were given by Miss Squire (*Qs.* 1866–84), Miss Deane (*Qs.* 2330–50), Miss Paterson (*Qs.* 2664–71) Miss Black (*Qs.* 5091–5102), and Miss Tuckwell (*Qs.* 5278–93).

Miss Squire gives us an example from the pen trade. In that trade the work is skilled and is entirely hand work. The wages vary very much, but they would be from 1s. 9d. to 3s. 6d. per 100 gross. A worker might be charged 6d. for each gross of waste, so that "it is not uncommon to find a woman who would be earning 2s. 3d. for 90 gross, being fined 6s. or 7s. for waste." This would not be deducted in a lump sum; it would be impossible, because the wage would not allow it, but the employer "would take off 1s. a week until the whole amount had been deducted. Meanwhile, if the worker made any other waste it would be added to her general debt; so that the result is that in some factories the workers are many shillings, often pounds, in debt to the employer." Miss Squire told us that it would take a worker a day and a half or two days to do 100 gross and that many of the workers in the trade do not earn more than about 6s. to 10s. a week.

Instances of heavy deductions exacted for damaged work from the out-workers in the Donegal linen industry and in the Somerset glove trade were given by the same witness (*Qs.* 1721–33).

[1] 47 L.J.M.C. 45.

Miss Deane gave us instances of similar deductions from the wages of young girls in the clothing, dressmaking and china trades. She quoted an instance in which a girl employed in a clothing factory in Belfast earned 5s. 2¾d. in one week. For damage to the sleeves of a shirt she was stopped 1s. 6d., and 7½d. for other things, so that her wage that week was only 3s. 1¼d., 2s. 1½d. being taken off. The previous week her wages were 4s. 4½d. This girl and others of her class worked nine hours a day, without counting the dinner interval. This case occurred in 1899, but Miss Deane said that the system still prevailed in clothing factories in Belfast and all over the country.

Miss Paterson gave us instances of similar deductions in the linen and damask weaving trade and in the wearing apparel trade of Manchester. We quote in her own words one instance which she gave us as typical of many :—

> "There is a case—I cannot call it a heavy deduction in itself, but it was a deduction that pressed very heavily on a child. This was a case only last week in a skirt-making factory. A little girl of fourteen was engaged in doing machining for the upper parts of skirts; she got for doing this ½d. each ; the thing was in six seams, besides a seam round the top at the waist part ; she got ½d. each for doing these things, given out in threes. Some damage happened to half of one, that is to say a sixth part of the whole skirt, and she had 1½d. fine. It was a small fine in itself, but it represented what she was going to have for the whole work on three of them. She had only been two months at work, having worked one month without any wages at all.

Her wage for the day was 3d., and it was proposed to take 1½d. off that.

Miss Tuckwell also mentioned many cases of heavy deductions for damage occurring in industries where wages are low, varying from 8s. to 10s. a week, and sometimes descending in the case of home-workers as low as 3s.

In a jam factory to which Miss Tuckwell referred, 3d. was deducted for each empty glass jar broken and full value was charged if a jar containing jam was broken, although the jam was not wasted but was put into the "mixed fruit tub" to be sold at a reduced price. This, however, would seem to be an offence against the existing Act. In another jam factory a case was cited of 2s. 6d. being deducted for broken glasses from a wage of 10s. or 11s. a week.

82. Evidence was also given as to similar unreasonable deductions from the wages of male workers in the boot trade by Mr. Owner (H.M. Inspector of Factories), in the pottery trade by Mr. Lovatt (the General Secretary of the Pottery Workers Union), in the silver and electro-plate trade by Mr. Wardley (a member of the Sheffield United Cutlery Council), in the clothing trade by Mr. Withey, Mr. Drew and Mr. Sclaire, and in lace-making and lappet and lino cloth making by Mr. Stuart (of the Federal Union of Scottish Mill, Factory and Bleachfield Workers).

83. The representations made by the labour witnesses to which we have referred, under the heading of bad and negligent work, apply equally here. Workers, it is said, are often penalized for damage due to causes not within their control, and no appeal lies from the decision of the employer or his representative. Further, if the employer chooses to employ learners and unskilled workers on valuable material it is unjust that they should be called on to pay for damage due to their inexperience.

84. So far as the employers were concerned, most of the evidence received related to the large and organised industries. In many cases the deduction was treated as a disciplinary measure for the purpose of pulling up a careless or negligent worker, not as a means of recouping the employer for damage done: and was, in fact, rather of the nature of a fine and imposed as such.

With regard to the allegations by the representatives of the workers in the weaving trades, the representatives of the employers directly traversed the statements that weavers were charged for damage resulting from defective machinery or bad material.

They pointed out that faults are often the result of the mutual emulation of the workers, who try to outvie one another in the quantity of work done, and the amount of money earned. They denied that pressure was put upon the workers in connection with the running of their looms. Where damage was done, they said that it was fairly assessed, and they were firmly of opinion that the abolition of deductions for this purpose would lead to careless work: that cautions or a record of offences, with the threat of ultimate dismissal, would not be effective in bringing about an equally good standard of workmanship, and that the alternative of dismissal would be very hard both on the workers and their parents.

The majority of the employers took the view that it was only fair that workers should pay for damage caused by their carelessness, incompetence or indifference.

85. Important evidence with regard to the working of Section 2 was put before us by the official representatives from the Home Office. They called attention to the provisions in the section that (1) the deduction must not exceed the loss to the employer and (2) that the deduction must be fair and reasonable in amount, and expressed the opinion that there was a tendency on the part of the magistrates in deciding cases brought before them by the Inspectors to treat the loss to the employer as the test of the deduction that might properly be made without regard to the other consideration, *i.e.*, whether in all the circumstances the deduction was a fair and reasonable one. In other words what was intended by the Legislature as a maximum limit only, has been treated as the standard to be ordinarily adopted. It has, in consequence, been found difficult under the present powers to deal effectively with deductions which seemed harsh and unreasonable, having regard to the wages earned by the worker or other circumstances of the case. As has already been described in regard to Section 1, no criterion has been furnished in the Act itself as to what is "fair and reasonable."

86. On a review of the evidence, we conclude that, though many abuses have been remedied under Section 2 of the Act of 1896, and more might have been done had full advantage been taken of its provisions, serious abuses still exist, chiefly in the unorganized trades, and that for the reasons indicated above, the present statutory powers are insufficient to deal with them.

It remains to be considered what further remedies should be provided. The workers urged the complete prohibition of all deductions for defective work or damage to materials. They contended that it is humanly impossible always to do perfect work: that however good a worker may be at his trade, faults will occur at times: that such faults are part of the manufacturers' risk and should be treated as such They expressed the belief that the abolition of these deductions would not affect the general quality of the work done: the employer would still have his remedy in dismissal, and in bad cases of damage he could, they suggested, take proceedings in the Courts against the worker.

We cannot but feel that there is much force in the contention that it is impossible to avoid mistakes. The best workers will have moments of forgetfulness or inattention—it does not seem either fair to the workman or necessary in the interests of the employer's business that lapses of this kind should be penalised. They are a risk of the trade and should be met as such. Again, where the defects arise from the inexperience of a worker, a learner say, or a new hand, there is in our opinion no justification for allowing the employer to recoup himself from the worker's wages. If the employer for his own purposes sets an inexperienced hand to work for which he is not fully competent, the risk should be the employer's, not the worker's.

We are also impressed by the point on which much stress was laid by the workers' representatives that in many cases defects or damage are attributed by the employer or his representative to acts or omissions on the part of the worker which are in reality due to causes outside the worker's control, possibly due even to defects in the machinery or materials supplied by the employer himself and that no appeal lies from the employer's decision except to a Court of Law. Here again it would no doubt be the most satisfactory

settlement of the question if it could be arranged for all such disputed cases to be referred to some Works tribunal which, with full local knowledge, could investigate the circumstances. We regret that there seems no possibility of this.

87. We recommend the repeal of the existing provisions relating to these deductions.

We are aware that, so far at any rate as defective work is concerned, there are the other methods indicated above by which an employer can safeguard himself against loss by the carelessness or negligence of the worker, and that our recommendations if adopted may lead to employers substituting, where possible, one or other of these methods for the present system of deductions. It has also to be remembered that an employer has under the general law the right to recover damages from his servant for any tort committed by him, such as injury to the employer's property caused by the servant's negligence, and that in such cases he may leave the workman to sue for his wages and plead the loss sustained by him as a set off against the workman's claim. (See section 3 of the Employers & Workmen Act, 1875).

It seems, however, to us to be better that the employer should, for example, require the worker to make good the defects in the work, or should fix beforehand the price to be paid for inferior grades of work, or that the matter should be adjusted by a court of law, than that he should when the work is completed in his own discretion make a deduction the amount of which the worker has no means of forecasting and in the fixing of which he has no voice.

It will be seen that the effect of our recommendations is that the employer should be allowed to deal with cases of careless or negligent work in the same way and under the same conditions as he will be allowed to deal with breaches of discipline. The deductions will cease to be a method by which the employer recoups the loss he has sustained through the worker's act or default and become rather of the nature of a fine. This, as we have pointed out above, is the way many employers treat the matter already.

3. *Injury to other property of employer.*

88. We have had very little evidence as to this: but on the merits it seems to be not unfair that a worker should pay for damage to property caused by his carelessness or negligence. Mr. Burton (*Qs.* 17093–7) thought that the deduction of the exact cost should be allowed where damage was wilful or negligent, and gave us an instance of lads in his works playing football and breaking windows.

On the whole, however, we have come to the conclusion that no special provision on the point is required. An employer will be able to sue for or plead as a set off any damage caused by the negligence of an employee under the provisions of the general law. Wilful damage is, of course, punishable under the criminal law. We, therefore, recommend that the employer shall not be allowed to make deductions from wages for this purpose.

C.—Deductions or Payments for the Use or Supply of Materials, Tools, etc.

89. This part of our enquiry relates to charges for:—

1. Materials;
2. The use of tools, standing room, light, heat, power and machinery;
3. The supply of tools;
4. Services rendered by the employer.

As in the case of deductions under the two previous headings, the Truck Act of 1896 required that deductions or payments in respect of these matters should only be made in pursuance of an antecedent contract and that particulars should be given

on each occasion on which the deduction or payment is made. In addition, it also provided that the deduction or payment should not exceed, in the case of materials or tools supplied to the worker, the cost to the employer, and in the case of machinery, light, heat, and other things, a fair and reasonable rent or charge, having regard to all the circumstances of the case.

1. Materials.

90. The practice of making charges in respect of materials (using materials to mean things which go into and become part of the article which is the subject of manufacture, *e.g.* cotton, buttons, etc., in the manufacture of articles of clothing, nails in the manufacture of boots, glue in the manufacture of boxes and the like) does not apparently prevail in many industries. It is common in the different branches of the clothing trade, and we received a good deal of evidence with regard to that trade, but we have heard very little about the practice in other trades.

91. The chief purpose of the Act of 1896 in bringing these charges under regulation was to protect the workers against attempts on the part of the employer to make a profit out of the supply of materials, but the evidence which has been submitted to us by the official representatives from the Home Office on this head shows that considerable difficulty has been experienced in enforcing its provisions.

Dr. Whitelegge said in his evidence, "It is impossible for the workman who has not access to the employer's books to find out what the real cost to their employer is, and it is very difficult for the inspector" (*Q.* 301). Miss Squire, one of the Lady Inspectors, said, "The difficulty is really to find it (the overcharge) out. The employer may or may not produce his invoices or any particulars. I have been refused these particulars and the retail price at which one can buy these materials is not always a guide." (*Q.* 1894.)

It is to be noted that under the Act the burden of proof lies not on the employer to show that his charges conform to the provisions of the Act, but on the worker or inspector to prove that they do not.

Even where the cost price paid by the employer for the materials can be ascertained, it may be difficult to prove to the satisfaction of a court of law that the price he charges the workers exceeds the actual or estimated cost to him, for he can, no doubt in many cases with justice, plead that he has to go to considerable expense in booking, weighing, packing, and general establishment charges. (Owner *Qs.* 3295–6.)

It is clear, we think, from the evidence we have received, that the Act of 1896, no doubt in consequence of this difficulty, has not resulted in the complete eradication of the abuses which it was intended to prevent.

92. We give a few examples of excessive charges, chiefly from the clothing trade, which have been brought to our notice. It was stated, for instance, by one factory inspector (Edwards *Qs.* 4637–9) that one firm probably made a profit of £100 to £200 a year out of sewings, and that he had known things supplied to the workpeople by their employers at from 14 per cent. to 75 per cent. profit. Miss Squire stated that cotton and stitching material was often charged above cost price (*Q.* 1893). Mr. Sclaire (of the Amalgamated Jewish Tailors, Machinists and Pressers Trades Union, Leeds), gave us an instance of a master tailor in Leeds who made deductions for cotton, charging the workers 3s. 6d. per dozen bobbins for cotton which could be got outside for 2s. 9d. After a dispute with the workpeople in which they were out on strike for a week he reduced the charge to 3s., so that even now his profit is still considerably above that of the ordinary retail dealer (*Qs.* 5917–8). Another factory inspector (Owner *Q.* 3060) gave us the following instance from the boot and shoe industry—he stated that certain boot manufacturers made a profit on the nails they supply to the out-workers in that trade, or at any rate were supplying the nails for the same price for which they could be obtained in local shops, which *prima facie* implies sale at a profit ; he also mentioned a case in which an employer charged the workers 5d. per reel for thread which he bought for 4¼d., thus making a profit of ¾d. on each reel. Miss Edith Lawson (of the Freedom of Labour Defence) also stated that workers very often have to pay more than the value of the materials (*Qs.* 16525–33).

93. The fact that in many cases excessive and unreasonable charges are made by the employer is not the only grievance of which the workers complain.

(1) It is alleged that sewings are supplied to the worker by the employer only by the reel, so that a girl may be left with surplus sewings on her hands, which are useless to her and constitute a serious loss in money.

Mr. H. Withey, of the Leeds branch of the Amalgamated Union of Clothiers' Operatives, said "The reason I object to these sewings being deducted is that a girl will sometimes get an extraordinary light costume to make which has to be sewn with silk—say light grey. She pays 1s. 9d. for the reel of silk and will probably only use one-tenth part of it, and the other 1s. 8d. worth is left on her hands probably for a twelvemonth. If the firm had to supply it and let the girl use what she wanted and then take it back, it would not be wasted at all. It is altogether wasted, because that silk is rotting away the whole time it is standing idle like that" (*Q.* 5470). The same complaint was made by Mr. Buckner, of the East London Branch of the Amalgamated Society of Tailors and Tailoresses. He said "A man may receive a garment for making which he is paid 1s., but all the different sewings must be bought by the reel, which may amount to 1s. 6d. or 2s., and thus he receives no payment for this garment and his expenses are only returned if he has many more similar garments to make, since he only uses a small amount of the sewings for each. Each firm has its own prices for the sewings used in the making of similar garments and forces its people to buy these from the firm. All sewings that are taken on account are deducted by the firm at the end of the week from the wages, irrespective of the amount left, and should the employee be dismissed or leave the place, the sewings which he has in hand are useless, since each firm refuses to permit the use of any but its own sewings." (*Q.* 9087.)

One result of the system to which Mr. Withey called attention and which it it may not be out of place to notice is that girls are driven by it to various practices for deceiving their employer. He gave us an illustration. "I have seen the girls dodge these people (foremen). Where they are charging 5¼d. in some shops (*i.e.*, factories) for a reel, they can go outside and buy the same reel or what answers the same purpose for 3½d. I have seen it done thousands of times. They go back into the warehouse and watch till the foreman's back is turned, then they whip out the cotton which they have bought outside for 3½d., and put the bobbin into the spool and run one cotton into the other and you could not tell the difference. The system encourages these females to act deceitfully to their bosses. If the firm supplied the cotton there would be no need of that. There are thousands of bobbins bought weekly at a reduced price in the town." (*Q.* 5473.)

The workers' representatives urged that the cost of materials should be looked upon as part of the employer's working expenses and, as such, should be defrayed by him.

(2) Another important point made by the workers' representatives was that under a system of deductions the workers could never know exactly what the wages they were going to earn in any week would be. This uncertainty was felt to be a hardship.

94. On the other hand, from the employers' point of view, apart from any question of profit on the transaction, the system has a distinct value in the safeguard it affords against waste or theft by the worker, especially in cases where the work is done not on the employer's premises, but at the worker's home. Take the case of the tailoring trade: the employer gives out stuff to be worked up into a garment at the worker's home; sewings and other accessories are required for use in the work. The employer does not care to provide these in the same way as he provides the stuff, as he cannot exercise control over waste in regard to the sewings, or at any rate not to the same extent as he can in regard to the stuff itself. Neither does it do to leave the worker to buy his own sewings wherever he thinks fit, for the sewings then might be of inferior quality or unsuitable for the particular work. By requiring the worker to buy the sewings from him, the employer secures that the right sewings are used, and that he does not suffer from any waste or mis-application of the sewings on the part of the worker.

We may quote two cases as showing how the system works in the hands of fair employers. One witness stated that in his case the cost of the materials was simply added to the piece work prices: "supposing you are going to pay 5s. a dozen for certain garments and the cotton will cost 6d. you pay 5s. 6d. and charge 6d. for the cotton So that it is really immaterial what the price may be because it is added, in as near a proportion as possible, to the payment made to the girl" (*Q.* 7064). Again, in the weaving trade a certain kind of fabric is woven with gold thread, and deductions are made from the wages of the weaver for bobbins of this thread, and the cost of the thread is refunded to the worker by an addition to the price per foot of the cloth into which it is woven (*Qs.* 6309–10). Mr. Shackleton said :—

"The only deduction we have, which is by arrangement, is this. We have what is known as gold thread. It is rather a valuable material, and you can quite see that if there were no charge made for it there might be waste. So we have an arrangement by which the weaver pays 3d. for each bobbin of gold thread, or 6d., according to the value, and then for each foot put into the cloth, the weaver has an addition to the price; so we balance it. There are fifty yards on a bobbin, and we have so much per foot; I think it is ·02d. per foot put on to the weaver's wages for every foot he puts in the piece where the bobbins are 3d. each. It is only a deduction in form. The wages are no less as a result; they get it back. It is only done to prevent waste."

Mr. Shackleton explained that this arrangement is one which has been agreed on between the union and the employers.

Conclusions.

95. We feel that there is considerable force in both aspects of the case. On the one hand there is no doubt a substantial risk of waste or theft or the substitution of other material, if the employer provides the material free of cost. Efficient supervision may no doubt do much to prevent this, but it must always be difficult in large works, as the evidence referred to above shows, to detect practices of this kind and still more so, in the case of out-workers.

On the other hand there can be no doubt that advantage is taken of the system by the unscrupulous employer to make an unfair profit for himself at the workers' expense; and we do not think, in view of the official evidence, that it is practicable by any system of regulation entirely to prevent this. Even if, as has been suggested, the burden of proof were transferred from the worker to the employer, there would still be ways of evading the requirements of the statute.

On the whole we recommend the abolition of these charges, subject, however, to a power being reserved to the Secretary of State to allow by order an exemption in special cases, such as that of the gold thread referred to above.

96. It will be advisable, however, to point out, in order to prevent misconception by the workers as to the effect of this recommendation, that it does not mean that the workers will necessarily get their materials for nothing.

At the bottom of the objections of the workers to these charges is no doubt, in many cases, the impression that their wages are reduced by the charges, and that if the charges are abolished they would receive their wages undiminished. This is, of course, not the case. It will not even follow that, as some of the witnesses seemed to think, the employer will be required to supply the materials himself. It will be open to the employer to require the workers to find their own materials—and in some industries this will, no doubt, be the case—and there can be no question of any interference with the practice.

Or, if the employer decides to supply the materials himself, the piece work rates, which were fixed on the basis of the worker finding the materials, will be proportionately reduced.

It is possible that the adjustments consequent on a change of system may give rise to some temporary inconvenience and friction, but we consider that the advantage to the worker of having a fixed net wage will more than counterbalance the disadvantages.

2. Use of Tools, Machines, Standing room, Light and Heat.

97. The evidence we have had as to deductions of this nature has related to:—

(*a*) The Sheffield cutlery and other trades and the pottery trade;

(*b*) The clothing trade, hosiery trade, laundries and engineering trade;

(*c*) The mining industry.

We propose to deal with this matter under these heads and then state our general conclusions.

(*a*) *Sheffield Trades and Pottery Trade.*

98. The bulk of the evidence which we have had in this matter has been in regard to these old-established trades.

The deductions under this head in the Sheffield cutlery, silver and electro-plate trades and the Staffordshire pottery trade are those of the longest standing which we have come across. The origin and growth of these deductions in the cutlery and the pottery trades is an interesting chapter in industrial history. Originally these trades were handicraft trades, practised by the workers in their own homes or in separate tenements. They provided their own light, room to work in, assistants and materials; and the piece-work rates were fixed on the basis of their finding all these for themselves. But the conditions of labour gradually changed: first, the factory system began to grow up; the workers were brought into the factories; the assistance they required was frequently provided by the employer; machinery, the provision of which gave the worker increased power of production, was introduced to take the place of hand labour; gas was substituted for candles. As each fresh step was taken or process was introduced an adjustment in the remuneration of the worker had to be made. A revision of the piece rates would have been inconvenient. Many of the piece rates did not lend themselves readily to alteration, dealing as they did with small fractional sums: moreover, attempts to revise the rates might have involved serious disputes between master and man. The system of making fixed deductions accordingly sprang up as being the most convenient way by which to arrive at a fair equivalent for the facilities provided by the employer which the workman had previously to find for himself. Mr. Burton (Chairman of the Joint Committee of Pottery Manufacturers of Great Britain) gave us the following interesting account of the origin of these deductions in the pottery trade (*Q.* 17059):

"It is a very complicated trade, and an old trade, in which handicraft still survives, perhaps more than in any other organised trade in the country. Machinery for performing many of the operations attendant upon the production of pottery, the preparation of the clay, the manipulation of the clay, and so on, has been very slowly introduced into our trade, particularly in some branches of it, like the manufacture of china. The consequence is that the method of payment, which has remained unchanged for about a century and a half, has been adjusted in this way, that whenever a fresh method or a fresh process, even a fresh method of employment, has been introduced, instead of making it there and then a question of wages the manufacturers and operatives have agreed that the former should make a deduction for whatever new process or new method of work was introduced. When the trade was first organised as a settled industry you must remember that in the Staffordshire Potteries the trade was all in small families. It was a family trade, as it still is in some parts of Germany. Then some manufacturers hired these people for a year from Martinmas to Martinmas and they provided a room to work in and material to work upon. The person who took the work employed his own attendants; he might employ his own family. That is very often the case to this day. He provided his own light if he needed it, and all the rest of it. The old system went on, and then when gas came in as a general illuminant the master said, 'You have always paid for your own light, and now that I provide your gas you must allow me, say, 6d. a score dozen,' and that was agreed upon."

We give a typical list of deductions in the Pottery industry:—

Notice.

The following deductions from wages are in force on this factory, and all workpeople's prices are based on same:—

Marl.—Saggarmaker allows 6d. per ton, on account of it being prepared instead of in the rough state.

Sweeping.—Pressers, Dishmakers, Jiggerers, Handlers, Turners and Throwers, 2d. per week.

Pugging.—Pressers and Dishmakers pay 6d. per week for having the clay pugged for them.

Gas.—From 2d. to 6d. per week according to number of lights in use, and whether women, apprentice or journeymen.

North Staff. Infirmary.—Journeymen, 4d.; Apprentices and Women, 2d. per month.

Mixing.—Printers pay 5d. per score dozen to the mixer.

Size—Printers pay 2d. per week to the mixer.

Any workpeople who object to these stoppages must give notice in writing to the office.

Signed..... .....

The system in the Sheffield trades originated in much the same way. Mr. Hobson (Honorary Secretary, Sheffield Cutlery Manufacturers Association) says (*Qs.* 12390–1):—

"Upon the question of the history of deductions it should be remembered that the cutlery trade was a handicraft trade originally. It was originally practised by the workmen at their own houses or in separate workshops, and not in factories. The factory system has grown up gradually at a later date. As the factory conditions have grown up it has been found necessary to make adjustments in their wages as to the men who were found accommodation and the men who found their own accommodation: the trade union price has been arrived at by the haggling of the market as to both classes of workers, and the deduction represents the adjustment of the accommodation found to the inworker.

"Then all these deductions have been a matter of negotiation between the trade union and the masters?—Well I should rather put it that they were originally a matter of negotiation between the workman and the master. I think they date back prior to trade unions. I should think when trade unions were first formed or were in their very early infancy these deductions existed and were customs of the trade. I do not recollect, myself, that there has ever been much question between trade unions and the masters about these deductions; there may have been in cases where trade unions had reason to think that the deductions were excessive, but taking it all round I do not find any great variation of practice between the leading manufacturers."

99. These deductions remained unregulated until the Act of 1896.

That Act, while imposing the conditions to which we have already alluded, did not interfere with the system itself, and it has continued down to the present time so far as we have been able to ascertain with little or no alteration in substance. The Inspectors have in many cases successfully taken action to put a stop to unreasonable deductions which have been brought to their notice, and an attempt was made, to which we will allude presently, to induce the employers in the Pottery Trade to substitute a system of net wages for the existing system, though without much success. Otherwise the situation seems to have remained much as it was. Representatives of the workers appeared before us to give evidence of abuses existing under the present system. It is alleged, for example, that employers make a profit out of the charges for machinery and gas; that charges are made sometimes for gas in summer as well as in winter; that charges are made for light where it is not used; that men are charged more for gas than girls, although presumably they use it equally. Instances were given us in the Sheffield trade of workers paying over and over again in deductions from wages the cost of vices provided by the employer for their use; of rent for standing room being charged despite the worker's absence from illness, or shortness of work. These abuses in many cases would be remediable under the existing law, and we questioned the workers' representatives as to the action which they had taken to put in force the protective provisions of the Act of 1896. The evidence given is so instructive that we quote the following passages in *extenso*. Mr. Lovatt (General Secretary of the Pottery Workers' Union) gave the following evidence (*Qs.* 13042–7):—

"Now, in respect to these unreasonable deductions, as you make out; for instance, in the case of the printer and in the case of labourers, has it ever been brought to your notice that that is an illegality under the Truck Act of 1896, which says that the deductions must be 'fair and reasonable,' and they must only be the actual or estimated cost to the employer?—No, I did not know that they were illegal stoppages.

"Why I asked you that question is this: has your union ever tried to apply the Truck Act of 1896 to the employers; have you ever called the attention of the inspectors to it, for instance?—Yes. In regard to that place where they charge for hot water they used to charge 2d. for messroom.

"About the deduction for fixing colour, have you told the inspector about that?—No, I did not think that they came under the Truck Act.

"I am rather interested to know what view your union takes of the inspector's duties in this respect. That has evidently been a grievance with your men and I should have almost thought that you would have consulted the inspector about a thing like that?—No, we have not, with regard to the colour mixing, nor with regard to the labourers. The charge for labourers I always thought unjust, but it is very hard

to get anyone to produce the evidence unless you can get the inspector on the work, because his or her situation is at stake.

"That was just my point—that by consulting the inspector himself you would be free from that risk; the inspector has his own way by which he makes inquiries, and so saves any risk to the workmen; that was my whole point; you have inspectors in your district employed by the State for that special purpose. One of the ideas, I take it, of the Factory Acts is that inquiries shall be made by the inspector rather than that the employees themselves should make the complaints?—Do you mean that the inspector could inquire in the office how much per man was stopped for this labour, and how much the employer paid?

"Certainly, and he could do it in his own way without involving any particular employee. Your union has never thought of using the inspector in that way?—Not on those two points."

and, again, Mr. Holmshaw (of the Sheffield United Cutlery Council) (*Qs.* 12207–12213):—

"Now, you knew, I presume, that it was necessary to display these truck notices?—Yes.

"You did know that?—I may say I have only known it quite recently—that is since I began to make inquiries with a view to giving evidence here.

"Have you known of any prosecutions at all under the Act?—No, except that I may say there was this case I have here. This is the report. (*Handing same in*).

"Have you ever brought any cases before Mr. Dodgson's notice at all?—No, not of that description.

"I mean under the Truck Act at all?—No, none.

"Then why has your union allowed a piece of legislation to be in existence without the slightest attempt to use it?—In regard to Mr. Dodgson we did not know what his authority or his power under the Truck Act was. In regard to the second question I can only explain as I explained to Sir Frederick Cawley, that it is really because it is spread over such a wide area that it has not struck anybody that it should be attended to. It is one of those things that has been allowed to go by.

"Then we may take it that so far as the Sheffield cutlery trade is concerned the Truck Act has been for them a dead letter?—Yes, absolutely a dead letter."

100. As regards the Potteries an attempt was made in 1902 by the Superintending Inspector of Factories for the Midland Division, Mr. Redgrave, to get employers and employed to agree to the abolition of these charges and to have a net wage fixed (*Qs.* 679–685). These negotiations were only very partially successful at the time: but they seem since to have borne fruit, for Mr. Burton, who gave evidence on behalf of the Joint Committee of Pottery Manufacturers, told us that a large number of employers had now abolished them, and both he and Mr. Lovatt, who gave evidence for the operatives, expressed themselves as strongly in favour of the abolition of the system and the introduction of a net wage. That this would be a great advantage to the workers, Mr. Redgrave, whose wide experience renders his views on this question of value, has no doubt. He says (*Q.* 674.):—

"In the first place the compilation of these various deductions must take up a great deal of clerical time in the office of the proprietor and waste his time. They are, to a certain extent, extremely confusing to the workmen, and in time the workmen get oblivious of what they should pay and what they should not pay. They have a stamp put on it, but they never look at it, do not know whether they get or do not get exactly what is due in individual cases. Thereby a hulking girl or boy of sixteen, without any great intelligence—indeed I have known grown-up people—never bother to look at the weekly note to see whether their payment ticket has been correctly filled up or not, or whether their items have been correctly filled up or not. I think the abolition of deductions would be a great advantage to the work-people, because a net price is a net price, and they know what it is.

We may say at once that we are in complete agreement with Mr. Redgrave's views.

101. In the Sheffield trades there is, however, not the same unanimity. The representatives of employers and employed who gave evidence before us were divided as to the advantage of abolition of the present system. In order to appreciate the difficulties that would be involved in any proposal to alter the present system and introduce a net wage system in the Sheffield cutlery trade, it will be necessary to explain in some detail the peculiar trade customs that exist there.

The custom is for the worker (the grinder or the cutler) to rent what is locally termed "a "trough" or "side-room" (*i.e.* a working place) in a factory or "wheel," and he may either:—

(1) Work solely for the owner of the factory.

(2) Work partly for the owner of the factory and partly for outside employers.

(3) Work only for outside employers.

In all the three cases the piece-work rates, and the charges for rent or rent and power are about the same; and there is little or no difference in the net wage each can earn; but in the first and second cases the charge for rent or rent and power is deducted from wages by the occupier, while in the third case the worker gets his gross wages and pays himself to the owner of the mill the charge for rent or rent and power.

This system is apparently congenial to the habits of the Sheffield worker. His traditions are not favourable to the ordinary factory system as it exists elsewhere.

As Mr. Holmshaw says (*Q.* 12051):—

"Originally the cutlery trade was carried on in works situated on the rivers which surround Sheffield and which afforded an abundant supply of water power. Here most of the workmen rented a little land which they farmed in their leisure and when the water ran dry in the summer. Working as they did in solitary grinding wheels on the banks of the streams, it was impossible for the rules and regulations which govern ordinary factory life to become traditional among them. On the other hand very informal habits were formed and a set of traditions handed down which it is easy to see arose entirely out of the peculiar circumstances under which they worked. To this cause we must attribute the freedom from restraint which is so characteristic a feature of the Sheffield cutlery worker of to-day. It is this love of freedom which makes him tolerate practices which are the despair of those who wish to see his lot improved."

This evidence was confirmed by Mr. Dodgson, late Inspector of Factories at Sheffield, who said "A man is his own master in the sense at least that he claims the privilege of coming to work and going away again exactly as suits his convenience" (*Q.* 989): and again by Mr. Hobson (*Qs.* 12403–5).

In the first class of case, which is the nearest to the ordinary factory system, the substitution of a system of net wages for the present system presents no difficulty in principle; and in the last class of case, the worker is in the position of an independent occupier, and therefore outside the scope of this inquiry.

The second class of case, however, presents difficulty, as the accommodation and other facilities provided by the occupier are used by the worker both for the occupier's work and for the work of other employers. The occupier will not provide these facilities gratis to the worker for the benefit of third parties. If the system continues, we think the worker will have to be regarded as an independent occupier.

Where practicable, however, we think it desirable that the system of deductions or payments should be abolished.

The interference with old standing customs and the adjustment of prices that abolition would entail would no doubt call for tact and delicate handling on both sides, but we cannot but think that it would be in the interest of both parties if the whole present complicated and archaic system were swept away. Mr. Holmshaw, who gave evidence on behalf of the workers, was in favour of the change and believed that when made the men would settle down to factory discipline. Mr. Hobson, though pessimistic as to the effects of immediate abolition, expressed to us the opinion that "the salvation of the trade was dependent on its getting on to machinery," which would certainly result in a net wage but could not be hurried (*Q.* 12426).

The complete change, which will mean the transformation of the independent occupier of the second and third classes of case into the ordinary factory hand, cannot be effected by legislation, but must wait the gradual evolution of the industry. But so far as the first class of case is concerned, we recommend the abolition of all deductions or payments for standing room, etc.

102. The deductions in the silver and electro-plate trades stand on a different footing. These 'deductions' are of the nature of discount and a method of arriving at the rate of wage. We have pointed out above that such deductions are outside the scope of the Act.

(*b.*) *Other Miscellaneous Industries.*

103. We have had evidence that the practice of charging for the use of tools, machines, etc., exists also in the clothing, hosiery, laundry and other trades.

Miss Squire stated that in her experience she had found charges made by employers in the clothing trade for parts of sewing machines and other machines and tools, and an instance was cited by Miss Black, of a machinist, earning 12s. a week, being charged 3d. a week for use of machine and 3d. for use of a button-holing machine (*Qs.* 5071–7). Cases have been submitted in evidence where the worker had in this way paid several times over for the machine of which he or she had the use, but this, of course, is already illegal under the provisions of the existing law.

In the hosiery trade it is said that needles for machines are charged for sometimes 40 per cent. above cost price.

In some laundries, charges are made for the use of irons, and instances were given to us in which 1d. a week, sometimes 6d. a week, is charged for the use of ironing boards.

In the engineering trade Mr. Siemens informed us that the employer supplies the tools without charge, but that deductions are made if the workman damages or loses them; and he expressed a strong hope that no change might be made in the law which would interfere with this practice. He explained that it would be a hardship on the workman, if the employer did not provide the tools, and that if a workman was not held responsible for handing them back to his employer there would be a risk of loss and theft. This risk was accentuated by the fact that most of the tools supplied were tools which could be used in any works, and it was very likely that if the power of making deductions for the purpose was taken away the practice of tools being supplied by the employer would have to be stopped (*Qs.* 17516–8, 17583–5).

We fully realise that in the case which Mr. Siemens put, it is proper that there should be some check on the worker, but we think the point can be met without the power to charge a rent for the use of tools, machines, etc., and we favour the abolition of such a power.

(*c.*) *Mines.*

104. By long standing custom the miner provides himself with the tools, &c., he needs for his work, *e.g.*, pick, drilling-gear, explosives, candles; and the wages have been fixed on this basis. He supplies himself with these either through some co-operative arrangement among the men, or by purchase at the village shop, or he may obtain them through the employer.

As a measure of safety, however, the legislature has required (Sec. 5 of the Coal Mines Regulation Act, 1896) that safety lamps shall be provided by the mine owners only—and in many mines where safety lamps are used charges are made to the men for the use of the lamps. A number of complaints have been made to us on behalf of the miners that the charges are often excessive and that the employers make a profit (Greenall *Qs.* 7539, 7595, Twist *Qs.* 7923, 7930–1, Smillie *Qs.* 16782). These are grievances, of course, which are remediable under the existing law, but it is stated that a difficulty exists in establishing in a Court of Law what is the cost or "the real

and true value"; besides the cost of the actual materials, charges are included for storage, carriage, and clerical and management expenses (Greenall *Qs.* 7491–502), and sometimes for things not legitimately charges against the workers (Smillie *Q.* 16782).

105. Alternative suggestions were made by the workers' representatives for remedying the grievance.

1. That the workers should receive their wages in full, and that the payments to the employer should be made separately and not by way of deduction. This would give them a better chance of a fair bargain (Greenall *Qs.* 7491, 7501–2, 7542, 7592, 7594).

2. That no charge should be made by the employer, and that wages should be readjusted on this basis (Smillie *Qs* .16822–8).

Mr. Ratcliffe Ellis (Secretary to the Mining Association of Great Britain) pointed out that the difficulty of this latter suggestion was that it would cause an extensive disturbance of existing wage arrangements and might lead to trouble (*Qs.* 9285–6).

If the present system is to be continued, it was suggested that the men should have access to the employers' books (Twist *Q.* 7927); that there should be an audit (Twist *Q.* 7928) and that any surplus from the charges should be periodically distributed among the men (Twist *Q.* 7925–6).

The Mines Inspectors who gave evidence before us on this subject considered the charges made were generally reasonable (Hall *Qs.* 3787–8, 3790–1, 3807–8): cases of charges which seemed high had come to their notice from time to time, but the matter had been remedied on representation to the employer (Stokes *Qs.* 4032–6, 4125–7; Hall *Qs.* 3726–9, 3795–6).

Conclusions.

106. We have come to the conclusion that no serious difficulty or interference with the conduct of the employer's business will be caused if all charges of this character were abolished. As appears from the account we have given of the industries in which they chiefly prevail, they sprang out of a condition of things which has long ago passed away, and in most industries they either do not exist at all or exist only in a very minor degree. From the point of view of the worker the system is objectionable because of the possibility of overcharge, which no regulation, however strict, can altogether prevent. We may point out further that Parliament has already dealt with the question in the case of a particular industry by the Hosiery Manufacture (Wages) Act, 1874, and has done so in the way that we are now recommending for other industries. It may be useful to recall the circumstances of that case, and we quote the following passage from the Home Office Memorandum of 1896 * :—

"In 1855 a Select Committee of the House of Commons was appointed to consider their (*i.e.*, the hosiery workers') grievances. The report is in Vol. 14 of the Parliamentary papers.

This report disclosed a state of affairs very discreditable to the industry, and hardly any other trade has been affected by the same evils.

The chief complaint was that they were made to pay exorbitant rents for knitting machines, out of all proportion to their value, and that these rents were exacted by middlemen or sub-contractors, who intervened between the employer and the workmen, and who paid the workman his wages, deducting large sums for the use of their frames.

It was shown that a machine which cost 14*l.* brought in, in rent, 5*l.* 4*s.* a year, and that, deducting cost of repairs and adding interest, during its life of 20 years, the employer made a clear 57*l.* out of it (*see* the Appendices to the Report, which are very interesting).

The committee, of which Mr. Packe was chairman, and Sir Henry Halford and Lord John Manners were members, reported unanimously against this practice.

The matter was again considered by the Truck Commission of 1871, which came to the same conclusion; and in 1874 Parliament by the Act of that year made all contracts for frame rents and charges between employer and workmen and any deductions from wages in respect of such charges illegal.

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* [C. 8048.]

107. We recommend that charges for the use of standing room, power, machinery, lighting, heat, or anything else which may be considered to be part of the general equipment of the works should be made illegal. In making this recommendation we fully recognise that difficulty will arise in adjusting wages to correspond with the new order of things, but this is a temporary and not a permanent difficulty, and we believe that the advantage to all parties will more than counterbalance any temporary inconvenience that may be caused. Sufficient time should, of course, be allowed in which to effect the change.

We think, however, that the employer should be protected against misapplication of machines or tools entrusted by him to the worker, and against loss of tools by the worker.

In the Hosiery Act, a provision was inserted empowering the employer to recover in the County Court damages from the workman, if the latter used the machine entrusted to him by the employer without the latter's written consent in manufacturing articles for persons other than the employer. Some provision of the kind seems equitable, and it would also be equitable as a protection to the employer against carelessness or dishonesty on the part of the worker, that the latter, if he fails to restore the tools entrusted to him by the employer, should be liable to bear the loss. We suggest that the employer might be empowered to sue the workman for any loss occasioned to him by the misapplication or loss of tools and the like.

108. Our recommendations under this head will make it unnecessary, we think, to continue the Hosiery Act in force. That Act requires that "in all contracts for wages the full and entire amount of all wages, the earnings of labour in the hosiery manufacture, shall be actually and positively made payable in net in the current coin of the realm, and not otherwise, without any deduction or stoppage of any description whatever, save and except for bad and disputed workmanship," and declares "all contracts to stop wages and all contracts for frame rents and charges" to be illegal, null and void. The only deductions, however, which are actually penalized are deductions for "frame rent and standing, or other charges." Our proposals, we think, will fully cover the ground. The Act, moreover, contains provisions which are difficult to reconcile with the provisions of the Truck Acts, which also apply to the industry. It is provided, for example, that nothing in the Act is to prevent the employer suing the worker for recovery of any debt due, a provision which is not easy to harmonise with section 6 of the Truck Act of 1831.

We should accordingly recommend the repeal of the Act, if our other recommendations were to receive legislative effect.

3. Supply of Tools.

109. In some trades in which it is the custom for workers to find their own tools, the employer sometimes, for the convenience of the workman, buys tools wholesale and retails them to the worker. We have had no serious complaints against this practice, and provided no profit is made on the transaction by the employer, which is already guarded against by Section 3 of the Act of 1896, we see no objection to it or to the employer being allowed to deduct the cost of the tools supplied by instalments from the wages. The workman becomes the owner of the tools possibly at a cheaper rate and pays in the manner that is probably most convenient to him. A particular application of this principle was mentioned by Mr. Burton. He pointed out (*Q.* 17098) that in the pottery trade large sponges are very important tools. He said "the question of sponges is a very difficult one. A sponge is a very useful thing to have in the house, and if the manufacturer provides these sponges they disappear. Anybody who has had acquaintance with the works knows that sooner or later a proportion of the sponges will disappear, and the man whose sponge disappears always says somebody else has taken it. Therefore the custom is this: sponges are bought wholesale by the manufacturer, who sells them to his workpeople. The manufacturer can get them very much cheaper than his workpeople, and he does get them and sells them to them. My point is that if he does things like that, where it is to everybody's advantage that he should, he should not make a profit out of doing them."

We think a practice such as this is one which cannot reasonably be objected to and we do not suggest any interference.

110. In some mines men obtain their explosives through the owners. We understand that this practice has been adopted in the interests of safety, and that the Home Office has urged that it should be adopted in all cases. The matter is under the consideration of the Royal Commission on Mines.

111. We recommend, therefore, that it should continue to be legal for the employer to contract with his workmen to supply tools, which become the workmen's property, and to deduct the cost from wages, subject to the conditions prescribed in the Act of 1896.

4. Services Rendered by the Employer.

112. These may be of two kinds :—

(*a*) Services rendered in connection with the labour of the workers.

(*b*) Services rendered for the comfort and convenience of the workers.

Deductions of the first class are regulated by Section 3 of the Act of 1896, the conditions of which have been already mentioned and in a particular instance, *e.g.*, sharpening of tools, by the earlier Truck Acts of 1831 and 1887.

113. (*a*) Among the instances of services rendered in connection with the labour of the workers which have been brought to our notice we may mention the following :— pick sharpening in mines ; mending defective pieces of cloth in the woollen-weaving trade : beam and cut carrying in the cotton-weaving trade, and cleaning of looms ; clay-carrying, stopping (*i.e.*, services of a person to make good small defects in the ware which the worker would otherwise have to make good himself) and other services in the pottery trade.

The history of some of these charges has been much the same as of those under the previous heading. They have grown up gradually with the organisation of the industry on a factory basis and might equally well be abandoned.

In other cases, however, the practice has been adopted on the grounds of convenience. In weaving, for example, the weaver finds it more convenient, instead of stopping to make good any defects of weaving in the cloth he has woven, to pay for the services of a "mender" to do the work for him. This mender may either be paid by the worker direct or by the employer who receives payments from the worker for the mender's services.

114. The system often affords a convenient mode of effecting a transition from one method of work to another. Dr. Whitelegge gave us an interesting example of this. The custom in the weaving trade has been for each worker to clean his own looms. The worker is under a strong temptation, in order to economise time and to get as much work done as possible, to clean the machine while it is in motion. This is a fruitful source of accidents. Recently in some mills, with a view to reducing the number of accidents, an arrangement has been made by which the employer provides the services of a cleaner to do the work. As the list of piece-work prices in the weaving trade is extremely elaborate, it is found more convenient to arrange the matter by means of a weekly payment from the worker, than by a readjustment of the piece-work prices. The introduction of the system has led, it is stated, to a striking diminution in the number of accidents.

It seems to us that it would be a mistake to interfere with a system of this sort, though no doubt it is desirable that this and other deductions of the kind should not outlast the period of transition, and should ultimately be eliminated by a revision of the piece-work prices.

In the case of pick sharpening in mines, Mr. Smillie, of the Scottish Miners' Federation, admitted that the present practice by which the mineowner provides the services of a smith to do the work of sharpening the miners' picks was a great convenience to the workers.

115. We have had little complaint from the workers' representatives as to this class of deductions, and, with the safeguards provided by the Act of 1896, we think there is no reason for interfering with them. As regards pick sharpening Section 9 of the Act of 1887 provides the further safeguard of audit. This requirement of the law seems to have been largely ignored by both sides. The power, however, would seem to be a useful one. If retained, it should apply to all deductions of this class.

116. (*b*) The deductions for services of the second class in regard to which we have had evidence, have been deductions made for the provision of messrooms, facilities for cooking, supply of hot water, etc. We received some complaints of unreasonable charges being made for these conveniences. Cases have also been brought to our notice in which employers have charged the workers indiscriminately for these conveniences, whether they availed themselves of them or not, but this is probably illegal under the existing Act, and we were informed that the Factory Department have succeeded in putting a stop to it wherever it has been reported to them.

The legal position of these deductions at present is not quite clear. We observe that it is stated in the official memorandum on the Acts issued by the Home Office that the Acts do not authorize an employer "to make a charge for the use of cooking utensils or firing or a dining room." We recommend, therefore, that no deductions should be allowed for these services. Many employers willingly and without charge provide all the conveniences referred to under this heading. There can be little doubt that their provision, by promoting the comfort of the workers, will also promote the supply of labour and possibly its effectiveness; but if it is to be made a matter of finance we think this should be done by separate bargain and payment and not by way of deduction from wages.

117. Some employers, we believe not many, have claimed to make a charge to the workers for such matters as the cleaning of closets, the services of the certifying surgeon, the cleaning of the overalls which, in certain dangerous trades, the employer is required by special rules or regulations under the Factory Act to provide for the protection of the worker. This is an attempt to throw upon the worker the cost to the employer of carrying out the requirements imposed upon him by statute—they are not services which the employers render to the worker—and we recommend that such charges should be made illegal.

D.—Deductions under Sections 23 and 24 of the Truck Act of 1831.

118. We now come to the cases in which under the earlier Acts of 1831 and 1887 deductions are allowed to be *made in respect of benefits or advantages* provided by the employer to the worker or in which such benefits or advantages are provided as part of the worker's remuneration.

The Acts of 1831 and 1887 allow the following exceptions to the general principles which they laid down as to payment of wages in current coin.

	Deductions Authorised.	Conditions.
1	For Rent - - - - -	If agreement for deductions be in writing and signed by workman.
2	Medicine - - - - - Medical attendance	If (*a*) Agreement for deductions be in writing and signed by workman. (*b*) Employer once a year submits accounts to be audited by two auditors, both appointed by workmen.
3	Fuel - - - - -	If (*a*) Agreement for deductions be in writing and signed by workman. (*b*) Deduction does not exceed real and true value.

	Deductions Authorised.	Conditions.
4	Materials - - - - - Tools Implements	If (*a*) To be used by workman in his occupation as a miner. (*b*) Agreement for deductions be in writing and signed by workman. (*c*) Deduction does not exceed real and true value, and in addition— (*d*) In the case of tools, if employer once a year submits accounts to be audited by two auditors, both appointed by workmen. (*e*) In the case of sharpening or repairing tools, if the agreement for deductions is separate from conditions of hiring.
5	Hay - - - - - Corn Provender	If (*a*) To be consumed by any beast of burden employed by workman in his occupation. (*b*) Agreement for deductions be in writing and signed by workman. (*c*) Deduction does not exceed real and true value.
6	Victuals - - - - -	If (*a*) Dressed under the roof of the employer and there consumed by workman. (*b*) Agreement for deductions be in writing and signed by workman.
7	Education of children -	If (*a*) Agreement for deductions be in writing and signed by workman. (*b*) Employer submits once a year accounts to be audited by two auditors, both appointed by workmen. (*c*) Workman may choose his own State-inspected school, and have school fees for his children paid to same extent as other workmen (whose children are sent to school chosen by employer).

N.B. (1) Sec. 24 authorises employer to advance to workman money to be by him contributed to friendly society or to savings bank, or to advance money for relief in sickness. But the Section omits to authorise deductions for these purposes, and even seems to exclude them.

(2) Sec. 4 of the Act of 1887 authorises the making of a contract with a servant in husbandry for giving him food, drink (non-intoxicating), a cottage or other allowances and privileges in addition to money wages as a remuneration for his services.

119. We propose to deal with these exceptions in the order in which they appear in the above list. We may remark generally that it is very difficult to extract from the sections the principle on which the matters included in them were selected for exemption. The sections are confessedly full of anomalies. Why, for instance, should deductions for materials, etc., be allowed in the case of miners and miners alone? Why should advances be sanctioned for some benevolent purposes but not for others? Or why require an audit of deductions for tools but not of deductions for materials, or a separate agreement for deductions for sharpening tools, but not for deductions for providing tools?

(1). Housing.

120. There are three forms in which this question presents itself:—

(*a*) The case specifically contemplated in Section 23 of the employer letting a tenement or part of a tenement to the worker at a rent reserved and deducting the rent from the wage.

(*b*) The case of an employer giving a cottage as part of the remuneration of the worker, as in the case of the agricultural labourer.

(*c*) The system known as the living-in system where the workers live on the employer's premises and receive food and lodging accommodation as part of the remuneration for their services.

(*a*) *Letting House at a Rent Reserved.*

121. The only serious complaints received by us came from the mining industry and the Scottish bleaching trade. Their complaint was two-fold. First, that the employer should be allowed to make it a condition of employment that the worker should live in the employer's house, and secondly, that rent should be recovered from the workers by deductions from wages instead of in the ordinary manner.

In regard to the first point it is alleged that men often have to pay higher rents than they would in the case of an ordinary house; that houses belonging to colliery owners are not so often cleaned and renovated as private property, and that when the worker leaves the employment he has to remove from the house, often at great inconvenience, and his wages are kept back till after the removal.

As regards the second point it was represented that it was a hardship to the worker to have the deductions made, whether he had been able to earn a full week's wage or not. The colliery may only have been working half-time, and the worker in consequence earned only half his usual wage, but the full deduction would, it is alleged, be made notwithstanding. They considered that the employer should collect his rent in the ordinary way, and should not have the first claim on the man's wages.

122. Mr. Smillie alleged that the power to make deductions was used by some owners to raise rents in a way which an ordinary landlord, or the owner if he collected his rents in the same way as an ordinary landlord, would find it difficult to do. He cited the following instances. In one case the employer at the request of the workmen removed an earthen or tiled floor in a whole row of cottages and put in a wooden floor. For this an additional 6d. a fortnight was deducted from wages for some years afterwards. The workmen were not consulted as to the additional deduction and were not told they would have to pay more rent. In this particular case if the men had objected, they would have had to leave: the tenancy of the houses was a condition of employment and there were only owners' houses available (*Qs.* 16782–5, 16875–9, 16911–5). In another case rain-water barrels were provided for the workmen and they were charged 2d. a fortnight extra on the rent for this (*Q.* 16880).

So far as concerns making alterations and putting an addition therefor on to the rent, it is plain that landlords, other than employers, might have done the same.

Mr. Smillie, while recognising that the abolition of deductions from wages for rent "would not protect the workman against the employer turning him out of the house if he cared to do so," (*Q.* 16943) nevertheless thought that it would place the two parties to the bargain on a more equal footing.

123. On the employers' side, Mr. Siemens (Engineering and Shipbuilding Employers' Federation) gave evidence on this subject with regard to the engineering and shipbuilding trades. He stated that according to the reports he had received from members of his Federation on the North-East coast and in the Manchester and Bolton districts the practice of collecting rents by deductions from wages was common; that the deduction was made in the majority of cases by the express desire of the workmen, to whom it was a convenience, and who preferred that rent should be collected in this way. He said "it is the evidence of our Federation that the workmen like it because they are compelled—there are people in this world, who, whenever they get money in their hands, let it slip through their fingers; they know it themselves and are very glad if they are saved from themselves, so to speak, by this sort of deduction" (*Q.* 17638). He said that workmen who left the employment had to leave the house.

No complaint was received by us from the workmen in this industry.

In his own case, however, Mr. Siemens stated deductions were not made from the wages of the men for rent. The rents were collected by a house agent, and the house agent had, so far as he knew, not experienced more than the usual difficulty in the collection of the rents.

Mr. Healy, giving evidence on behalf of the Scottish Chamber of Manufacturing Industries, stated that about 8 per cent. of the firms in his Association from whom he had heard made deductions for rent: that the arrangement was merely a matter of convenience and was of no interest to the employer. In one case the houses are rented off at cheap rates to the employees, on the understanding that the rent will be deducted from wages, in order to attract the necessary labour which is difficult to get.

124. The official evidence we had in regard to this matter related to abuses already punishable under the existing law which had been put a stop to.

Miss Squire instanced a case which had come to her notice in Gloucester. A lucifer match manufacturer in that city owns houses in one street. One girl employed in his factory, a piece-worker, earning a varying wage, never received any money because it was always going to make up arrears in her father's rent. Miss Squire says she traced her wages book back for two months and found that whatever this girl earned, whether large or small, was kept back for the rent. Similar cases were mentioned by the same witness as occurring in the textile districts of Yorkshire.

The employers were successfully prosecuted.

125. With regard to letting houses at a rent reserved, we have come to the following conclusions :

(1) The question of taking away the employer's power to make it a condition of employment that the employee should live in the employer's house is a very far-reaching one which would affect not only employers and workpeople in industrial occupations, but also the important agricultural industry, railway employment, and many occupations of a private character. We have taken no evidence on the question, except in the one or two cases already referred to, and we are not in a position to form an opinion as to the effects which would follow a prohibition of this kind. Much excellent work has been done both by private employers and local bodies in providing housing accommodation for their employees, as at Bournville, Brodsworth, Port Sunlight, etc., and nothing, of course, should be done which would tend to discourage the building of decent houses for their workers by employers. In some cases it is a necessity of the work that the worker should live in the employer's house.

Some of us entertain the opinion that any kind of compulsion in the matter is objectionable and should not be allowed, but do not put this forward as a considered recommendation on evidence.

(2) As regards the power to make charges for rent by way of deduction from wages instead of by a separate transaction, we do not find that any serious grievance or abuse has been established. The convenience and economy of the arrangement also are obvious. The power to deduct the rent from wages no doubt saves bad debts and the employment of agents ; and simplifies accounts. The employer could afford to let at a lower rent, but whether this is the result in fact we do not know. When industries are started in outside districts where no accommodation exists, the employer is bound to build houses for his workers. Many villages have sprung up round a mine or a factory. Though the cases are numerous in which the workers live in houses owned by the employers, complaints have only reached us from one or two trades.

On the other hand it is clear that in the industries which have been represented before us the workers feel very strongly on the subject, and there is no doubt force in their representations that a workman will feel more hesitation in approaching his employer if he wants any repairs or renovation done than he would if the relationship between him and the owner of the property were merely the ordinary one of landlord and tenant. A workman who takes an employer's house cannot feel in quite the same free position to bargain as he would be with an ordinary landlord, and this feeling is no doubt intensified by the power to deduct the rent from his wages. The workers would prefer even the arrangement which is in force at some places where the workman receives his wages at one window and pays over his rent at the next window. The matter is, we think, one on which the feeling of the workers might very properly be considered.

We recommend that the present exception allowing deductions from wages for rent should not be continued, but that any contracts or payments should be part of a separate transaction.

(*b*) *Cottages given as Part Payment of Wages.*

126. The Act of 1831 only authorised an employer to let a house to his workman, and under conditions. It did not authorise him to give a house as part of the remuneration

of labour; and to do so was a breach of the provision of that Act requiring the whole remuneration of labour to be in current coin. In the Act of 1887, a provision was inserted to allow a cottage to be given as part wages in the agricultural industry—in order, no doubt, to save an old-standing practice. Why the exception was confined to agriculture, we do not know. The practice prevails, we believe, in other industries, including the railway industry and the mining industry in some districts of the country, and it certainly does in private employments coming within the Act. No evidence on the subject has been submitted to us on behalf of the workers either as regards the agricultural industry or any other industry. We do not recommend any interference with the practice.

(c) *Living-in System.*

127. We deal later with the question of living-in as it affects shop-assistants, and confine ourselves here to the industries covered by the Acts.

We have no exact information as to the extent to which this practice prevails in occupations covered by the Acts. It exists in certain workshop industries. Miss Deane says (*Q.* 2457):—

> "The heads of millinery and dressmaking workshops often live in; milliners more often live in than dressmakers; but I do not think that it exists very largely. Where I have found it is amongst foreign workers. It is getting more and more the custom for French women to be brought over in a number for the season, and they live in."

We understand that the system is found to some extent also in retail bake-houses, in the photographic trade and in laundries.

The practice prevails, too, to a certain extent in agriculture and also in private employments coming under the Act. It appears doubtful whether it is covered by the existing exception in the Act, which speaks of a tenement or part of a tenement being demised to a worker, but no attempt has been made, so far as we know, to interfere with the system and we see no reason why the exception should not include the provision of accommodation in the employer's own house as well as on separate premises. We recommend that the exception should be worded so as to do so.

(2) Deductions for Medicine and Medical Attendance.

128. The evidence which we have had in regard to this matter relates chiefly to the mining industry, the engineering trade and the iron and steel trade.

In addition to the evidence of the workers and of the employers, we had the advantage of having the considered views of the medical profession put before us by Mr. Smith Whitaker, Medical Secretary to the British Medical Association.

129. According to the information supplied to the British Medical Association, it appears that the arrangements under section 23 for the supply of medical attendance by the employers now take one of four forms:—

(1) The employer appoints and pays the doctor, deducting each man's quota from his wages, and as a rule paying over to the doctor the full amount of the deductions.

(2) The workmen are allowed to nominate the doctor, and the deductions are paid over to him by the employer.

(3) Each workman is allowed to select his own doctor from among those practising in the district, and the deductions from the wages of each workman are paid over to the doctor of his selection.

(4) The deductions from wages are paid over to a committee of the workmen, who make arrangements for the supply of medical attendance; in some instances employing doctors at fixed salaries. Part of the funds are sometimes applied to other purposes, such as hospitals.

Mr. Smith Whitaker explained, as regards the legal position under these different arrangements, that the association took the view that the contract in each case is between the employer and the doctor; but instead of contracting himself with the doctor, the employer may empower the workmen to do so. Thus, in arrangements (1), (2), and (3), the employer contracts with the doctor himself, and in arrangement (4), he delegates his power to the workmen.

Asked which of these systems he thought the best, Mr. Smith Whitaker said that in the view of the association the best way was to let the individual workman have his choice of doctor, and the next best, that the general body of workmen should be allowed to decide, by a majority, upon the doctor or doctors for the works. He admitted, however, that in several parts of the country the profession take a different view. In the Rhondda Valley, for example, the surgeons hold strongly the view that a better type of doctor is obtained if there is the prospect of a reasonably good income and the security that comes from being appointed by the general body of workmen. But the general conclusion of the association, after careful inquiry and deliberation, has been that medical attendance under contracts of any kind will be most satisfactorily given when the individual patient is allowed, so far as the circumstances of the district permit, to choose his own doctor.

Mr. Smith Whitaker was strongly in favour of the present system of deductions from wages being allowed to continue. He said "In all these works the testimony is overwhelming that any attempt to get the doctor paid by private arrangement breaks down and that the only way which really secured working men satisfactory medical attendance is to have the money deducted from wages at the pit or at the works office." He was also in favour of the contributions being compulsory. He thought it was to the interests of the general body of workmen and to the interest also of the average individual workman, regarding his life as a whole, that such an obligation should be imposed. But compulsion should only be exercised in this way, –that where the majority agree to a deduction for medical attendance the majority should be allowed to bind the minority, with reasonable exceptions for men already contributing to some other fund or society guaranteeing him medical attendance. In the case of men leaving their employment, he thought the hardship was very small, because during the time they have been in the employment they have been insured against the cost of medical attendance.

130. Other evidence on behalf of the profession was given by Dr. Crawford and Mr. Thomson of the Scottish Midland and Western Medical Association, an association composed of men engaged in mining practice, and deriving the greater part of their emoluments from the contributions deducted from the wages of the miners and other workmen. The average amount deducted for this purpose in Scotland was stated to be 3d. per week per man. They explained that the system in Scotland was for one or more doctors in large works to be appointed by the workmen. If they are dissatisfied with a doctor they hold a meeting and have him removed. The advantage of the system to the worker is that he gets medical attendance for himself and his family at a cheaper rate; the advantage to the doctor is that he has no trouble in the collection of his money. Both of these gentlemen maintained that the great majority of the workers are in favour of the system, that there is no compulsion on the men to contribute, and if there are any objectors all they have to say is that they prefer to make their own arrangements for medical attendance privately. Such a case, for instance, might be where a man lived at a great distance from his work and it would neither be convenient for him to go to the works doctor nor for the doctor to go to him. They expressed themselves as opposed to any element of compulsion or to the deductions being made a condition of employment.

131. The only representatives of the workers who had anything to say on the subject were Mr. Smillie (representing the Scottish Miners Federation), and Mr. Gavin (representing the Amalgamated Union of Iron and Steel Workers of Great Britain). Mr. Smillie thought that the workers ought to have their choice of doctor; if only one doctor were provided the workmen should choose him, and if there were more than a certain number of workmen, they should have the right of two or three doctors, according to the number of men employed. The doctors should live within a certain distance of the works. But he thought that workmen should be allowed to refuse to pay, if

they so desired, and to provide themselves with medical attendance privately (16816, 16818, 16848), and objected strongly to compulsion; pointing out that the works doctor may be a man not liked by some of the workmen and that he may live a long way off.

Mr. Gavin thought that control of the arrangements for securing medical attendance and the moneys subscribed should be in the hands of a committee of the workers; and he also objected to compulsion on the same grounds as Mr. Smillie. Both Mr. Smillie and Mr. Gavin gave us the benefit of their own personal experience in the matter. Each of them had contributed for ten years towards the salary of a works doctor who was never called in because each preferred some other doctor.

As regards the payments to the employer being collected by deductions from wages, their evidence was as follows:—Mr. Smillie said (*Q.* 16782):

"Then medical fees are kept off. The workmen do not object so much to that because the employer is bound to supply to the workmen's auditors the doctor's receipt for the total moneys paid, less perhaps a percentage for the trouble of making the deductions."

Mr. Gavin said (*Q.* 16981):

"The next point is with regard to the deductions from the wages of workmen in various steel and iron works for subscriptions to hospitals and infirmaries and to club doctors. Do you object to those deductions?—No, we do not object to them. There is no complaint from the men regarding those deductions being made. The complaint is that we have no control over the disbursement of the money."

132. We questioned some of the employers who appeared before us on the subject. Mr. Siemens pointed out that there could be no grievance in this matter, because these deductions cannot be made except with the workmen's consent, and the workmen need not have the deductions made if they do not like them. He thought that the workmen generally recognised that the arrangement was to their advantage. Mr. Burton was against compulsion to contribute, but said that if the workmen were to have a choice of doctors, it might be a question whether it would be worth anyone's while to be a works doctor.

133. Many of the factory inspectors who gave evidence before us had come across arrangements of this kind, and their general opinion was that there was no objection in principle to such arrangements, provided the control of them was in the hands of the workers and the contributions were not compulsory and were not made a condition of employment.

134. The exception dates from a period when the provision of medical attendance was less adequate than it is at the present day. We think there is no longer any absolute necessity that the matter should be arranged for by the employer. It is one which the workmen are quite capable of arranging for themselves. The evidence which we have taken satisfies us as to the great value of combination among the workmen for the provision of medical attendance by means of regular contributions; the prudence of such a provision, especially in the case of employments where the consequences of sickness or casualty are not infrequent, is unquestionable in the interests of the workmen. The widespread existence of such arrangements is a proof that this is fully realised, and we think that the matter can be left in the hands of the workmen themselves. This will involve the repeal of the exception in section 23 allowing the employer to contract with his workmen for the supply of medical attendance, and will dispose of the question of compulsion, so far as compulsion can be touched at all. It is obvious that no legislation can touch the indirect compulsion which can be exercised either by the general opinion at the works of the man's fellow-workers or by the employer.

135. The question of permitting the continuance of deductions from wages for this purpose is a more difficult question.

If, as we recommend, the arrangements cease to be made by the employer under section 23, and are made by the workmen themselves, the question of deductions

assumes a different character. They become payments by the employer on the workman's authority and, under the decision in *Hewlett* v. *Allen*[1], are equivalent to payments to the worker himself. The position will be the same in fact as in the case of sick clubs, &c., which we discuss later.

It is said that the collection of the workers' contributions by means of deductions from wages is necessary to secure regularity in the payments, without which it would be impossible to maintain the present arrangements for the supply to the workman of medical attendance. In the case of works, *e.g.*, a mine or quarry, situated in an outlying district with no medical attendance readily available, some guarantee that a certain fixed sum will be forthcoming may be required to induce a medical man to settle there.

136. Our recommendations are—

(*a*) That the exception in section 23 of the Act of 1831 allowing the employer to contract with his workmen for the supply of medical attendance should be repealed.

(*b*) That the doctor or doctors must be the choice of the workmen themselves.

(*c*) That the contributions may either be collected by the workmen and paid over direct to the doctor, or may, at the request of the workmen, be deducted by the employer from the wages for the purpose of being paid either to the workmen's representatives or to the doctor, under arrangements made between employers and workmen.

(*d*) That no commission on account of the services rendered by the employer in this transaction be allowed by law.

(3). Deductions in respect of Fuel.

137. The evidence which we have had in regard to this matter has related solely to the sale of coal to miners for home consumption. In some cases the coal is given free.

The only evidence on this head from the miners' representatives was that given by Mr. Smillie (President of the Scottish Miners' Federation). He said that the miners got their coal rather cheaper, say 2s. to 3s. a ton cheaper, than the outside public, but that he would prefer that deductions for this purpose should be done away with. He thought that if instead of paying for the coal by deductions from wages, the miners themselves paid the money to the employer, they would get the coal still cheaper. But even if the employers refused to let the miners have the coal, unless they were allowed to deduct the cost from wages, even with that prospect of loss to the miners, he would still abolish the present system of deductions (*Qs.* 16931–7).

Mr. Hodges (Manager of the Whitwood Collieries) said that the Whitwood Collieries supplied their men with coal at 2s. a ton (*Q.* 11185), and Mr. Hall (H.M. Inspector of Mines for Lancashire and Cheshire district), who has had a wide experience, considered that the custom was an advantage to the men; he said it was true that in Lancashire the custom was of little advantage to the men because there the miners pay as much as the average Londoner, but in other districts they get the coal at cost price or for nothing (*Qs.* 3924–5, 3928). He thought, however, that there should be no compulsion on the miner to buy his coal in this way, but his experience was that the system was voluntary and that the owners do it to oblige the men (*Q.* 3928).

Sir Henry Cunynghame said that this exception was put in the Act to protect the collier's custom of getting his coal, and that it would be very much resented if it were taken away from him (*Q.* 74).

No sufficient case has, in our opinion, been made out for any alteration of the existing law.

[1] [1894] A.C. 383.

(4). Deductions for Materials, Tools, and Implements in Mines.

138. The question of explosives, tools and lamps in mines we have already dealt with as part of the general question under the heading of "Deductions for the use of tools, light, machinery, heat, etc.," and under the heading of "Deductions for the supply of tools."

The exception was practically superseded by the provisions of the Act of 1896 and there seems no necessity for perpetuating it. We recommend its repeal.

(5). Deductions for Hay, Corn, Provender, Etc.

139. No cases of deductions for this purpose have been brought to our notice. This exception appears to be obsolete, and we recommend its repeal.

(6). Deductions for Victuals dressed under the roof of the Employer, and there consumed by the Workman.

140. No evidence has been submitted to us by the workers either as to the power of the employer to contract to supply food to the worker or to make deductions from wages for food so supplied. The provision of meals at a cheap rate for which arrangements are made in many of the best factories may be an undoubted boon to the workers. Sir Henry Cunynghame pointed out that the system might be very advantageous to the worker. He said (*Q.* 93):—

"For instance, in the case of railway companies, one has seen enormous dining halls for accommodating a thousand men at a time—enormous places. And in those places they have some temperance drinks. They heat their food there, and it prevents the men going out to the public-houses and spending their money. They have newspapers, and even in some cases men are paid to read the paper to them, and I believe the journal is not selected by the management, as far as I know. It is a very happy system and the men seem quite content with it and value it very much. There is no suggestion of any tyranny or compulsion in the matter, and I think, generally speaking, that there are a very large number of cases in which the giving as a regular understood thing of some advantage of that sort to the workman is a benefit.

He thought that it would be a great pity to put an end to that system. He said (*Q.* 104):—

"I will give you an instance of what I mean. In the Midlands when you go round these factories that you find there is one thing that strikes you, as it struck me most, was the ill-fed condition of the girls employed. I saw it in one after the other. I saw it in factory after factory that I was in, and I asked why was this—what is it they eat, and the most appalling illustration was given to me of the food that those girls have in the middle of the day. At one particular factory I asked a great deal about it, and I saw the wife of the managing director of the factory who had taken a great interest in it. The factory people had provided a dining room and they had got a cook, and I went and saw the whole thing. They had got a kitchen, where most excellent soup and meat was made at very reasonable prices indeed. One could see that there was really good, and very nutritious soup made, and meat, and they could have it for 1½d. and 2d. The meals were made exceedingly cheap, but when one asked out of 600 girls how many took it, the number given was thirteen, and the remainder went to the pastrycooks and ate food that was not good for them, and not sufficiently nutritious. They were not acquainted with what we now know of the science of food. The rest of them spent their money on bonnets and things of that kind.

At the same time he recognised the possibility of abuses (*Qs.* 93, 98, 104). He was of opinion that the power to deduct for this purpose from wages should be forbidden except in cases where full value is given to the workers and they desired it; and there should be no compulsion (*Qs.* 99–103).

Mr. Cadbury, who has a dining-room where his workers can get meals, if they wish to do so, said that the food was paid for entirely by cash. The employees get what they want and pay for it at the time.

141. There are one or two amendments of the law in points of detail which we recommend should be made.

(1) Miss Deane drew our attention to the fact that the provision in Section 23 of the Act of 1831 as to the deduction not exceeding the "real and true value" of the article supplied does not extend to victuals (*Q.* 2310). This is one of the curious anomalies of the section.

We recommend that deductions for this purpose should be subject to the conditions that the deduction does not exceed the cost to the employer.

(2) The exception only applies to "dressed" victuals. Technically this would exclude an employer providing bread, butter, cheese, meats purchased outside, drink, etc. The distinction seems anomalous and we observe that it was not maintained in the exemptions granted to the agricultural industry by Section 4 of the Act of 1887, which allowed food or drink to be given as part of the remuneration for labour. We recommend that the exception should be made to include any kind of food or drink except intoxicating drink. Intoxicating drink is excepted in the provisions of the Act of 1887 with regard to the agricultural industry, and it seems desirable to follow this precedent. The exemption, of course, would still be subject to the condition as to consumption on the employer's premises.

(7) Deductions for Education of Children.

142. This exception, which dates from a period long anterior to the Education Acts, seems to be now quite obsolete. We recommend its repeal.

E.—Deductions for Benefit Societies, &c.

143. In the introduction to our report we have already called attention to the decision given by the House of Lords in the case of *Hewlett* v. *Allen*[1] in which it was held that deductions from wages for contributions to a sick club made with the assent of the worker were not illegal. Payments by the employer at the request of the workman to a third party were held to be payments to the workman himself and did not involve any infraction of the Truck Acts. This decision covers the whole class of deductions for sick clubs, accident and relief funds, thrift funds, insurance and superannuation funds and hospitals.

Evidence has been submitted to us in regard to:—

1. Deductions for benefit societies attached to works.
2. Deductions for benefit societies outside the worker's employment.
3. Deductions for hospitals.

(1). Deductions for Benefit Societies attached to Works.

144. The decision in *Hewlett* v. *Allen*,[1] while laying it down that deductions of this nature were no infringement of the Truck Acts, did not definitely decide the question whether it is or is not legal for the employer to make a contract with a worker, or to make it a condition of employment, that he should contribute to the sick club. We observe, however, that in the Home Office Memorandum[2] it is suggested that it is to be inferred from the judgments in that case that it is not illegal for a workman to contract as to how his wages shall be expended, unless the contemplated expenditure is in goods or materials, or things of that character: and in the pamphlet published by the Home Office in 1898, the following passage occurs:—

"But judicial opinions have been expressed that the prohibition of contracts relating to the manner in which workmen's wages shall be laid out or expended does not extend further than to preventing them from contracting as to the expenditure of wages upon goods. According to this view it does not, for example, prevent them contracting to belong to a friendly, or accident, or old age pension, or fidelty insurance society, the aim of the Act being to stop 'truck,' but not to put a stop to agreements of another character."

[1] [1894] A.C. 383. [2] [C. 8043.]

The question has never been expressly determined, but in 1902 so far as shop clubs are concerned, the matter was dealt with by Parliament, after an inquiry by a Departmental Committee, in the Shop Clubs Act of that session, which expressly recognised the right of an employer to make contribution to such clubs a condition of employment subject to certain conditions.

145. That Act enacts that it shall be an offence for an employer to make it a condition of employment that a workman shall join a shop club or thrift fund, unless the shop club or thrift fund is registered under the Friendly Societies Act 1896, and is certified under the Act by the registrar of friendly societies. "Shop club" or "thrift fund" is defined to mean "every club and society for providing benefits to workmen in connection with a workshop, factory, dock, shop or warehouse." Already existing societies in connection with railways where the company contributes to the funds are exempted from the requirements of the Act.

The Act also provided that where a workman was dismissed from or left the employment he should, unless contrary to the rules of the club, have the option of remaining a member, or of having returned to him the amount of his share of the funds of the club, to be ascertained by actuarial calculation.

We have not attempted to inquire into the working of this Act or to go over again the ground which was covered by the inquiry of the Departmental Committee.

146. We have had, however, to consider the question of the workers' contributions to societies of this character, whether compulsory or otherwise, being collected by deductions from wages.

There are various kinds of societies attached to works for which deductions from wages are made, but the most usual are sick clubs, *i.e.*, societies which provide the worker with medical attendance or sick pay or both during the time he is ill; accident societies, which provide an allowance supplementary to the compensation payable by the employer under the Workman's Compensation Acts; superannuation or insurance funds, which provide for allowances on retirement, or in case of death, etc.; and thrift funds. Sometimes one society has a two-fold object—the London and North Western Railway Company's Provident and Pension fund is a sick fund and a superannuation fund combined: so is the Midland Railway Company's society.

Many local authorities and public companies have obtained Parliamentary sanction to the establishment of thrift and superannuation funds with compulsory membership and power to make deductions from wages for contributions to such funds.

147. The only evidence which we have had from the workers themselves came from the railway and mining industries. As regards the railway societies, Mr. R. Bell, M.P., and Sir Frederick Harrison and Mr. Guy Granet gave evidence; but, in view of the fact that these societies are acting under Parliamentary powers, we have not gone further into the matter. We understand that the whole subject of superannuation and similar funds of Railway Companies is being inquired into by a special committee appointed for this purpose.

As regards the mining industry, Mr. Twist and Mr. Greenall expressed the opinion that very few would pay to these societies but for direct or indirect compulsion. If they were to exist at all, the contributions should be made not by way of deductions from wages but should be paid by the men voluntarily. Voluntary arrangements, however, independent of the employers would effect the purpose much better. The men want to receive all their money in hard cash and pay out of their own pockets for any club they want (*Q.* 7546).

148. On the general question, we have had interesting evidence from such representative employers of labour as the late Sir George Livesey, Mr. Cadbury, Mr. Ferens, M.P., Mr. Burton and Mr. Siemens.

Their views generally are that the system of collecting contributions by means of a deduction from wages is a good and beneficial one. Sir George Livesey said that at his works there was a sick and burial fund, a pension fund and a savings fund; that the system of deductions from wages for all these funds was thoroughly satisfactory to the men and that the deductions were made with their consent. The simplest, easiest and almost the only practical way of collecting subscriptions was by deductions from wages. There is no compulsion, any man can at any time sever his connection with the society by expressing a wish to that effect: all the societies (except, of course, the savings fund) are subsidised and guaranteed by the firm and the funds are subject to audit. He would very much regret the prohibition of deductions, as would the men in his employ; it would be a loss to the men and while it would be a financial saving to the company it would lead to a disturbance of the harmonious relations subsisting between employer and employed (*Qs.* 10277–84, 10315–8, 10330–7).

Of other employers of labour who gave evidence before us Mr. Cadbury said that since the passing of the Shop Clubs Act his sick club had been discontinued (*Q.* 8314) but he still has a pension fund, contributed to by deductions from wages. The fund is voluntary, but practically all the men belong to it. On leaving the worker gets all his contributions back with $2\frac{1}{2}$ per cent. interest. It is administered by trustees nominated by the company and the men. Mr. Ferens thought that deductions for the purpose of sick clubs should continue to be authorised, and Mr. Burton, on behalf of the Pottery employers, expressed a strong view that there should be no interference with the present practice as it exists in the Potteries. He fully realised that there was a danger that membership of such societies might be made an implied condition of employment, but he saw no way of getting over this except by absolute prohibition of deductions. This, he said, would be a very serious matter in the Potteries, where nine-tenths of the works have sick clubs managed entirely by the workers and to which the employer, though he has no voice in the management, often contributes. He admitted that there was no remedy for the man who has contributed for a time and then leaves the works (*Qs.* 17063–5, 17109–19, 17171–4).

Mr. Siemens said that contributions for sick clubs were deducted from wages in many districts in the engineering trade, that it was voluntary in all cases and that the workmen like it, as it compels them to provide for doctors in time of sickness. As regards savings funds, benefit societies, etc., he said that the deductions for these purposes were made in some cases, but it was not a common practice in the trade. Where it existed, it was approved by the workmen because it enabled them to save (*Qs.* 17432–3, 17439–40, 17455).

149. Where Parliament has expressly sanctioned membership being made compulsory as in the case of the funds established by private Acts and of societies certified under the Shop Clubs Act, we do not see any ground for interfering with the present system of collecting subscriptions by deductions from wages. As the worker must join the society on entering the employment, it is of no importance to him how the contribution is collected.

There remain the voluntary societies, some of which, it must be borne in mind, are managed wholly by the workers themselves. In the case of these societies, though membership is nominally not compulsory, we have little doubt that there is a good deal of indirect compulsion which the law cannot touch. Some of the Factory Inspectors stated that membership was often compulsory in the sense that it is a custom which the worker is afraid to object to and that the tendency is for such contributions to become compulsory. We feel that the power to make deductions can be used as a means of exercising indirect compulsion. A man may feel that his employer wishes him to contribute, or pressure may be brought to bear upon him by a foreman who is anxious to make his subscription list look well, or even by his fellow workers: and though a man may perhaps have made or may wish to make other and voluntary provision of the kind, he is unwilling to protest against having part of his wages stopped for the works club for fear of giving offence and perhaps losing his employment.

It is urged by employers on the other hand that without the general support of the workmen and without the power to make deductions from wages to secure regularity in the payments, these clubs could not possibly be maintained.

150. We should be sorry to put any obstacle in the way of the beneficial objects aimed at by these societies, but we have not heard any evidence which has convinced us that these contributions could not be collected equally well without the power to deduct money from the workers' wages. We think that men and women would be more likely to follow their own inclination in regard to joining these works clubs if contributions were collected in the ordinary way without the employer having recourse to deductions. We are of opinion that workers should be left entirely free in this matter, and that the only way by which to prevent indirect compulsion is to abolish these deductions.

We recommend, therefore, that deductions from wages for contributions to benefit societies attached to works should be made illegal except in the case of (1) societies certified under the Shop Clubs Act and (2) of societies authorised under statutory powers to make these deductions.

(2). Deductions for Benefit Societies outside the Worker's Employment.

151. The only evidence submitted to us under this head had reference to the well-known miners' relief funds which have a membership of 330,000 in England and Wales. It is the general practice for the contributions of members to be deducted from their wage and accounted for by the employer. Membership is voluntary.

Evidence with regard to the system of deductions for this purpose has been given before us by representatives from the various societies (deputed by the Central Association of the Funds), by Mr. Ratcliffe Ellis, the secretary to the Mining Association of Great Britain, and by the secretary of the Wigan and District Miners Permanent Relief Fund, an independent society.

152. The evidence of the representatives from the societies was strongly in favour of the system of collecting the subscriptions by means of deductions from wages; it lessened the expenses of collection and secured the societies against default: the men were practically unanimously in favour of the system and there was no compulsion on them to join: the need for the societies still existed in spite of the provisions of the Workmen's Compensation Act, for there are some accidents which the Acts do not provide for, and in other cases the worker gets a double benefit, he receives compensation from his employer and an allowance from the relief society. All these witnesses stated that interference by the law with the present system of collection by deductions from wages would be most detrimental to the societies and to the miners themselves.

This evidence was reiterated by Mr. Ratcliffe Ellis, who, speaking especially in regard to the Lancashire and Cheshire Permanent Relief Society, one of the Relief Funds belonging to the Central Association, said that there was no compulsion on any man to join, that no complaint of injustice in this matter had ever been brought to the notice of the employers by the Miners Federation, and that a system of voluntary payments instead of deductions would, in his opinion, cause a considerable diminution in the membership of the society.

153. On the other hand, Mr. Walkden, who is secretary of the Wigan and District Miners' Permanent Relief Fund, another society with a membership of 13,500, not connected with the Central Association, working in the same district as the Lancashire and Cheshire Permanent Relief Society, alleged that membership of the latter society though nominally voluntary was practically made a condition of employment in many collieries in Lancashire. He said that in some collieries a man might be refused employment because he did not belong to this society, or pressure might be brought to bear upon a man to join by the officials, or even by persistently deducting the contribution from his wages every week despite his protests, until after getting the sum refunded a few times by going to the pay office, he finally gets tired of objecting and allows the deduction to be made. Similar evidence was given by Mr. Greenall and Mr. Twist. It will be observed that all these three witnesses come from the same district.

Mr. Walkden maintained that the system of deducting contributions from wages was quite unnecessary—in the case of his own society the system of collection was to have appointed collectors at each colliery who took the money, and in his experience the expense of collecting in this way is not so great as to make it impossible to carry on the society. The societies could in his opinion flourish quite as well if the payments were made voluntarily by the men.

154. No evidence of discontent with this system of deductions from wages has been submitted to us from any other district and it seems from Mr. Walkden's evidence that the objection of the Lancashire miners is, in particular, not shared by the miners of Northumberland and Durham. We think, however, that a system of collection by deductions from wages undoubtedly assists in the bringing pressure to bear on workers to contribute and that in all cases of benefit societies, whether inside or outside the works, it is better to have a system of collection which is quite apart from payment of wages by the employer. We recommend that deductions from wages for benefit societies outside the employment should not be allowed by law.

(3). Deductions for Hospitals.

155. In some works voluntary collections are made for hospitals. Mr. Shackleton and Mr. Turner informed us that in the cotton and woollen trades, for instance, contributions were made in this way and that the hospitals were adequately supported by this method. In others, contributions for this purpose are gathered in by deductions from wages with the assent of the workman. The practice is for the secretary of the hospital or hospital fund to hold a meeting of the workpeople at the works. He lays the case before them and they then vote as to whether they will allow deductions to be made from their wages every week for this purpose.

156. The representatives of the workers who appeared before us were generally agreed that the deductions for this purpose, which seem to be made in many employments of all kinds, are not objected to by the workers. Mr. Gavin for instance (Amalgamated Union of Iron and Steel Workers of Great Britain) said there was no objection to them, and Mr. Smillie (Scottish Miners' Federation) said he thought it a very fine thing that workmen should so contribute. Miss Tuckwell pointed out, however, that there might be danger among low-paid women workers of their paying because they thought the employer would like it, and Miss Black (speaking for the Women's Industrial Council) said that there were large numbers of places in which every worker was so strongly expected to contribute 1d. a week to a hospital that it is practically compulsory and in some places it is actually compulsory. Mr. Turner (woollen trade) thought there ought to be complete unanimity among the employees, otherwise deductions should not be made for this purpose.

157. Mr. Siemens, Mr. Ratcliffe Ellis and Mr. Burton said that the contributions were voluntary and the men were willing to pay. Mr. Burton told us that the North Staffordshire Infirmary was largely maintained by these contributions and that if this method of collection by deductions from wages were interfered with it would seriously cripple charitable institutions.

The only employer giving evidence before us who makes this contribution compulsory was Mr. Cadbury. He said that if it were voluntary there would be a deficiency in the revenue; that the subscription seems to be acceptable to the employees and its continuance has been supported by representative committees of their men and women workers

158. Evidence was also given by the Secretary of the Leicester and County Saturday Hospital Fund and the Secretary of the North Riding Infirmary at Middlesbrough. Both of these witnesses said that they would deplore the prohibition of deductions for this purpose: they thought that the funds would suffer seriously if this method of collection were stopped and contributions were left to the men to make individually, because of the lack of organisation. We were given to understand that the workmen are well represented on the various boards of management.

159. We think it may be inferred from the evidence that cases of undue pressure are few, and it does not appear to us that any interference with the system is called for. We recommend that deductions from wages for contributions to hospitals should be allowed.

MISCELLANEOUS.

160. One or two points of minor importance have arisen in the course of the inquiry with which we will deal shortly in this part of the Report.

(1) SUPPLY OF DRINK TO WORKERS.

161. Our attention has been called to the practice of giving intoxicating drink to workers during their work in the mining industry and in agricultural occupations. It is the custom in the thick coal mines of South Staffordshire for the mine owners or contractors ("butty" men) to give a daily allowance of beer to their men and in the cider districts of Worcestershire, Devonshire, Somerset, Hereford and Gloucestershire for farmers to supply their labourers with cider.

The supply of drink in these cases if given to the worker as part of the remuneration for his services would involve a contravention of the Act (intoxicating drink having been excepted from the provisions as to agricultural labourers in Section 4 of the Act of 1887)—but there has been difficulty in the application of the Act in consequence of the doubt whether in particular cases the drink was supplied as part of wages or as a free gift to aid the worker in the performance of his work.

(*a*) *The supply of beer to miners.*

162. We have had evidence as to this practice from Mr. H. Johnstone, H.M. Inspector of Mines for the Staffordshire district. It seems that the practice is of very old standing. He said that it had prevailed for at least 150 years and that the reason for its introduction was probably to be found in the special physical conditions under which the work in the South Staffordshire mines was carried on. Owing to the mode of working the mines the workings tended to become very hot, and the heat and dust induced perspiration and a violent thirst. The pit water is warm and unpalatable, and the men were accordingly allowed a certain quantity of beer which was sent down the pit at stated intervals. The men who worked in the thick seams were allowed two quarts a day and those who worked in the thin seams one quart, this allowance being halved in the case of boys. In the course of time the allowance of beer came to be regarded as a right and was recognised throughout the district as a condition of employment.

The practice is still maintained in the great majority of collieries in the Black Country, but nowadays owing to the shortening of the shifts from twelve hours to about nine, only one drink per day is given instead of two.

The mine owners generally are said by Mr. Johnstone to be averse from the custom and would be glad to see it discontinued, but the butty men who contract for getting the coal under the charter-master system and are the immediate employers of the men would prefer to continue under present conditions.

The workmen are in favour of the continuance of the practice. The Secretary of the South Staffordshire Miners' Association in a letter to Mr. Johnstone said (*Q.* 12712):—

> "The general opinion is that the custom has been with us from time immemorial, and that a breach of the custom would create the greatest friction that has prevailed in the Black Country for some years. . . . We claim that the nature of our work is such as renders it necessary that the custom of allowance of beer should be sustained as heretofore, and we pray that the Government, in framing their Bill, will give special consideration to our peculiar coalfield."

A few of the mine owners have stopped the practice, taking advantage of the opportunity offered by some change in the terms of employment. In other cases attempts have been made to substitute money payments for the beer allowance, but without much success; the men demanding the sum required to purchase the same quantity of beer elsewhere and the employers being only willing to give the sum which the beer actually cost. The Inspector estimated that about 5,000 men are at present receiving beer allowance out of 6,800 men employed.

Mr. Johnstone was in favour of the practice being stopped; the special conditions which gave rise to the practice have largely disappeared—the ventilation of the mines

has much improved and the heat is not so great. He thought that the work could be done just as efficiently without it, and that the practice would to a large extent disappear if the butty system were abolished.

163. The practice appears to us to be objectionable on general grounds, and it is especially to be deprecated in the case of boys, as tending to encourage the habit of drinking. We think it should be stopped.

We understand that the question has never been raised in the Courts, but it appears to us that in its present form the practice involves a violation of the Acts.

(*b*) *The supply of cider to agricultural labourers.*

164. This practice is one which obtains in many cider districts, but in view of the wide field which we had to cover we considered that it would be sufficient to take evidence from a typical district. Mr. J. W. Willis Bund, Chairman of the Worcestershire Quarter Sessions, Standing Joint Committee and County Council, offered to give evidence before us on this question, and as we were informed that the authorities of the County of Worcestershire had shown considerable activity in attempting to put a stop to this practice, we were very glad to avail ourselves of his offer. We have also had evidence from the Deputy Chief Constable of Worcestershire, from a representative of the Worcestershire Farmers' Association, and from the ex-President of the Worcestershire Chamber of Agriculture.

165. The representatives of the farmers stated that prior to the passing of the Truck Act of 1887 it was usual for farmers in making a contract to agree to give so much wages and so many quarts of cider a day. After the passing of the Act, which allowed only non-intoxicating drink to be given as part of wages to agricultural labourers, attention was called to the illegality of the practice of contracting to give intoxicating liquor as part of wages. The result was that the farmers stopped the practice of contracting to give cider as part of wages, and wages increased by about 2s. a week. Cider is now only given occasionally to labourers, more especially at harvest time when long hours are being worked, but it is a free gift and not a part of wages, and the cider which is made on the farm has little or no commercial value; 3d. per week being the average cost. They admitted that some farmers do not conform to the custom; and that if labour were not plentiful, those who did not give cider would be prejudiced. Cider no doubt was an attraction to labourers; they often preferred it to money, and men have refused to work overtime for money, and have demanded and got drink instead. They thought that more work was done when cider was given and that the practice did not encourage the habit of drinking, and had no deleterious effects on health, physique, or mental faculties.

If the practice was stopped, they did not think it would prejudicially affect the supply of labour, but it would not lead to any increase of wages and it might even result in the men having less wages to take home as they would probably buy the cider for themselves. There was also the risk that the abolition of the custom might lead to farmers evading the law by selling their men 4½ gallon barrels of cider for a nominal sum, which would be an undesirable practice.

166. The Deputy Chief Constable of Worcestershire stated that the practice was very common in busy seasons but it was not so prevalent as it used to be. He drew attention to the difficulty of getting information which would substantiate a prosecution, owing to the fact that in all cases the cider was given by private verbal arrangement between the parties: wages were the same whether cider was given or not and the cider was undoubtedly an attraction to the labourer. He thought that, if the practice were stopped, the farmers would often have great difficulty in finding sufficient labour.

167. Mr. Willis Bund stated that there were two branches of this question, viz., the case of the ordinary farm labourers and the case of the seasonal labourers (*i.e.* hop and fruit pickers). In both cases there is a well-known and recognised practice of giving cider. There is no expressed contract to this effect, but there is usually an implied bargain: and prosecutions had been successfully taken by the County Authorities in

several cases, despite the defence that the cider was a free gift. That defence did succeed in one case, viz., that of *Long* v. *Crane* (*see* report of case in Appendix IV.) and was upheld by the High Court, but in that case there was no doubt whatever that the cider was a free gift. The difficulty however was to get evidence as to the bargain between the farmer and his labourers. On the larger farms and with the better class of farmer the system of not giving cider and paying higher wages is spreading, and spreading to the great advantage of the people. It is only in out-of-the-way places and on the old farms and among the smaller men that the practice continues to the same extent. The case however is different with the seasonal labourer; he expects to have his cider or other drink, and the farmers who had given up the practice find a difficulty in getting this class of labour. He instanced a case where 400 hop-pickers struck work because they were to get nothing to drink. He was dubious about this class of labourer taking to a system by which they would get no drink. A good many of them came out for a holiday and looked forward to this form of enjoyment.

He objected to the practice *in toto* because it encourages drinking habits, and in the case of the seasonal labourers he thought it was also desirable in the interests of social order that the practice should be stopped.

168. The law cannot, we think, touch cases in which cider is *bona-fide* given by the farmer to his labourers as a free gift, but it would no doubt be desirable if the law could be strengthened so as to hit cases in which, by a secret understanding between the parties, cider is given as part of the remuneration of labour. We have considered whether any simple amendment of the law could be made which would effect this, but regret that no satisfactory solution has presented itself to us. Mr. Willis Bund suggested to us, that, wherever less than the current rate of wage is given, the onus should be on the employer to prove that he did not give anything else to make up the wage, but we think there would be considerable difficulty in framing any statutory provision to carry this out.

The custom appears to be gradually dying out, and the only remedy perhaps is the vigorous enforcement of the law by the police.

(2) Workmen's Compensation.

169. The question of employers making deductions from wages to cover their liability under the Workmen's Compensation Act has been considered by us in connection with the case of *Owner* v. *Hooper*[1] (*see* report of case in Appendix IV.) In that case the employer made a deduction from wages at the rate of 2d. in the £. It was held by the High Court that no infringement of Section 3 of the Act of 1831 had taken place, as the deduction did not represent any payment made to the workman in lieu of cash.

In effect, what the employer had done was to reduce the wages of his workmen by the amount in question, and so to reach a net wage. There is nothing to prevent an employer reducing the wages of his workers on account of the additional liability imposed on him by the Workmen's Compensation Act, and the matter must be left to be settled between the two parties. In our opinion it would be the wiser course for employers and workmen to deal plainly with net wages as such and such a definite sum. We may add, however, that no complaints were made to us by any of the workers' representatives on the subject, and we infer that cases of the kind must be rare.

(3) Uniform.

170. We observe that the provisions of Section 23 of the Act of 1831 do not include any exemption for a uniform or livery supplied by the employer to the worker. In cases under the Workmen's Compensation Acts, it has been held that in deciding what the earnings of a workman are, the value to him of the use of a uniform provided for him by his employer must be taken into account (*Great Northern Railway Co.* v. *Dawson*[2]). The custom of supplying uniform is universal in the railway service and in some of the minor employments of a private character which come under the Acts. It would seem that the uniform so supplied would be regarded as part of wages, as being part of the consideration received by the worker for his services: if so, the practice should be regularised by a provision allowing the supply of a uniform or livery as part of wages.

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[1] xix. Times L.R. 601. [2] 1905, 1 K.B. 331.

(4) Exemptions.

171. Section 9 of the Act of 1896 empowers the Secretary of State to exempt from the operation of that Act any trade or business, or any branch or department of a trade or business, if satisfied that its provisions are not required for the protection of the workers employed therein. Two exemptions have been granted under that section, one in respect of the cotton weaving industry in Lancashire, Cheshire, Derbyshire, and the West Riding, the other in respect of iron-ore mines and limestone quarries in certain districts of Lancashire, Cumberland, and North Yorkshire. The application for the exemption of the cotton weaving industry came from the workers, who feared that the Act would encourage attempts to establish a system of fines, and also felt themselves strong enough, through their trade association, to protect themselves, under existing conditions, without the assistance of its provisions. We understand from the representatives of the workers in the industry who appeared before us that they are strongly in favour of the continuance of the exemption. We have had evidence, however, showing that in the case of workers in this industry who are outside the workers' association, the exemption has had a very prejudicial effect—excessive fines are imposed by employers, against which they are unable to protect themselves, and for which the law furnishes no remedy. The matter is one which appears to call for further consideration. In view of the amendments to the present law which we have recommended, the exemption will become of less importance to the organised workers, and it is possible that on further consideration they would be prepared to assent to its revocation. However that may be, it appears to us undesirable that any class of workers needing the protection of the Act should be deprived of its benefit, and the point should, we think, be borne in mind when the question of continuing the exemption under a new Act comes to be considered by the Secretary of State.

We have had no evidence in regard to the other exemption.

(5) Enforcement.

172. Our attention has been called to the fact that the powers of the Factory Inspectors to enforce the provisions of the Acts do not extend to Docks and Warehouses, which are premises within their jurisdiction under the Factory and Workshop Act. We suggest that the provision in Section 13 (2) of the Act of 1887 should be amended accordingly.

(6) Consolidation.

173. Any amendment of the Acts should be accompanied by consolidation. The earlier Acts are complicated and difficult to follow, and their drafting is in many respects defective. Much has been repealed, and much also has become obsolete. Consolidation would make the law easier for the inspectors to enforce and for employers and workmen to understand.

IV.—SHOP ASSISTANTS.—LIVING-IN SYSTEM.

174. The terms of our remit were:—"Further to consider and report whether the practice of shop assistants and certain classes of workpeople being lodged and boarded by their employers gives rise to abuses needing remedy by an extension of the Truck Acts or by other action of the State."

It would be a matter of some difficulty to disentangle the evidence with regard to "living-in," that is, a system under which both lodging and board are supplied by the employer, from the evidence with regard to the system of boarding or partially boarding employees, that is to say the supply of meals on the employer's premises during work hours. These questions are themselves distinct, but as the evidence was presented to us on both topics together, our narrative on the whole case will be also so treated so as to prevent duplication.

175. We have had a large body of evidence submitted to us. Representatives of the National Union of Shop Assistants, comprising 22,000 shop assistants out of a total of about 400,000 or 500,000, have appeared before us, including Miss Bondfield, the Assistant Secretary, and Mr. J. Seddon, M.P., their Parliamentary representative; the General Secretary of the Irish Drapers' Assistants' Benefit and Protective Association, with a membership of from 3,000 to 3,500, and the Secretary of the National Association of Grocers' Assistants, representing 2,000 assistants, have also given evidence before us. We have also heard several shop assistants holding independent views. Evidence has also been submitted to us by employers and their representatives from London and large provincial towns, from Scotland and from Ireland. Of these, some have had the system of living-in, and still continue it; others have had it, but have now abolished it, and others have never had recourse to it. We have further had the advantage of a report from Miss Lucy Deane, one of His Majesty's Senior Lady Inspectors of Factories, who made an inquiry for us into the system, in the course of which she visited many towns in England, Scotland and Wales. Besides inspecting one hundred and thirty representative boarding establishments, Miss Deane visited various boarding-houses for women, and interviewed the secretaries of many Young Women's Christian Associations. Finally, we have ourselves visited establishments in the West and East of London about which complaint was made to us by the National Union of Shop Assistants.

176. It has been suggested that the living-in system had its origin in the apprentice system, now fast dying out, which prevailed in England in the old days, and under which the apprentice commonly lived with his master; and that it continued to exist in view of the conveniences attaching to it. The system was cheaper, and parents felt more security in regard to the welfare of their children if they lodged with the employer and were under his supervision.

Conditions now are changed: the employee is often taken on without any apprenticeship: facilities for transit are greatly improved; many of the conditions which rendered the system necessary have disappeared and living-in has now ceased to exist to any appreciable extent except in the drapery and grocery trades.

In her memorandum Miss Deane points out that even in the drapery trade the living-in system is by no means general, and is on the whole becoming less so; and she also draws attention to the marked dissimilarity between different towns and districts. Thus she says (page 355 of Vol. III.):—

"In Scotland living-in is unknown, except in one establishment in Edinburgh, where English women are employed. In Wales, on the other hand, all live in. In Liverpool, a seaport town, the majority live out. In Bradford, with the exception of two establishments, all live out. In Worcester all live in. In Manchester the two systems are found side by side. Repeated inquiries from all sorts of persons have failed to elicit any reason for the curious dissimilarity. I am inclined to think that local custom is largely responsible."

The practice, however, of the assistants having their dinner and tea on the premises of the employer commonly prevails even where they do not live under his roof.

The Evidence of the Shop Assistants.

177. The views of the representatives of the three associations or unions who appeared before us were practically identical. All of them declared that the system was responsible for many abuses, but apart from this they condemned the system on general grounds and asked for its abolition by law. These views were not shared, but on the contrary were strongly controverted by shop assistants who gave independent evidence before us. The case, however, presented to us by the associations or unions against the system was as follows :—

1. That living-in is generally made a condition of employment either express or implied.

Thus Mr. Frank Tilley, one of the representatives of the National Union of Shop Assistants, said :

"From my experience there can be no possible doubt that in England generally, but more particularly in the Midlands and south, including London, 'living-in' is practically a condition of employment so far as the drapery trade is concerned, the few assistants 'privileged' to live out being buyers or managers of departments, who are usually married men. The rank and file, including men and women up to thirty-five and forty years of age, are single, and live in, although, on the other hand, it is by no means rare (and I have met several cases) for married men to live and sleep in the house as single men, while their wives and families live elsewhere, there being no option in the matter—they must live in, or lose their chance of employment. This fact is sufficient, I consider, to prove how much 'living in' is a condition of employment in modern shop life. I may add that, in my own case, during the whole of my experience, 'living-in' was a condition of employment." (*Q.* 13553.)

Special stress was laid upon the effects of the system in preventing men from marrying. It was alleged that permission to live out for the purpose of getting married was frequently refused.

Mr. Seddon referred to cases within his knowledge where, owing to living-in being made a condition of employment, husband and wife were separated. We quote the following extract from his evidence :—

"Living-in leads to deception. Numbers of married men, in order to get berths, declare themselves single, visiting their wives secretly. This creates a double evil; often the man suffers, and the wife not unfrequently suffers also.

"Have you known of cases of that kind?—Oh, yes, quite a number.

"It being a condition of employment that they must live in, they have to represent themselves as bachelors?—Yes; and in two cases it has been disastrous to both of them; the wife has contracted bad habits and the husband as well, and it has meant the destruction of what ought to have been, not only home life, but the relationship of man and wife." (*Qs.* 13878–80.)

2. That the board and lodging accommodation provided are often inferior and inadequate.

(*a*) Complaint was made that in many cases the food supplied is scanty, ill-cooked and lacking in variety, and that assistants often find it necessary to supplement the food given them by private purchase. Even where the food is good, the time allowed for its consumption is inadequate and the nervous strain on the assistant is such that many have no appetite for it. We quote *in extenso* a passage from Mr. Hoffmann's evidence which puts all these points.

"The daily rush from counter to dining-room and back to counter without even a breath of fresh air, obviously, must be injurious to health. Often the food provided is unappetising, cooked and carved very roughly, served in dining-room situated in the basement, artificially lighted, and without proper ventilation, as for example — and —. The food provided varies greatly in different houses. Whilst by some firms fairly good food is provided, in the majority of living-in houses the very opposite is the fact. Many influences bear upon the quality and quantity of the food supply—the size of staff, humanity of the employer, efficiency of the cook, and knowledge of the housekeeper or caterer. But the assistant is at the mercy of all these, or the lack of these qualities, and has to take what is provided, or go without. . . . . I remember well one Sunday at —, the pressed beef placed before us glittered with all the colours of the rainbow, and smelt very offensively. . . . . Breakfast, as a general rule, everywhere, consists of bread and butter, or margarine, with tea or coffee, or chicory and coffee, drawn from huge urns. Though some firms do allow some little extras, or, as they are sometimes called 'luxuries' for breakfast (such an one is —, where they are allowed cold ham, herrings, sausages, or two eggs for the men, and one egg for the women), the sameness of the menu becomes positively wearying. One always knows what there is for dinner by the day in the week, or gets to know the day of the week by what there is for dinner. . . . . In a large number of cases the food provided is insufficient for the physical needs of the employee; so insufficient, that varying amounts of from 2s. to 6s. per week are spent in adding to the food supplied. The surprising thing is that different firms admit this by supplying extras to the assistants at a price, as at—and—. At —, the waiters at the tables receive £10 per annum as salary, and are told they will be able to make so much extra by selling things to the assistants. Thus rashers of bacon are sold for 2½d. and eggs 1½d. each, small pots of jam 1d., two sardines 1½d., and so on. (*Q.* 13711.)

A case was brought to our notice in which a shopkeeper had on the premises where his assistants were lodged, presumably for their consumption, the carcase of a sheep which was unfit for human food. He was fined £5 and costs, but on appeal this decision was reversed by the High Court* who held that as the meat was not exposed *for sale* the Act did not apply. Mr. Justice Wills remarked, "Any measure that could deal with such a case might be a useful piece of legislation." We respectfully agree with the learned judge, and in the conclusions hereinafter noted, we make a special recommendation on this point.

(*b*) The sleeping and other accommodation was said to be frequently bad. Ventilation is inadequate and there is a lack of sufficient cubic space. There is often an absence of privacy, four or five sleeping in a room. Complaint was made of the insufficiency of bedclothing in the winter and the infrequency of change of bed linen, and in some cases of worse things. It was stated that in many cases also the sanitary accommodation left much to be desired and that a bathroom for the use of the assistants was an exception. The means of escape in case of fire is generally inadequate. In many cases there is no sick-room accommodation. We quote some extracts from the evidence of Miss Bondfield and Mr. Tilley, bearing on these points :—

"At —— (employing about 800), the assistants (living-in) are boarded in lodges apart from the business house. In one room, occupied by a member of our union, there were five beds. The beds were infested with bugs, which could only be subdued by a lavish use of Keatings' powder, administered by the assistants at their own expense.

"— (employing twenty men, forty women, seven boys, and seven girls.)—In some rooms double, usually three single beds; informant contracted itch through unclean condition of bed linen.

"——Three men sleep in an attic 23 feet by 8 feet 6 inches, with sloping roof 3 feet 6 inches, rising to 7 feet 6 inches; small window, 2 feet 6 inches by 3 feet; fireplace blocked. My informant states that in the heat of summer the room smelt like a fowl house.

"— (employing about seventy men, 100 women, and several juniors).—My informant writes :—

"'Four beds were occupied in the room I shared. The ventilation was inadequate, and the room was 'foul' when I first entered it at 9.30 a.m., on my arrival. I had only four clean sheets during the six months. On two occasions I threw them on the floor and slept on the ticking for several nights before they were replaced. One man stated that his sheets were not changed for seven weeks. Rats were plentiful in his room, but I never heard of the firm paying any attention to the matter'" (Bondfield, *Q.* 13274).

"In some cases, even now, only double beds are used (the evils of which are obvious), and the bedding and coverings both insufficient and dirty. I have seen, at — three such beds crowded into a comparatively small room, with only one small window for ventilation and light, occupied by six youths. Bad ventilation seems to be a feature of the bedrooms in many 'living-in' establishments. In some instances they have no direct communication with the open air, but open on to corridors, the light being obtained through a pane of glass in the wooden partitions dividing corridor from bedrooms; some of these rooms are more like cupboards than rooms. Such are to be found more particularly in old buildings which have been altered to accommodate a growing staff of assistants. I occupied such a room in 1894-5 at —" (Tilley, *Q.* 13553).

3. That on the moral side the system has not only no advantage but is actually harmful.

It was contended that the system affords no safeguard against moral dangers. There is no real supervision over the individual, and the supervision in bulk, so to speak, is confined to requiring assistants to be in by a certain time at night. No steps are taken, however, to see that all the assistants are in; if they are away all night, no one in authority knows, unless their room-mates inform against them. Miss Bondfield says :—

"If they are not in, nobody knows, provided their room-mates do not tell tales. For instance, if one says to the other 'I want to go to a theatre to-night . . . . . do not split on me, and strip my bed in the morning,' the other girls will say 'All right.' There is no possibility of finding out that that girl has not been in for the night." (*Q.* 13211.)

"I am quite sure you recognise the gravity of the position we are placed in as a Committee about this, and I may put it to you quite frankly thus. Are you able to testify that there is a system under which it is possible without the exercise of any great dexterity for these girls to be absent the whole night?—Yes, it is my own experience. When I was a young apprentice myself, I was employed in a house at Brighton; for the purpose of sleeping their assistants, they took various houses in back streets. The house that I was put to sleep in was No. 1, ——— Street. My sleeping-room was on the ground floor, with the window facing on

* Rendell *v.* Hemingway, 14 T.L.R., 456.

to the street, so that one could step into the street from the window, and back into the room from the street, without going through the door at all. I was put into a room with a woman of mature age who led a life of a most undesirable kind; that was my first experience of a living-in house. There was another girl in the same room who was suffering from consumption. I was in that house for three years, and I could have been out any night during those three years without the firm knowing anything about it." (*Q.* 13216.)

The serious allegation was also made that in some cases assistants not returning before the hour of locking up are shut out for the night and that girls so excluded have been known to spend the whole night wandering about the streets.

Further, it is contended that not only is the supervision which is supposed to be one of the advantages of the system merely nominal, but the system is productive of actual moral harm.

Stress was particularly laid upon the danger resulting from boys and men or young girls and women occupying the same bedroom. It was alleged that the assistant has no choice of his or her bedroom companions and that often evil moral effects of a serious nature may result from undesirable companionship.

4. That the system robs the assistants of their sense of personal responsibility which would be developed by ordering and controlling their own lives: and so individuality and independence of character are checked. The women assistants in particular get no training or experience in housekeeping or domestic management which would fit them for subsequently managing homes of their own and which they would get if they lived in lodgings on their own account.

178. These were the chief points in the case against the system put to us by the representatives of the Shop Assistants' Association. Other complaints of a minor character were that there are no facilities for seeing friends; that permits to sleep out are difficult to get on nights other than Saturday and Sunday; that on the other hand some employers put obstacles in the way of the employees remaining on the premises on Sunday. Another point made was that assistants are deprived of their political rights. If they had lodgings outside, they would be able to take advantage of the lodger franchise. Under the living-in system they were unable to obtain votes.

Finally, they stated that there was no freedom of complaint; that if they ventured to remonstrate about food, or lodging, they rendered themselves liable to dismissal, with the possibility also of the employer "spoiling" their reference.

179. The representatives of the shop assistants' unions contended that if the living-in system were abolished, the assistants would have no difficulty in finding suitable lodgings according to their income. Apartments with respectable people could be found without difficulty for young boys and girls from the country by their parents, and even if temporary difficulty were found in meeting the demand for accommodation, it would quickly be overcome by the establishment of boarding houses or homes or in other ways. The effect of the abolition so far as regards the employer would only be a slight dislocation of business, and a little less profit to him, but these slight disadvantages would be more than counterbalanced by his getting more efficient work from his employees. The advantages to the assistant would be great: life in lodgings would be a nearer approach to home conditions, the danger of contracting bad habits would be lessened, and the assistant would benefit by getting away from the environment of his work and having the right and the resulting responsibility of ordering his own life after business hours.

180. The Shop Assistants' Union further contended that the assistants should be free, if they so wish, to have their dinner and tea out. They said that in many places now an hour's interval is allowed for dinner, and that no hardship to the employer nor hindrance to business would result, as the assistants could go out in relays. They thought that such an arrangement would be much more beneficial to the assistant than the present system, as it would give him a break in the middle of the day, a release from work and its surroundings for an hour, and an opportunity for a little fresh air.

181. The views of the shop assistants unions on the living-in system were not shared by some of the assistants from good class houses who gave evidence before us. Thus Mr. Forbes and Mr. Pitstow expressed the opinion that living-in was a great

advantage to a young man coming to a business house in London for the first five or six years, because he has the certainty of his meals and lodging accommodation, his liabilities are reduced to a minimum, and he has only to find his clothes and luxuries; he has to conform to certain rules and regulations which render him less liable to temptation than if left to his own resources, and he has a better opportunity of saving money. They agreed, however, that after a certain number of years a man should live out. Mr. Bouillon thought that the general view of the male assistants was against living-in; they objected to the restraint put upon their liberty, especially in the matter of getting in by a certain time at night. In the good class of house, the supervision is more than nominal, for the senior hands have charge of the juniors, and by their example and personal influence are able to exercise control over them. On the whole, he thought the system was a good, healthy and wholesome one, according to his experience. Stress was laid by these witnesses on the advantages of the system from the social point of view.

182. Mr. Stewart, who had experience of living-in and living-out in London, and had also lived-out in Glasgow, thought that living-in was a good thing for young people coming to London, but that after a few years the assistants ought to be allowed the option of living-out. Persons who have arrived at maturity ought not to have the restraint of living-in placed upon them. He said that many cases existed of persons desiring to live out who were unable to obtain permission to do so. He recognised that some distinction should be drawn between London and Glasgow and other provincial towns; that there were special advantages in living-in in London because of the distance that people would have to travel for rooms and of the greater temptations of London life. He thought that the living-in system in London gave the firms a better class of employee.

183. As regards the women, Miss Oliver said that there was a very strong feeling among the assistants in the best houses against living-out. She said that the young ladies decidedly prefer to live in: they could not get the same comfort and conveniences in lodgings, nor the same social life. Living-out with parents, relatives or friends would be different, but often a young girl coming up to London knew no one, and life in lodgings would be very comfortless and would expose girls to very serious moral dangers. As regards the protection and supervision afforded under the living-in system, Miss Oliver said that the young girls are in a large measure overlooked: certain people are in charge of them, they have to keep stated hours, and the senior hands take an interest in them. Moreover, when any girl begins to lapse at all, the general consensus of condemnation is a great deterrent.

It will thus be seen that the evidence given by shop assistants was very far from being unanimous, and we cannot but think that the colour of the individual experience of many of the witnesses has been applied to the system as a whole. If in that experience the food, lodging, supervision and companionships have been good or have been bad, these respective qualities have been attached to a system which may in other instances display very opposite characteristics.

184. There was a similar lack of unanimity in

The Evidence of Shopkeepers.

We propose to review, first, the evidence of shopkeepers who retain the system and approve of it; secondly, that of those who have had the system, then done away with it either wholly or partially; and, thirdly, the evidence of those who have never had the system.

185. Those who retain and approve of the system confess that there are, no doubt, some abuses; that there are cases in which the food and the lodging accommodation leave much to be desired; but they say that there has been much exaggeration on this head, and that the system should not be condemned for the faults of a minority.

The case which they present in favour of the system is—

(1) That the system is advantageous to the assistants themselves. They could not provide themselves with food and lodging of the same quality for the allowance which the employer could afford to give them as a general rule in lieu

of living-in. With regard to the supply of food the force of this is obvious when it is remembered that the management can rely upon practically a certain number of meals at fixed hours under conditions of convenience and economy which could not apply to outside catering establishments.

(2) That the system does afford, especially in the case of young assistants of both sexes from the country, a real protection against moral dangers. The supervision is not in name only. The housekeeper looks after the girls, and the senior hands take an interest in them. At the very least a certain protection is afforded by the lads and girls having to be in by a certain time at night. They contended that as a matter of fact the morals of assistants living in are fully up to the standard of any other class of business man or girl.

(3) That if the system with its attendant advantages were abolished, it would not be possible to secure the same high standard of assistant.

(4) That assistants are divided in opinion on this question. That the majority of young women are in favour of this system; though perhaps the men as a whole object to it. Mr. Edwin Jones said that he inserted a test advertisement for an assistant in the *Daily Telegraph*, asking applicants to say whether they wished to live in or out. For living-out there were 19; married, 4; for living-in, 8; indifferent whether they lived in or out, 14; not stated, 2; so that 23 were in favour of living-out, 8 against, and 14 indifferent. He thought this was perhaps a pretty fair representation of the general feeling of male assistants in the matter (*Qs.* 17990-3).

186. The general effect of the employers' evidence was in direct contradiction to the statements of the assistants on several points. For instance, they declared that assistants are given as far as possible a choice of bedroom companions; if they object to a particular person, arrangements are made for effecting a change. Permits to sleep out are readily granted. An employer would place no obstacle in the way of his male assistants marrying, though he certainly does not like his assistants to marry on an inadequate salary.

187. Finally, they declared that any sudden abolition of the system would involve a very serious loss to the employer, who might in many cases be unable to put to any use the premises vacated by the assistants. If living-in were to be abolished by law, they considered that a period of grace should be allowed. Where the living-in accommodation was in houses apart from the business premises, no great difficulty would arise, as no doubt the houses which had been used for this purpose could be sub-let; but where the lodgings provided were on the business premises, they would be a serious loss, as the accommodation might not be wanted or might not be suitable for business purposes and might be useless for any other purpose. They also considered that there should be an exemption for small employers where the assistant lives with the family.

188. Some interesting evidence was given to us by Mr. Debenham and Mr. Derry, employers who in the past had had the system of living-in, but had recently abolished it wholly or in part. Mr. Debenham, who abolished it practically for all assistants in 1905, declared that his action was prompted by the opinion that living-in tended rather to diminish the independence of the staff, and that so far as he could say at present, the results had fully justified his opinion. The business was now better conducted, the assistants were physically superior, brighter and more energetic, and on business grounds he had no desire whatever to revert to the living-in system. He told the Committee that he had also given up providing meals for his assistants. They were allowed to go out for dinner and had so much time given them. He thought that this system had been justified by results. The entire break from business obtained by the assistant going out to the mid-day meal had a good effect both physically and mentally; the arrangement caused, of course, slight inconvenience and loss of time. He had never heard that his assistants found any difficulty in finding suitable lodging accommodation, nor was there any trouble about getting them to business in time.

He thought, however, that the abuses of the living-in system had been very much exaggerated.

189. Mr. Derry, who has abolished living-in for his male staff, gave much the same reasons for adopting this course as Mr. Debenham. He said, although the firm had endeavoured in their own business to avoid the objections and difficulties connected with the system by securing good companionship, good supervision, good food and the like, they had finally come to the conclusion that living-out would be an advantage to the assistants. Under the living-in system as it exists to-day, all responsibility of providing for themselves is taken away from the assistants and so they are denied experience of the value of money in home catering He said that the firm were convinced that living-out would create a sense of personal responsibility and would tend to the uplifting of character, and they have had no cause to regret their action : the effect of the abolition of living-in for the male staff has not been to relax discipline in any way. The firm would be prepared to abolish the system also in the case of the women, but financial considerations at present stand in the way. The premises which the women now occupy would become a source of loss, as they could not at present be applied to other purposes.

Unlike Mr. Debenham, Mr. Derry was strongly in favour of the continuance of the system by which the assistants were provided by the employer with dinner and tea on the premises. He pointed out that business was going on all through the day, more or less, and there was no definite slack period. He thought it was more convenient for the employer that the assistant should have dinner on the premises, and from the point of view of the assistants themselves he considered it to be an advantage for them to get good meals at cost price.

190. The evidence of employers, *e.g.*, Harrods, Ltd., who have never had the living-in system was to the general effect that there was no falling off in the efficiency of the assistants because of living out, that punctuality was well maintained, and that the assistants were of a very good class. Mr. Burbidge explained that Harrods, Ltd., engaged their assistants as far as possible from homes in the neighbourhood. Questioned as to the living-in system, Mr. Burbidge said that he thought that there was a necessity for the system in the case of young people from the country. He thought that sleeping-out was very well for people of a mature age, but not for the very young lads of fifteen and sixteen. He considered that if all firms were to allow sleeping-out, there would be a dearth of employees from the country, as parents would refuse to send their children to London if it became necessary for young boys and girls to live in lodgings.

191. In view of the fact that the living-in system does not exist in Scotland save in a single case (Messrs. Jenner & Co., Edinburgh), we made special inquiry as to the conditions existing in Edinburgh and Glasgow, and the working of the system of living out. We found that the large majority of the assistants lived with their parents or with relatives, and that the number living in lodgings was very few. For instance, Mr. Pettigrew (of Pettigrew & Stephens, Ltd.), of Glasgow, had only 35 out of 220 assistants employed who were living in lodgings; Mr. Maule, of Edinburgh, 40 out of 500; and Mr. Taggart, of Glasgow, 14 out of 135. Mr. Pettigrew expressed the opinion that the conditions in Glasgow were very different from those obtaining in London. He saw no necessity for living-in in any provincial town, but the conditions of life in London were different, and he thought young people from the country coming to London should be boarded by the employer for their moral and physical welfare, and also on account of the expense in obtaining proper lodgings. In Glasgow even at the present time everybody is known, but in London a person is lost. He thought that this consideration would weigh very much with parents, and that the system of living-out would prevent the better class of girl coming to the London business houses. He stated that he was well acquainted with the conditions of many of the London houses, and considered the standard of living-in a high one.

192. Mr. Maule, of Edinburgh, stated that plenty of lodgings were available in Edinburgh, that his firm keep a list of respectable lodgings, and make a point of knowing that they are respectable, and that young girls coming from London or

elsewhere are given this list. The list is merely to assist them in finding accomodation: they are quite free to go elsewhere if they wish, so long as the firm know that the house in which they are going to live is respectable. He said that his lady superintendent is sent out very often to look at and report upon the lodgings taken by the girls (*Qs.* 19057–8).

193. On the question of the employees being provided with meals on the premises, Mr. Maule and Mr. Burbidge both strongly favoured the practice on the ground that it was necessary for business purposes and also good for the assistants who might otherwise not provide themselves with a substantial meal. Mr. Taggart, however, does not provide meals for his assistants. He allows them 1 hour to 1¼ hours for dinner, and if they are working late they are allowed time also for tea.

194. The evidence with regard to Messrs. Jenner and Company, of Edinburgh, was given by Mr. Cormack of that firm. Of 739 persons employed, 186 live in; 100 of these being women and 86 men. The other two-thirds of their employees are obtained from the neighbourhood of the establishment, viz.: Edinburgh and Leith. Those who live in are obtained from large businesses, mostly in England, where they have been accustomed to the living-in system. We see no reason to doubt that, on the assumption that the system of living-in is continued, the conditions both as to accommodation, food, supervision, medical attendance, &c., prevailing in such an establishment leave nothing to be desired. Mr. Cormack, who approves of the system, although he thinks it should be optional, is asked: "Suppose Parliament did not see its way to abolish living-in, would yours, or any well-conducted firm that attends to its assistants' welfare, object to rigorous inspection?" and his reply is "We would not" (*Q.* 18627).

Conclusions.

195. We have considered the whole question very carefully, and proceed to state the conclusions at which we have arrived. The question has three aspects: (1) the quality of the accommodation, and the allied question of its value to the assistants as part of the remuneration for their services (under this head we include the question of the supply of food on the premises); (2) the advantages or disadvantages of the system on the moral side; (3) the advantages or disadvantages of the system on the social side.

(1) *The Quality of the Accommodation and Food provided, and their Value to the Assistants.*

196. The general result of the evidence we have received is to show that considerable differences exist between different establishments; that in a number of cases, perhaps a considerable number, the quality of the accommodation and food, without being actually bad, leaves much to be desired, and that in a few cases there has been serious abuse. It has not, however, been proved to our satisfaction that the evils alleged to exist are either so serious or so widespread as has been represented. We think much of the evidence we received related to the past, not to the present time, and it was admitted that conditions had improved considerably and were improving.

197. The Committee themselves visited a number of establishments of which complaint was made to them by the representatives of the Shop Assistants' Union, and are bound to say that they did not find the complaints substantiated. In some cases the accommodation certainly lacked brightness and cheerfulness, and the furniture, paper, paint, &c., were shabby; we also noticed in one or two cases, at least, that the bath and lavatory accommodation was inadequate or inconveniently situated; but the accommodation was in all cases clean, and probably of much the same quality as the assistant would get, if not in his own home, at any rate in lodgings. It must be remembered that assistants are drawn from different grades, and that the difference between, say, a West End establishment and an East End establishment corresponds to differences in the homes from which the assistants come.

198. In order to determine the value to the assistants of the accommodation and food provided, and the probable effect on them of the abolition of the system, we questioned the employers who appeared before us as to the cost to them of the accommodation

and food provided. The estimates furnished varied from 9s. a week to 14s., and in one case (Mr. Debenham's) rose as high as 17s. 6d. Roughly, therefore, the sum which an employer could allow his assistants if they lived out instead of in, would, in most cases be from £25 to £30. We very greatly doubt whether the assistants could get the same quality of accommodation and food for this amount in lodgings in London, or in other large towns, and we cannot accept the views of Mr. Seddon and other witnesses that assistants would be better off living out than living in from a monetary point of view.

(2) *The advantages and disadvantages of the system on the moral side.*

199. The value of the system from the moral standpoint no doubt depends very largely on the nature of the supervision and influence exercised by those in charge. We are satisfied, however, that, for youths and young girls at any rate, especially for those coming up from the country, with few if any friends or relatives near, there is considerable value in the restrictions which the system imposes. We think the system affords safeguards, which in many cases would not be present if the assistants were living by themselves in lodgings. The influence also of the older assistants and the restraint of public opinion will, in good houses, be a very important factor. From the parents' point of view, the system provides a security without which they might be unwilling to let their children come to the towns. A large number of assistants come from the country districts or small provincial towns.

200. The practice of Scotland has been frequently cited to us in the course of the inquiry as proof that under a system of living out, the supposed dangers do not in fact arise or that other safeguards are forthcoming. The inquiries we have made however into conditions in Glasgow and Edinburgh show that the circumstances are entirely different. The great majority of the assistants in those towns live either with parents, relatives or friends. In the instance where that is not the case, living-in is provided.

201. Of course the case of older assistants is somewhat different. The need of supervision grows less, men may desire to get married, and there is no doubt force in the contention that under the system a man does not gain the experience, and develop the sense of responsibility that come from the management of a home of his own. There may in some cases be a tendency on the part of the employer to put obstacles in the way of an assistant marrying—for one thing, it is a loss to him if the accommodation he has provided is not fully used. But we do not believe that this is often the case. The difficulty in the way of an assistant getting married probably arises rather in connection with the amount which the employer is willing to allow him in lieu of board and lodging.

202. It was suggested to us by the representatives of the assistants that there was the possibility of moral danger from the association under the living-in system of youths with the older men and young girls with the women. The possibility of such danger attaches to any system which brings together a number of persons of different ages; but we are certainly not convinced that the danger is likely to be greater than the danger in the alternative of life in lodgings.

We cannot too strongly condemn the practice—of which we are satisfied there have been in the past a few instances—of shutting out for the night an assistant who returns after the hour of locking up.

(3) *The advantages and disadvantages of the system on the social side.*

203. On the social side, the system has both its advantages and disadvantages. On the one side, there are the restrictions on social intercourse imposed by the necessity of being in by a certain hour, the difficulty of having friends to see one, and the like. These restrictions are not unnaturally found irksome by some, and perhaps are at the bottom of a good deal of the feeling against the system. On the other hand, there are many social advantages, particularly in the good houses, and it is clear from the evidence that many of the assistants like the club life which they get under the system.

204. The assistants, as we have pointed out, are very far from being unanimous in their views upon the system. We have had no means of ascertaining on which side the bulk of opinion lies; the Assistants' Union which has headed the agitation represents actually only a small minority of the whole body.

205. We have come to the conclusion that while the case for absolute prohibition has not been made out, the evils which have been shown to exist are such as can be adequately met by regulation. We proceed to consider the form which such regulation should take.

206. The National Union suggested that if the living-in system were not abolished, the provisions of the Truck Acts should be applied. This would make an agreement necessary between the employer and the assistant in order to legalize the part payment of wages in board and lodging, and would, they thought, put the assistant in a more independent position. We do not think this the best way of dealing with the matter. It would not of itself remedy defects in accommodation, &c., such as have been brought to our notice. Assistants seeking employment would in many cases have to accept the employer's terms. Nor would the employer undertake the provision of accommodation unless he had some guarantee that it would be utilized.

207. We propose that premises on which assistants are lodged should be required to conform to certain regulations and conditions, and should be regularly inspected. Precedents for such regulations will be found in the byelaws which may be made under Section 90 of the Public Health Act, 1875, for houses let in lodgings and the byelaws approved by the Home Office for servants' registries. For general sanitary purposes, the premises would be already under the supervision of the local authority. A system of regulation and inspection would, we believe, meet with no opposition from the majority of employers.

Our inquiry has had reference chiefly to establishments employing a considerable number of assistants. Cases where only one or two assistants are employed stand on a somewhat different footing; the regulations in such cases might be of a simpler character.

208. We therefore recommend—

(1) That power should be given to a central authority to make regulations as to the accommodation provided in living-in establishments. These regulatione should make provision with regard to sanitation, lavatory, bath, and sanitary accommodation, ventilation and cubic space of bedrooms, single beds, &c., and should prohibit exclusion of workers returning after the hour of locking up. The regulations should cover all establishments where assistants live in. Any distinction that may be necessary between establishments only employing one or two assistants, and the larger establishments can be provided for in the regulations.

(2) That the law as to the sale of food unfit for human consumption should be extended to cover the case of an employer supplying or having in his possession for the purpose of supplying to his assistants, food unfit for human consumption.

(3) That the law should provide for inspection of the living-in arrangements of shops by inspectors of the local authority, who already inspect under the Shop Hours Acts, and that it should be their duty to enforce the regulations made by the central authority.

SUMMARY OF RECOMMENDATIONS.

209. For the sake of convenience we proceed to epitomise our recommendations :—

(1) That the whole law on the subject of Truck and Fines and Deductions from Wages should be consolidated with the amendments indicated below. Certain repeals—referred to in the Report—will be consequential upon consolidation.

(2) That the Truck Acts should be extended to outworkers.

(3) That the powers of the Factory Inspectors with regard to the enforcement of the Truck Acts should be extended to docks and warehouses.

(4) That the inclusion of a summary of the law in the Factory, Mine and Quarry Abstracts should be definitely required by statute.

(5) That fines should be totally abolished in the case of young persons of sixteen and under in all employments.

(6) That the maximum fine or accumulation of fines in any one week permissible by law should not exceed five per cent. of the wages of the workman for the week.

(7) That the deduction for or payment of a fine should be made only in the week in which it is imposed, and that no claim for arrears of fines should lie.

(8) That employers who maintain the system of fining should furnish to the district inspector of mines or factories, as the case may be, a copy of the fine-agreement and, when required, a return of the fines imposed on their employees.

(9) That the fine agreements should in all cases be publicly posted by placards at the works, and no fine should be allowed by law except in pursuance of a specific contract antecedent to the commission of the offence. A copy of this placard should be furnished free of charge to every workman on entering the employment, and on any alteration being made therein.

(10) That the provisions of the Act of 1896 should be amended so that the prosecution should have the option of proceeding against the employer for imposing an unfair or unreasonable fine in cases where an unfair or unreasonable fine is imposed without an agreement.

(11) That the inspectors of the local authority who already enforce the provisions of the Shop Hours Act should be empowered to enforce the provisions of the Truck Act in regard to fines in shops.

(12) That where it is shown that a bonus is liable to be withheld as a punishment for unpunctuality, breaches of discipline, etc., the Court should have power, after considering all the circumstances of the case, to decide whether the bonus is used by the employer as a means of evading the requirements of the statute, and in the event of its deciding that it is so used, to convict the employer.

(13) That the provisions of Section 1 of the Truck Act of 1896, except in so far as altered by the foregoing recommendations, should be embodied in the statute.

(14) That in respect of deductions for bad or negligent work, or injury to materials or other property of the employer, the existing provisions of the law should be repealed and the matter be left to be regulated under the provisions we have suggested in regard to fines and the ordinary common law rights of the parties.

(15) That in respect of materials, no deductions or payments should be allowed in respect of materials such as glue, thread, paste, twine, &c., which go into the substance of the fabric or product.

(16) That in respect of the use of tools, machinery, standing room, light, heat, &c., no deductions or payments should be allowed; the alteration of conditions thus produced being left to find its economic adjustment in wage rates and the employer to have power to sue for any loss occasioned to him by the misapplication or loss of tools, &c., supplied for the *use* of the workman.

(17) That in respect of the supply of tools, &c., which become the property of the worker, deductions should be allowed, subject to the existing provisions of the Act of 1896, Section 3.

(18) That in respect of services rendered by the employer in connection with the work or labour of the workman, deductions should be allowed, subject to the existing provisions of the Act of 1896, Section 3.

(19) That in respect of the provision of mess-rooms and similar facilities no deductions should be allowed; any charges for these facilities to be by way of a separate bargain and separate payment.

(20) That in respect of rent no deductions should be allowed; the matter being left to be dealt with by free contract, entirely separate from the contract of employment.

(21) That the supply of a house or of lodging accommodation on the employer's premises should be allowed.

(22) That in respect of medicine and medical attendance :—

(*a*) The exception in Section 23 of the Act of 1831 empowering the employer to contract to supply his workmen with medical attendance, &c., should be repealed.

(*b*) The doctor or doctors must be the choice of the workmen themselves.

(*c*) The contributions may either be collected by the workmen and paid over direct to the doctor or may, at the request of the workmen, be deducted by the employer from the wages for the purpose of being paid over either to the workmen's representatives or to the doctor under arrangements made between employers and workmen.

(*d*) No commission on account of the services rendered by the employer in this transaction should be allowed by law.

(23) That the supply of fuel for home consumption, and deductions in respect thereof should be allowed.

(24) That the supply of food and drink (not intoxicating) consumed on the employer's premises, and deductions in respect thereof, should be allowed.

(25) That the provisions of Sections 23 and 24 of the Truck Act of 1831 in respect of the supply of hay, corn or other provender, and also in respect of the education of children, should be repealed.

(26) That in respect of benefit societies attached to works, no deductions should be allowed except in the case of (*a*) societies certified under the Shop Clubs Act, and (*b*) societies authorised under statutory powers to make deductions.

(27) That in respect of benefit societies outside the employment no deductions should be allowed.

(28) That in respect of hospitals there should be no alteration of the existing law.

(29) That the supply of uniform should be allowed.

(30) That power should be given to a Central Authority to make regulations as to the accommodation, *e.g.*, sanitation, lavatory, bath and sanitary accommodation, ventilation and cubic space of bedrooms, single beds, etc., provided in living-in establishments.

(31) That the law as to the sale of food unfit for human consumption should be extended so as to apply to the case of an employer supplying, or having on his premises for supplying, to his workers, food unfit for human consumption.

(32) That the law should provide for inspection of living-in establishments by inspectors of the local authority who already inspect under the Shop Hours Act, and that it should be made their duty to enforce the regulations of the Central Authority.

210. We cannot conclude our Report without recording in emphatic terms our testimony to the value of the labours of our secretary, Mr. Bettany. Without a secretary of such capacity and such power of unwearied industry it would have been impossible, looking to the great mass of detail with which we have been throughout confronted as a Committee, to bring our labours to a conclusion for possibly some years to come. In correspondence with the interests affected, in the arrangement of the work of the Committee, and in assistance in framing this Report, we gratefully record our appreciation of his services.

THO. SHAW, *Chairman.*
ED. A. BROTHERTON.
FREDK. CAWLEY.
*MALCOLM DELEVINGNE.
F. MADDISON.
†A. F. YARROW.

T. E. BETTANY,
Secretary,
December 14th, 1908.

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* Subject to Memorandum attached.
† Subject to Memorandum attached.

MEMORANDUM BY MR. DELEVINGNE.

Page 38, *Paragraphs* 87 *and* 88.

The recommendation in the Report with regard to deductions or payments for bad work and damage seems to me to leave the question in an unsatisfactory position. The intention is, I understand, to abolish these deductions or payments. The repeal, however, of the provisions of Section 2 of the Act of 1896 as suggested in the Report, will not by itself be sufficient to give effect to this intention. Those provisions are restrictive, not enabling, provisions; and their repeal would require to be accompanied by a definite enactment prohibiting all such charges if their abolition is to be effected. It appears, however, that though charges for bad work or damage are not to be allowed, it is still to be open to the employer to impose a *fine* in respect of acts or omissions causing or likely to cause bad work or damage, subject to the conditions proposed in the earlier part of the Report. It is difficult to see how provisions can be framed which will prohibit *charges* in respect of bad work or damage, but allow *fines* to be imposed in respect of the acts or omissions on the part of the workers which led to the damage. Nor would this mode of dealing with the matter seem likely to be satisfactory either to employer or employed. A fine of 1s. in the case of a man earning 20s. a week for some act which has resulted in serious damage will not have much value as a deterrent or measure of discipline, while it certainly will not be satisfactory to the employer. On the other hand, if the employer, being deprived of his present power, has recourse to the other methods open to him, as indicated in the Report, the result will be harsher probably for the worker and certainly not more conducive to harmonious relations between employer and employed than the existing system.

I agree with the remark in the Report that it would no doubt be the most satisfactory settlement of the question if it could be arranged for all disputes as to bad work or damage to be referred to some works tribunal to settle. The evidence we have had shows that such disputes are at present often settled in the organised trades without difficulty between the union and the employers; and it seems well worth consideration whether employers and workmen could be encouraged to adopt this method of settling questions in regard to the work of the employee. The general establishment of committees representative of employer and employed for purposes of this kind is hardly to be hoped for at present; but they are already in existence at some works, and something might perhaps be done to promote their formation more widely.

Where, however, this is not practicable the following conditions would seem sufficient (with the existing restrictions in Section 2 of the Act) to check the abuses to which the Committee's attention has been called:—

(1) The employer should not be able to throw on the worker the loss caused by defects which are due to the worker's inexperience, or to other causes outside the worker's control; the worker should only be liable in cases where there has been carelessness or negligence on his part, and the onus should be placed on the employer of proving the carelessness or negligence in any legal proceedings that may ensue.

(2) The charge to be made should bear some relation to the wage of the worker as well as to the loss to the employer. This might perhaps be secured by providing that over a given period, say, a month, the amount of the charges shall not exceed a fixed proportion, say, 10 per cent., of the wages earned during that period by the worker. This should allow sufficient elasticity in the working of the system without harshness to the worker.

It seems to me to be better to deal with the subject directly in this way than, while ostensibly abolishing deductions or payments for damage or bad work, to leave it open to the employer to re-introduce them (where the amounts are small) in the shape of fines and without the protection suggested in (1) above; or, in more serious cases, to force him to bring the matter into the Courts, or to resort to one of the other methods outside the Truck Acts which are indicated in the Report.

Page 50, *Paragraph* 116.

I cannot see that anything is gained by prohibiting deductions from wages, while allowing payments by the workers, in respect of facilities provided by an employer for taking meals. These facilities are provided voluntarily by the employer for the convenience of the workers—the worker is not bound to use them—and no charge can be made by the employer on a worker who does not use them. The collection of the payments from the workers would give the employer more trouble than a deduction from wages, and might make employers less inclined to provide the facilities. Little or no complaint was made of the present system of deductions as such.

The charges collected, however, should be subject to the same condition of fairness as in the case of other advantages and benefits supplied by the employer.

Page 53, *Paragraph* 125 (2).

The evidence given before the Committee does not seem to me to justify the prohibition of deductions for rent. Though the present system applies to large numbers of workers in various industries, complaints were made only by small sections of two industries and the grievance chiefly complained of had to do rather with the employer's power to require a worker to live in the employer's house than with his power to deduct the rent from wages. The convenience of the present system is obvious, and it should not, I think, be interfered with.

Pages 62–3, *Paragraphs* 150 *and* 154.

The recommendation in the Report that deductions for benefit societies should be prohibited seems to me to be against the weight of the evidence.

So far as regards clubs or societies attached to an employer's works the recommendation refers only to those which are not certified under the Shop Clubs Act or are not formed under express statutory powers, and of which, therefore, membership is voluntary on the part of the worker. The only evidence from the workers' side against deductions came from a small section of the mining industry, though the number of workers who belong to these clubs must be very large ; while very strong evidence as to the advantages of the system and of the serious effect which prohibition of deductions would have on the welfare of the clubs was given by such employers as Mr. Cadbury, Sir George Livesey, Mr. Ferens and Mr. Burton.

The ground for the recommendation in the Report, as I understand, is that membership of these clubs though voluntary in name is often compulsory in fact. Prohibition of deductions, however, will, at the most, go only a little way to prevent this kind of indirect compulsion while at the same time it will place a serious disability on the many useful clubs which are formed and managed by the workers themselves.

The case is even stronger as regards the benefit societies not attached to the employer's works, of which the miners' relief funds are the most important instance. Though these funds exist in most of the colliery districts of the country, and have a membership of 330,000, complaint came only from a single district, where a competing society is at work. It was admitted by one of the witnesses that the men in Northumberland and Durham are strongly in favour of the present system.

It seems to me that no case has been made out for preventing the workers, if they so desire, from having their contributions to societies of this kind deducted from their wages and paid over to their committees or representatives. The recommendation in the Report also seems to me to be inconsistent with the proposals in Paragraphs 136 and 159, to allow deductions to be made at the worker's request for contributions to a medical fund or a hospital. It is difficult to see what distinction in principle exists between a workers' club for providing medical attendance, and a workers' club for provision against accident, or for other kinds of benefit ; the same considerations appear to arise in both cases.

MALCOLM DELEVINGNE.

December 15*th*, 1908.

MEMORANDUM BY MR. A. F. YARROW.

Page 30, *Paragraph* 66 (5).

I am of opinion that the placard having reference to fines which is generally fixed inside the works or shops, and consequently the particulars of which are only known to applicants for employment after they have actually entered the works, should be posted outside the works or shop, so that persons seeking employment shall have the opportunity of knowing exactly the conditions adopted in the works or shop prior to actually making application for a job. If the placard containing the list of fines were placed outside not only would it give applicants an opportunity of ascertaining exactly the conditions of employment prior to seeking it, but it would give the public an opportunity of knowing the conditions, and if these fines were oppressive, public opinion, through the Press would have an opportunity of making itself felt, and in this way any oppressive conditions would probably automatically be discontinued.

Page 50, *Paragraph* 116.

I agree with Mr. Delevingne that I cannot see anything is gained by prohibiting deductions from wages in respect of facilities provided by an employer for taking meals. These facilities are provided voluntarily by the employer solely for the convenience of the workers, who are not bound to use them. The collection of the payments from the workers will give the employer more trouble and expense than a deduction from wages, and the charge, therefore, for facilities for taking meals would have to be increased to a corresponding extent, and would be a direct loss to the workers.

Page 53, *Paragraph* 125 (2).

In like manner I agree with Mr. Delevingne that the evidence does not justify the prohibition of deductions for rent. If the rent had to be collected independently, it would cause expense, and the rent would have to be raised to a corresponding extent, to the detriment of the workers.

Pages 62 *and* 63, *Paragraphs* 150 *and* 154.—*Deductions for Benefit Societies.*

I agree with Mr. Delevingne in his remarks.

I am in accord with Mr. Delevingne that the recommendation in the Report that such deductions should be prohibited seems to me most undesirable. Every possible encouragement should be given to encourage thrift among workers, and if deductions be prohibited for such purposes, there is no doubt it would be a death-blow to many benefit clubs, established for provident purposes. I am, therefore, strongly of opinion that nothing should be done to discourage such clubs, there being little doubt that in the majority of cases they are well managed. In very many of those attached to works where the workers are employed the firms give large contributions for the sake of encouraging thrift among their workpeople which contributions would be lost. I cannot imagine anything more undesirable than to do anything that can in the least check thrift, the want of which is the cause of so much misery among workers.

A. F. YARROW.

December 16*th*, 1908.

MINORITY REPORT BY MRS. H. J. TENNANT AND MR. STEPHEN WALSH, M.P.

SIR,—It is with regret we find ourselves unable to sign the Report. We are in cordial agreement with certain of the Recommendations (viz., 2, 3, 4, 15, 16, 20, 22 (*a*), 25 and 27), so far as they go, but we are unable to agree with the three chief proposals which would maintain :—

(1) The system of fines.

(2) The system (under the title of fines) of deductions for bad work and injury to materials and other property ; and

(3) The system known as the living-in system. From these three systems we would withhold the sanction of the law.

Also, we are unable to concur in certain of the minor recommendations. We are in disagreement with Recommendations 12, 17, 18, 19, 21, 22 (*d*), 23 and 24 which deal with the bonus system, houses, benefit societies, messrooms, medical attendance, the supply of tools, food and fuel, and with service rendered by the employer in relation to the work done by the workman.

(1) *Fines.*

In our opinion, disciplinary fines fail in their purpose. We believe them to be not merely negative in good but active in harm, inasmuch as they maintain and even create the very situation they are designed to destroy. Irritating in their imposition and ineffective in their result, they occupy in the organisation of industry, where they exist, the place that should be held by supervision. Our opinion is supported by the evidence of His Majesty's Inspectors of Factories Miss Paterson (*Qs.* 2564, 2571, 2721), Miss Squire, Miss Deane (*Q.* 2362) and Mr. Owner, and by other witnesses. Replying to the Chairman, Miss Squire (*Q.* 1837) says :—

"I should say, from my experience, that they are quite unnecessary ; that if a foreman or forewoman knows his or her business, there is no need whatever for a disciplinary fine. I think that is exemplified in certain factories where there are a very large number of departments, and the departments all resemble one another very closely, perhaps 300 girls in each department, with someone in charge ; the work is very similar. Each foreman or forewoman is provided with a book to register the fines for breaches of discipline. I found, on examining these books, that some forewomen will have their book almost filled up in six months, and others will never enter a fine of any kind ; they are quite able to maintain discipline by their own influence.

Miss Tuckwell confirms this opinion from her experience in teaching as well as from her industrial experience :—

"A good teacher can manage very well without punishments, whereas a bad teacher may be always punishing, and yet not secure good order." (*Q.* 5273.)

We endorse from our own experience all that has been said by the workers' representatives of the embittering effect of fines. It is significant of this power of embitterment that they are resented as much when devoted to some treat or benefit fund as when they pass directly into the master's pocket.

It is an unchallenged fact that many firms which have abandoned disciplinary fines have achieved at least as good, and often better, results without their aid. Of the employers' evidence in this sense, that given by Mr. Edward Cadbury was the most exhaustive. We therefore select it for examination, and draw attention to the supporting evidence given by Mr. Rowland Barran, M.P., of Messrs. John Barran & Sons ; Mr. Derry, of Messrs. Derry & Toms ; Mr. Ernest Debenham, of Messrs. Debenham's ; and Mr. Ferens, M.P., of Messrs. Reckitt & Sons.

Mr. Cadbury (*Q.* 8205) describes in detail the supervisory system substituted for the system of fines, and he gives his experience of the results of the two systems. Fines were "not in any way reformative," they "had practically no influence upon the character of offenders." (*Q.* 8192.) Such influence as they had was of the moment only. The system did not lead to efficiency, and did not weed out the real offenders. Asked what he would say upon the representation, frequently made to the Committee, that fines

were almost a necessity in respect of late attendance, Mr. Cadbury replied: "Our time-keeping has very much improved since we . . . abolished fines." (*Q.* 8204.) In illustration of this improvement he informed the Committee that "late-time" cases fell from 115 in the year 1900 to 33 in the year 1905. "Substantially we have eliminated lateness." The cases of bad work fell from 129 in 1900 to 19 in 1905. In Mr. Cadbury's opinion, it would have been impossible to effect this result by a system of fines. (*Qs.* 8204, 8234 and *infra*, 8249, 8250–1, 8259.)

This reduction in the number of offences was accompanied by a reduction in the number of discharges. The percentage of discharges under the system of fining had been double that under the reformed system. (*Q.* 8406.) Mr. Cadbury's carefully noted and tested experience, important in all respects, is of importance in this last respect more perhaps than in any other. For it dispels the fear, held so widely, that if the power of fining were removed, the power of dismissal must be increasingly exercised. It demonstrates that because fines do little to eliminate the habitual and the grave offenders, and because careful supervision does much, it is under the system of fines, supposed to be the more considerate, that the greater number of dismissals takes place.

Mr. Cadbury alone had prepared a table of results; but Mr. Ferens (*Qs.* 7716, 7718) supported Mr. Cadbury's facts by his belief that in Messrs. Reckitt's works, the abolition of fines had not led to increased dismissals and was not likely to do so, and Mr. Derry stated his opinion that "one gets better work if one does not employ such harsh and unreasonable means as fines." (*Q.* 17892.)

Dismissal is too generally considered to be an alternative to fining: it is its accompaniment. Supervision, with cautioning as one of its incidents, is the true alternative. Dismissal, as before, would be an accompanying power in reserve, but one upon which it would be diminishingly necessary to call. And the workers, therefore, so far from being the losers, so far from exchanging into a harsher system would, in this respect as in others, gain by the abolition of fines. We emphasise this aspect, as there are some who, on all other grounds would advocate the abolition of fines, who hesitate to do so lest the worker should be sacrificed. This consideration receives great weight in the Report. (Par. 61.)

Similar and greater weight is given to suspension which it is anticipated would be widely adopted were the power of punishment by fine removed. We are able to share this conclusion in view of the testimony of a large number of employers that the system is one of great inconvenience to manufacturers. While their machinery is running inside, few employers will indulge in the luxury of keeping their workers standing outside.

We believe as discipline improved under the abolition of fines, there would be less, not greater, recourse to suspension. We agree with Miss Squire that, in the place of the present register of fines, a register of suspensions should be kept by employers; this would enable Inspectors to investigate the circumstances of each suspension and report upon the system.

We have been deeply influenced by the evidence of those inspectors who have exceptional experience in the administration of the Truck Acts; by the evidence of Miss Tuckwell, the President of the Women's Trade Union League, speaking on behalf of 150,000 federated women workers; and by the evidence of those employers who have had exceptional experience of discipline with and without fines. In the presence of the facts produced by these witnesses, and in the knowledge that the majority of firms have no recourse to fines, we are unable to share the conclusion that it is necessary or desirable to maintain them. Nor can we agree with the conclusion that the supply of persons capable of exercising efficient control is unequal to the demand. Where the demand is made, the response appears to us to be excellent. Mr. Ferens' evidence on this point is of interest. (*Q.* 7668.)

By stimulating a better system of control, a better selection of men and women for responsible posts, a better supervision not only of human beings, but of plant and materials, and by ensuring a closer association of employers with the management of their works, we believe the abolition of fines would be an important contribution towards the development of national efficiency.

In the regulation of fines we have no similar faith. We readily admit that under the proposals of the Report many of the abuses of the present legalised system would disappear. But many would remain. The sense of injustice, the irritation that is the essence of the system, the friction, the substantial grievance of the loss where the maximum penalty becomes the standard penalty, or where the wages are already low, all this would remain. The tendency of a maximum to become a standard, illustrated by several

witnesses, and recognised in the Report (Par. 85) must not be considered by itself, but in connection with the clear intention of unscrupulous firms to make a profit out of their workers by methods that upright firms would reject (Par. 92.) Many such cases are within our official experience. It must also be realised that, though a limitation to 5 per cent. would secure an improvement, it would remain a heavy charge upon a low wage. To the worker whose wages do not exceed ten shillings, 6d. is a serious loss ; still more so is 3d. when it is taken from five shillings.

These would be some of the disadvantages for the worker. For the Factory Department there would be : The multiplication of notices—already of embarrassing volume—with but little chance of their receiving close attention, though the labour of their treatment would be great. Moreover there would be involved the dangerous practice of calling upon an inspector to sanction abstractions. There are many abstract penalties to which it would be impossible to take exception under a legalised system of fines, which in the circumstances of their application might be altogether unjust. The employer would have yet more notices to send, and yet another age condition for his confusion ; while he would hardly be in a strong position towards those workers who had reached the 5 per cent. limit at the beginning of the week.

(2) *Deductions for Bad Work and Injury to Materials, and other Property.*

The recognition of bad work as a subject for discipline, and the consequent inclusion of its penalties among fines, does not diminish or indeed touch the dangers of the system. Those dangers have been clearly established by the evidence, and are acknowledged in the Report (Pars. 75, 86.) We do not labour them ; but we point out that an employer may as unjustly attribute to the carelessness of the worker (often powerless to bring rebutting proof) a fault in fact due to some defect in his own plant or materials, and may as successfully penalise him under one system as under the other. The deduction for bad work becomes the disciplinary fine for carelessness ; a worker, helpless in the one case, is helpless in the other. Where the fault is in fact one of carelessness, and its repetition is continued, stronger measures in our opinion would serve best the lasting interest of both worker and employer.

(3) *Living-in System.*

We are unable to endorse the conclusion reached by the Committee (Recommendations 30, 31 and 32) that the evils of the living-in system can be adequately met by regulation. A system where workers are compelled to lodge and board in a particular place must, in itself, stand condemned, whether that place be owned and controlled by the employer or by any other person. However bad the accommodation may be, the assistants have no power to retaliate by removing to a rival establishment, and there is, therefore, no incentive to improvement. No amount of regulation can overcome this underlying evil, nor can regulations do more than impose a minimum standard in the matter of sanitary requirements. Further, no system of inspection would be effective even if a much larger number of inspectors were appointed than we have any reason to expect from local authorities. (Bondfield, *Q.* 13284.)

Inspection, in order to be effective, would necessarily be intolerable to the assistants themselves. A visit of inspection during the day-time to ascertain whether a sufficient amount of air-space was allowed in sleeping apartments would obviously not meet the case. Such visits would have to be followed up by night visits, by which alone the number of persons occupying a room could be proved. In view of the difficulty met with by inspectors in detecting overcrowding in workshops, owing to the ease with which workers are transferred from one department to another, and of the repeated attempts made by occupiers to evade the law in this respect, we can see no reason to hope that overcrowding in bedrooms could be checked by day visits alone, and the objections to night visits are apparent. The last shred of pretence at being home-like would be torn from living-in houses, if an inspector were liable to enter the occupants' bedrooms at night. The very suggestion reveals the futility of any attempt at adequate inspection.

It is alleged that assistants would experience difficulty in procuring lodgings were the present system abolished. It is clear, that in so far as employers have been making a profit out of the living-in accommodation provided, similar profits could be made by independent undertakings—boarding houses, or co-operative lodgings—and there seems no reason to fear that the supply of such lodgings would not respond to the demand created by the abolition of the present living-in houses. In so far as employers supply

their assistants with this accommodation at cost price, as it has been represented they do, we would submit that the release of their capital from the unprofitable investment should be taken into account in calculating the increase in wages, consequent upon the withdrawal of board and lodging.

We fully recognise that employers who board their assistants on their shop premises would meet with difficulty in altering their arrangements at short notice. In the case of living-in houses apart from the shop or workrooms, we think it would be reasonable to suggest that they could be abandoned, or converted to other purposes within a year. But in view of the difficulty in certain cases of finding a use for the upper storeys of a large shop, we think that a longer period of transition should be allowed. We would suggest three years as a reasonable period, and we would be willing to allow that or any similar reasonable period in the case of the detached houses where the employer is embarrassed by a long lease.

Were the system abolished, the situation so created would be met, we believe, in three ways :—

(1) By a reduction in the number of young people sent by their parents from a distance ;

(2) By the placing of those so sent with friends or relations, or in suitable lodgings ;

(3) By the greater employment of young people in their own towns. (Bondfield, *Q.* 13289.)

It is suggested in the Report that the circumstances in which the living-out system is possible and successful in Scotland, which are those we have just described, would not be acceptable elsewhere. We submit that there are no facts in support of this opinion. We see no reason why assistants in England, for example, should not follow the custom observed in Scotland. In many parts of England they do so in considerable measure. (*See* Miss Deane's Memorandum.) Mr. Derry, of Messrs. Derry and Toms, is satisfied there would be no dearth of lodgings. It has, however, been represented to us that, even if the lodging accommodation were sufficient, it would be unsuitable, and that under such a system the great moral advantages attached to the living-in system would be lost. We share neither the distrust of the one system, nor the trust of the other. Questioned upon the moral advantages of the living-in system, Mr. Derry replied (*Q.* 17880) :—

" I do not think there is any advantage in it at all. I have put it before in this way, that, supposing anyone wishes their daughter or son to enter the business, I think it is very much better for them to be able to come to town and select lodgings for the daughter or the son, and for them to go to some responsible person, any religious or other institute of some sort, and ask them to keep an eye on the person. The parent or guardian has then got an opportunity of knowing into whose care he is giving his child. But the character of some employers I would not trust for their own housekeepers. I do not think drapers are worse than any other commercial men, but all commercial men are the same. For my own part, if I had a boy or a girl, I would much rather see them properly lodged with a person that I could find out all about, than I would put them into a big house of which I knew nothing."

And :—

(*Q.* 17881.) " It has been put before us that it is impossible for the parents to find such a person ?—I totally disagree with that opinion. The experience I have of them (and we take a great deal of trouble with our young people), is that they are extremely well provided for, and numbers of them are living with Christian people in whom we should have every confidence to put our own children. I think there is no difficulty in finding proper apartments. Some of them have had changes, and have had queer experiences, but in the end they have settled down into comfortable, respectable places. I do not agree with the view that parents cannot find such places for their children.

(*Q.* 17882.) " You think there would be no difficulty in the case either of a young man or a young woman ?—No, I do not think so.

(*Q.* 17883.) " Or of all young men and young women ?—Yes. The whole thing is a matter of £ s. d. If the employers are able to pay them sufficient to get a decent lodging, there are decent lodgings to be had I am quite out of touch with excuses which have been made by employers at conferences I have been at, with regard to the moral side of the question. I think it is sheer nonsense. Whatever system we have, we shall have black sheep as well as white ones, and I think when they get a change after their business, there is more chance for them, and they are more likely to be moral when they get freedom from what we may term drudgery.

(*Q.* 17884.) " You described some houses in which the system has clearly been bad, both in respect of companionship, and food, and accommodation ?—Yes.

(*Q.* 17885.) " It has been suggested to us that things of that kind may happen in the East End, but could not possibly happen in the West. What do you say on that point ?—I should say it is an extremely possible thing that it happens in the West End. I will put it no more strongly than that.

(*Q.* 17886.) " There was one example you gave us in which the assistants who came to you had been locked out on Sundays. Was that in the East or the West End ?—It was in the centre of London."

With Mr. Derry's views we are in complete agreement. We would submit that the system has been proved to fail in the direction in which most has been claimed for it. Mr. Derry, for example, refers to the dangers of bad companionship and of the practice of locking out assistants on Sundays (*Qs.* 17818, 17884), matters with which Miss Bondfield also deals fully in her evidence. With regard to the first matter, it is clear from the evidence that assistants must constantly endure bad companionship. They are reluctant to complain, sometimes lest they themselves should suffer, sometimes lest others should suffer. With regard to the second matter, it has been shown that in cases where a pass had to be obtained by assistants desiring to spend the night out, this pass was insisted upon only in respect of the first five nights of the week. No pass was required in respect of Saturday and Sunday, and on those nights the assistants were *required* to live out. The abandonment of the interests of morality on these two nights of the week is significant. Again, Miss Bondfield (*Q.* 13300) gives a case in which an assistant, arriving in London from Cardiff on Friday evening, is turned out on Saturday under the same system to find her own lodgings for the two following nights. While assistants who, in accordance with the custom of the living-in system, are summarily discharged, lose their work and their home at the same time. The dangers are obvious.

We received striking evidence of the injury to health which arises from compulsory association in bedrooms with phthisical companions, and such cases are within the experience of one of us. (Bondfield, *Qs.* 13328, 13216.)

It is unnecessary to examine further the claim that a custom which has disclosed so many and such grave abuses, has been a moral protection. Nor is it necessary to add condemnation to a system so condemned. We conclude by drawing attention to the evidence given by several witnesses to its devastating influence upon the citizenship of both men and women.

(4) *Minor Recommendations.*

In our disagreement with the minor recommendations, we are governed by the same principles as those which guided our policy upon the larger matters. We desire to secure to the workman a net wage free from harassing and dangerous inroads, and full freedom in the disposal of this wage.

(1) *Bonus System.*—We regard this system as altogether dangerous. The recommendation of the Committee on this point we consider inadequate to prevent an employer allotting a proportion of the present wage to a bonus for good work or good conduct, and then withholding the bonus on the worker failing to reach his standard. Its retention would therefore nullify the limitation of fines by percentage. In our opinion the bonus is as unnecessary in order to procure a high standard of work or conduct, as is the fine. We agree with the view put forward by Dr. Whitelegge, His Majesty's Chief Inspector of Factories, that the system "places part of the real wage on a footing which removes the protection of the Truck Acts. Withholding it is substantially a fine." (*Q.* 540 The retention of the system, therefore, would be open to the same objections as the retention of the system of fines, and it is not necessary for us to elaborate the matter further. We would merely draw attention to the evidence under this head given by Miss Paterson and Miss Deane. (*Qs.* 2475, 2496, 2588, 2590.)

(2) *Supply of tools, fuel, uniform, and other services.*—In our opinion such supply compulsorily by the employer to the workman, is open to the abuses in general attaching to the supply of goods of any kind in this manner, and we see no adequate reasons for allowing the exceptions proposed in Recommendations XVII., XVIII., XXIII. and XXIX. Especially in the matter of tools we would point out that except in certain cases, where a workman does not as a matter of course possess a set of tools (*e.g.*, a carpenter), the supply of tools and implements is open to the grave objection that something so supplied and coming into the possession of the worker in one place of employment, may not be adapted for use in another firm, so that the worker is left with a useless implement upon his or her hands. It seems better, therefore, to prohibit altogether the sale of tools by an employer to a workman. Thus in some cases the cost of the tools would form part of the expenses of production, and in others, where the tools form part of the workman's personal outfit, he would make his own arrangements as to purchase.

Similarly we are of opinion that Recommendation XV. should be extended to include all materials, not only those which go into the substance of the fabric or product.

(3) *Mess-rooms, etc.*—We cannot concur in Recommendation XXIV., as it is open to the same objection as that referred to above in reference to the living-in system. An employer who supplies food to his workers should be subject to the competition of outside canteens and restaurants ; otherwise there can be no guarantee of the quality of the food. Mess-rooms and the provision of meals, therefore, should be allowed only if their use be optional, and payment be made at the time and not in the form of deductions from wages.

We are unable to attach importance to the recommendation of the Committee in Paragraph 141 that deductions for food "should be subject to the condition that the deduction does not exceed the cost to the employer." It is not, in our opinion, possible to ascertain the cost in such cases without the employer's help. The cases in which this help would be most needed are the cases in which it would be most denied. This difficulty has been emphasised by inspectors.

(4) *Medical Attendance.*—We cannot subscribe to any recommendation based upon the principle that a deduction may be made "at the request of the workman." Such "requests" are apt to be wanting in the ordinary characteristics of a free request, and we consider therefore that all arrangements for medical attendance should be under the control and management of the workmen concerned, or of outside persons entirely unconnected with the employer's business.

(5) *Fines in Mines.*—We strongly deprecate the prevailing system of imposing fines upon miners guilty of breaches of statutory regulations instead of taking proceedings in the manner provided in the Coal Mines Regulations Acts. In view of the opinion we hold that fines are ineffective as a means of enforcing discipline, we are unable to approve of this option of fining as a penalty for offences liable to endanger human life. We regret, therefore, that the Committee decided to refer this matter to the Royal Commission on Mines without making any recommendation. (Paragraph 68.) We further regret the Committee's decision not to deal with the question of fines for improper filling. (Paragraph 69.) We wish to condemn the system of duplicating disciplinary fines with the deductions made in pursuance of Section 12 of the Coal Mines Regulation Act, 1887. In our opinion it offends against equity to impose a fine in money in respect of a matter for which the workman has already suffered the penalty in weight prescribed by the Statute.

(6) *Administration.*—We are of opinion that Recommendation VI. should be strengthened in the sense that, not only should inspectors appointed by local authorities be empowered to enforce the Truck Acts in shops, but that local authorities should be required by law to appoint such inspectors. We also suggest that Recommendation III. should be extended to all places under the inspection of factory inspectors.

We disagree with the conclusions reached in Paragraph 36 of the Report. It may be seen from the Annual Charities Register and Digest that many charitable institutions derive the chief part of their income from industrial earnings, which amount in several cases to as much as 90 per cent. of the total income. In one case where these earnings were about 91 per cent., they amounted to over £6,000. We are of opinion that where institutions of this character engage in trade competition they should be subject to regulations similar to those of other industrial undertakings. The ultimate object of the profit accrued should not be allowed to enable them to compete unfairly with their trade rivals.

Summary of Conclusions.

Summarised, our Recommendations are as follows :—

(1) That disciplinary fines should be prohibited by law.

(2) That all deductions for bad work and injury to materials and other property should be similarly prohibited, and that no fines should be permitted as penalties in respect of such work or damage.

(3) That the living-in system should be prohibited by law.

(4) That the bonus system should be prohibited by law.

(5) That no deductions should be permitted in respect of the supply of tools, fuel, uniform, or other services, or in respect of any materials used in manufacturing processes, whether such materials pass into the substance of the fabric or product or not.

(6) That no deductions or payments to the employer should be allowed in respect of medical attendance whether avowedly at the request of the workman or not.

(7) That the use of mess-rooms supplied by the employer and the taking of meals so provided should be optional, and any accommodation so used or meals so taken should be paid for at the time, and not in the form of deductions from wages.

(8) That the powers of factory inspectors with regard to the enforcement of the Truck Acts should extend not only to docks and warehouses, but also to any other workplaces which are subject to inspection by these inspectors, such as the buildings and railways dealt with in Sections 105 and 106 of the Factory and Workshops Act, 1901.

(9) That local authorities should be placed under a statutory obligation to appoint inspectors for the enforcement of the Truck Acts in shops.

We are in agreement with the views expressed in Paragraph 38 of the Report, and we wish definitely to recommend :—

(10) That the Truck Acts should be extended to the classes of workers referred to in that paragraph (omnibus conductors, tramcar drivers and goods guards).

We endorse most cordially the tribute paid by the Committee to Mr. Bettany whose help and courtesy have been unfailing.

MAY TENNANT.
STEPHEN WALSH.

December 16*th*, 1908.

APPENDICES TO REPORT.

I. Correspondence that passed between the Chairman of the Truck Committee and the Chairman of the Royal Commission on Mines.

II. Summary of the Laws of the Colonies and certain Foreign Countries relating to Truck and Fines and Deductions from Wages.

III. Industrial Tribunals in France and Germany.

IV. Legal decisions since the passing of the Truck Act, 1896.

APPENDIX 1.

CORRESPONDENCE THAT PASSED BETWEEN THE CHAIRMAN OF THE TRUCK COMMITTEE AND THE CHAIRMAN OF THE ROYAL COMMISSION ON MINES.

Dover House, Whitehall, S.W.
28*th July*, 1908.

To the Chairman of the Royal Commission on Mines.

DEAR LORD MONKSWELL,

The Departmental Committee on Truck, &c., has had laid before it a certain body of evidence in regard to the subject of certain fines and deductions from the wages of miners. At a recent meeting of the Committee I was requested to write to you as Chairman of the Royal Commission on Mines upon the subject. I have no doubt that you will agree that it would be undesirable that there should be separate deliverances on the same subject by the Commission and the Committee, and my Committee feel that the questions referred to may be held to fall more expressly within the remit to the Royal Commission presided over by you. They are accordingly refraining from dealing with them further than by narrating this communication. A copy of the evidence laid before the Committee will be sent to the Secretary of the Commission.

The following are the three main points :—

(*First*).—The statutory provisions of the Mines Regulation Acts, not only in the formulation of the general rules, but in giving statutory authority to the framing of special rules, form a very detailed code, the breach of any of the provisions of which may be the subject of prosecution at law. The evidence laid before the Committee appears to show that—partly owing to unwillingness and partly owing to the expense and loss of time incident to legal proceedings—prosecutions which would otherwise be warranted under the statute do not take place; but that a system has come into play, at least in England, of the imposition of fines,—which, apparently by consent of both parties, are imposed and paid as in lieu of what might be the more inconvenient and drastic consequences of criminal proceedings. The contention has been put before us that the system of fining is unsatisfactory and in substance not very distinguishable from compounding for offences. But, as I have said, my Committee do not desire to pronounce definitely upon it, but have asked me to mention the point as it has occurred upon the evidence submitted.

(*Second*).—There appears to be considerable dissatisfaction in regard to fines for bad filling, and this also the Committee desire to bring under the notice of the Royal Commission. No specific recommendation has been adopted by the Committee on this particular question, which, however, the Royal Commission, with its fuller knowledge of the subject, may desire to deal with.

(*Third*).—Under the Truck Act, 1831, Section 23, permission is given to the employers to supply materials, to be by such artificer employed in his trade or occupation if such artificer be employed in mining. The most important of such materials, in so far as public safety is concerned, are explosives. My Committee, in dealing with such materials generally, are in favour of their not being charged or allowed as permissible deductions from wages; but, as the predominating consideration with reference to explosives is that of the public safety, and as this point is particularly before the Royal Commission, we desire to make no pronouncement upon it further than indicating the view just mentioned.

I have the honour to be,
Dear Lord Monkswell,
Your Lordship's very faithful,
(sd.) THO. SHAW.

To the Right Hon. Lord Monkswell.

Royal Commission on Mines,
31, Great George Street, S.W.
30*th July*, 1908.

DEAR LORD ADVOCATE,

I am obliged for your letter of the 28th instant conveying to me the views of the Departmental Committee on Truck, etc., as regards that part of their enquiry which relates to certain fines and deductions from the wages of miners, and I have to say that I laid the matter before the Royal Commission on Mines at their meeting to-day. The Commission desire me to convey to you their appreciation of the Committee's courtesy, and to inform you that they concur in the opinion that it would be undesirable that the subjects referred to should be dealt with in the Reports of both the Commission and the Committee.

With regard to the first of the points specified, the enforcement of general and special rules under the Coal Mines Regulations Acts by fines or by prosecution appears to the Commission to concern directly the question of safety; the matter was referred specially to them by the Home Office, and they have taken a considerable amount of evidence relating to it. The Commission propose, therefore, to make some recommendations on the matter in their Report, and when they come to discuss it they will consider carefully the evidence given before your Committee which you have kindly promised to send to the Secretary to the Commission.

The second point as to fining for bad filling does not, in the opinion of the Commission, affect safety, but is closely connected with the question of check-weighing. The representatives of the colliery owners and of the miners decided not to offer any evidence on this subject before the Commission, and in the circumstances the Commission cannot see their way to deal with the matter.

With regard to the third point, the Commission agree that the supply of explosives to miners is a question affecting safety, and they propose to deal with it in their Report. In doing so they will not fail to give the fullest consideration to the views expressed by your Committee on the general question of deductions from wages for the supply of materials to workmen.

I have the honour to be,
Very faithfully yours,
(sd.) MONKSWELL.

The Right Hon. The Lord Advocate, Chairman of the Departmental Committee on Truck and Fines and Deductions from Wages.

APPENDIX II.

[1] SUMMARY OF THE LAWS OF THE COLONIES AND CERTAIN FOREIGN COUNTRIES RELATING TO TRUCK AND FINES AND DEDUCTIONS FROM WAGES.

I. THE COLONIES.

CANADA.

The matter is mainly left to the Provincial Legislatures. The following is a summary of the laws in force :—

Truck Generally.*

CASH PAYMENT.

British Columbia (Urban Workmen †).—Contracts to provide for cash payment, or else they are void. If workman consents, payment is allowed by duly honoured cheques or by note or British coin circulating in British Columbia at face value.

ADVANCES.

British Columbia (Workmen Generally‡).—Advances to which the workman is entitled not to be withheld or be subject to deduction of poundage, discount, interest, etc.

The employer may advance moneys to be contributed to legally established benefit funds, etc., or for relief in sickness.

PAYMENT IN KIND.

Prince Edward Island.—Payment in spirituous liquors, illegal and punishable (under liquor laws) and of no effect, the workmen having still a right of action for his wage.

Nova Scotia (Coal Mines).—Employers may make deductions in respect of coal, oil, rent, powder. The Dominion Coal Company has been authorised by special Act to deduct, under written agreement, instalments towards payment for lands or tenements bought from the company.

British Columbia (Urban Workmen†).—Payment in goods prohibited, and of no effect. Goods, board or lodging cannot be the subject of an action by the employer and cannot be set off against a claim for wages.

There are, however, special exceptions permitting the supply of the following :—

Medicine and medical attendance.
Fuel.
Provender for cattle used in work.
Tenements.
Materials, tools and implements used by miners, fishers and loggers.
The boarding and lodging, in company's boarding cars, of workmen constructing or repairing railways.

MANNER OF SPENDING WAGES, ETC.

British Columbia (Urban Workmen†), (including Miners), except Farm Labourers).—Contracts indicating directly or indirectly the place where, the manner in which, or the person with whom wages are to be spent, are null and void.

British Columbia (Workmen Generally‡).—No conditions to be imposed, and no dismissal to be made because of method of spending, etc.

Deductions.*

DEDUCTIONS FOR SHARPENING AND REPAIRING TOOLS.

British Columbia (*all* Workmen, including Miners, but excluding Farm Labourers).—Illegal unless provided for in agreement separate from contract of hiring.

DEDUCTIONS FOR DAMAGE, ETC.

Manitoba.—In an action by an employee against the employer in respect of wages, the Court may consider damage or loss caused by wilful or malicious act or neglect or breach of contract of service, but cannot award to the employer any balance or sum in his favour.

Nova Scotia (Coal Mines).—There are provisions as to deductions for stone, etc.

DEDUCTION FOR BENEFIT FUNDS, MEDICAL ATTENDANCE, HOSPITALS, &c.

Nova Scotia (Coal Mines).—Employer may make deduction for "church or society dues."

There are special Acts (applying apparently to *all* employees) authorising deductions for sick benefit funds, &c., prescribing for audit by a committee of the workmen, and prescribing that payments out of the funds shall be made only to doctors, &c., approved by a majority of workmen at a special meeting. In towns of more than 3,000 inhabitants the employer *must*, at the request of 30 or more workmen, make deductions, but these can go only to practitioners specified by the individual workmen. If the workman wishes to change his doctor, he must give a month's notice. The fine payable by an employer for breach of these special provisions is 50 dollars. The employer is enabled by statute to make advances to his workmen for contributions to legally established benefit societies, &c., or for relief in sickness.

Dominion of Canada—(Public Works, *i.e.*, Railways, Canals, etc).—Deductions permitted for medical attendance, hospitals, medicine, etc. An Act of the Dominion, and regulations made thereunder, *require* such things to be provided.

Nova Scotia (Mines and Manufactures).—Employer on request of 40 per cent. of workers, must facilitate attendance by a given doctor and make the necessary deductions.

Nova Scotia (Coal Mines) Employer may make deductions in respect of doctor's fees.

Ontario (Unorganised Territories of).—Special provision is made for the provision of medical attendance by the employer, the expense to be apportioned by the Minister over the Board of Health.

British Columbia (Urban Workmen†).—Employers may make deductions in respect of medicine and medical attendance.

MISCELLANEOUS DEDUCTIONS.

Nova Scotia (Coal Mines).—Employer may make a deduction for checkweighers' fees. On employee's written order, the employer may apply his wages to the payment of debt.

Nova Scotia (Metalliferous Mines).—Employer may not make a deduction in respect of rates without written consent.

Ontario (Subsidized Railways).—Some of the Acts authorising these require the rates charged for board, clothing, etc., to be fair and reasonable.

British Columbia (Workmen Generally‡).—Deductions for goods, board and lodging not to exceed real and true value.

British Columbia (Urban Workmen†). Employers may make deductions in respect of:

Fuel.
Provender for cattle used in work.
Tenements.
Materials, tools, and implements used by miners, fishers, and loggers.
Boarding and lodging, in company's boarding-cars, of workmen constructing or repairing railways.

* *Manitoba, by a law of* 1870, *imported all applicable English laws in force on July* 13*th*, 1870, *and the Attorney-General for Manitoba reports that the English Truck law would, to that extent, be in force.*

† Urban Workmen = workmen employed on works, etc., in or within three miles of an incorporated city or town.

‡ Workmen = any persons engaged in manual labour except domestics and farm labourers.

[1] This summary has been prepared from reports obtained through the Foreign Office in January, 1907.

NEW SOUTH WALES.

Truck Generally.

Payment of Wages.—To be made in money (coin, postal notes and orders, or banknotes) or, when the workmen consents, in cheques, drafts, or orders payable on demand, but if these be dishonoured the workman can recover damages as well as the wages. Payment to be made (if so demanded, and this notwithstanding any contract) at intervals of not more than fourteen days. Advances, where customary or agreed, to be made without deduction for poundage, interest, discount, etc. Contracts violating these provisions are to that extent void.

Spending of Wages and Place of Residence.—Contracts imposing conditions as to the manner and place in which, or the person with whom wages are to be spent, or requiring residence on the employer's land, are forbidden, as also is dismissal in respect of the same matters.

Goods, etc., illegally supplied in payment of wages, and goods supplied, sold, or delivered at shop owned, etc., by the employer, or supplied, etc., by his orders, cannot be the subject of an action by the employer against the workmen and cannot be set-off against the workman's claim for wages. Where payment is made illegally (*i.e.*, in goods, etc.) the workman may still claim payment in money.

Fines.

No statutory provisions.

Deductions.

Deductions for Sharpening and Repairing Tools.—Forbidden except when made by agreement.

Deductions for Damaged Goods, etc. — Not specially regulated by statute.

Deductions for Sick Funds, etc.—Not specially regulated by statute. *See* however the provision below as to medicine, etc.

Deductions for Hospital.—A special Act permits deductions in Yancowinna (which includes the Broken Hill, Alma Round Hill, and Silvertown Mining Districts) in respect of voluntary donations or subscriptions to a hospital fund.

Matters to which the Act does not apply provided the deduction or stoppage does not exceed the amount of the advance made or the value of the thing supplied:—

Supply of medicine or medical attendance.

Supply of fuel, materials, tools, appliances, or implements for the use of the workman.

Supply of bushmen's outfits up to the amount of two months' wages.

Supply of provender for cattle, etc., used in the work.

Supply of tenement for the workman.

Allowances or privileges in addition to money wages.

Advances for relief in sickness, or for workman's family by his order.

Persons to whom the Act Applies.

All "workmen," *i,e.*, anyone "in any manner employed in work of any kind or in manual labour whether under or over twenty-one years of age," *the following classes being excepted:—*

Seamen.
Domestic servants.
Persons engaged in agricultural or pastoral pursuits.

Penalties.—For first offence, fine not exceeding £10; for the second, not exceeding £25; and for the third, not exceeding £50.

NEW ZEALAND.

Truck Generally.

Payment of Wages.—To be made in money (coin or notes) or, when the workman consents, in uncrossed cheques, drafts, or orders payable on demand, but, if these be dishonoured, the workman may recover damages as well as the wages.

Spending of Wages.—Contracts imposing conditions as to the manner and place in which or the person with whom wages are to be spent, are illegal and void.

Goods illegally supplied, and goods supplied, sold or delivered at the shop, etc., of the employer or by his orders.—Such supply is not effective payment. The workman may still recover his wages, and, save when the supply is expressly provided by an exception in the Act, the employer cannot bring an action in respect thereof, nor can the supply be made the subject of a set-off or counterclaim against the workman in an action by him against the employer in respect of his wages.

Fines.

No statutory provisions.

Deductions.

Deductions for Sharpening or Repairing Tools.—Forbidden except when embodied in an agreement.

Deductions for Damage, etc.—Not specially regulated by statute.

Deductions for Sick or Benefit Clubs.—Not specially regulated by statute. *See* however the provisions below as to medicine and medical attendance and as to advances for relief in sickness.

Deductions for Workmen's Compensations, etc.—There is an Act forbidding an employer or insurance company taking directly or indirectly any deduction or payment from any worker in respect of employer's liability or workmen's compensation, and this Act contains a proviso exempting from its provisions any voluntary arrangement approved by a stipendiary for insurance against accidents happening to the worker *outside the time when he is engaged working for such employer.* The premium payable by the worker is not to exceed one-third of the amount payable.

Matters to which the Acts do not apply provided the deduction or stoppage does not exceed the ordinary real and true value of the things supplied:—

The supply of medicine or medical attendance.

The supply of food, materials, tools, implements or appliances for the workman's use in his calling.

The supply of bushmen's outfits up to the amount of two months' wages.

The supply of provender, etc., of cattle used in the work.

The supply of a tenement for the workman.

The supply of victuals dressed or prepared under the employer's roof and there consumed, *and non-intoxicating drink,* there consumed.

Advances to take up engagement, or to be contributed to any society or association or savings bank, or for relief in sickness or for the workman's family, and made by his order.

None of these exemptions, save that for medicine and medical attendance, apply to contractors (*a*) to the Government or local authority, (*b*) for railway or road-making work.

Persons to whom the Act Applies.

All workmen, *i.e.*, any person in any manner employed in work of any kind or in manual labour whether under or over twenty-one years of age, *the following classes being excepted:—*

Seamen.

Persons employed in agricultural or pastoral pursuits.

Penalties.—First offence, £10; second, £25; third, £50.

QUEENSLAND.

No general law.

Deductions for Workmen's Compensation, etc.—The Workmen's Compensation Act, 1905, Sec. 14, forbids the deduction from wages of sums intended to recoup the employer for the expense of insuring, etc., against his liability to pay compensation under the statute, or damages under the general law.

SOUTH AUSTRALIA. TASMANIA. VICTORIA.

No law on the subject.

WESTERN AUSTRALIA.

Truck Generally.

Payment of wages.—To be made in money (coin or notes) or, when the workman consents, in uncrossed cheques, drafts, or orders payable on demand, but, if these be dishonoured, the workman may recover damages as well as the wages.

Spending of wages.—Contracts imposing conditions as to the manner and place in which or the person with whom wages are to be spent, are illegal and void.

Goods illegally supplied, and goods supplied sold or delivered at the shop, etc., of the employer or by his orders.—Such supply is not effective payment. The workman may still recover his wages, and, save when the supply is expressly provided for by an exception in the Act, the employer cannot bring an action in respect thereof, nor can it be made the subject of a set-off or counterclaim against the workman in an action by him against the employer in respect of his wages.

Fines.

No statutory provisions.

Deductions.

Deductions for sharpening or repairing tools. Forbidden except when embodied in an agreement separate from the contract of hiring.

Deductions for damage, etc.—Not specially regulated by statute.

Deductions for sick and benefit clubs, etc.—Not specially regulated by statute; *See*, however, the provisions below as to the supply of medicine, etc., and advances for relief in sickness.

Matters to which the Acts do not apply, provided the deduction or stoppage does not exceed the ordinary real and true value of the things supplied at the place where they are supplied :—

The supply of necessaries at the workman's written request, during the first six weeks of his service, to be paid out for from the wages earned during that time.

The supply of medicine or medical attendance, in any part of the Colony defined by the Governor by Proclamation.

The supply of food, materials, tools, implements or appliances for the workman's use in his calling.

The supply of Bushmen's outfits up to the amount of two months' wages.

The supply of provender, etc., of cattle used in the work.

The supply of a tenement for the workman.

The supply of allowances or privileges in addition to money wages.

The supply of victuals dressed or prepared under the employer's roof and there consumed, and *non-intoxicating drink* there consumed.

Advances to take up engagement, or to be contributed to any society or association or savings bank, or for relief in sickness or for the workman's family, and made by his order.

Persons to whom the Act Applies.

All workmen, *i.e.*, any person in any manner employed for wages, in work of any kind, or in manual labour, whether over or under twenty-one years of age, *the following classes being excepted :—*

Seamen.

Persons employed in agricultural fruit growing or pastoral pursuits.

Persons engaged on sheep or cattle stations.

Penalties. First offence, £10 ; second, £25 ; third, £50.

II.—FOREIGN COUNTRIES.

AUSTRIA.

Truck Generally.

Payment of Wages.—To be paid in coin except that the following payment in kind may be made in pursuance of an agreement to that effect, viz :—

Lodging.

Fuel.

Medicine and medical attendance.

Tools and materials.

Provisions or regular board (the value being reckoned at what it would cost the workman to obtain them).

The use of land may also be regarded as a part payment. There is a special prohibition against spirituous liquors being given as a payment in kind, and payment of wages in inns or public houses is prohibited.

Spending of Wages.—Agreements binding the workmen to purchase at certain shops are prohibited.

Advances Illegally Made and Goods Illegally Supplied.—Agreements contravening the forgoing regulations are null and void and such advance or supply is of no legal effect. The workman can still claim his wages, and the money value of the things which have been supplied, or the money which has been advanced goes either to the sick club fund or to the district poor fund.

Fines.

Deductions from wages in respect of 'Conventional' fines are permitted and will be regulated by an ordinance based on an understanding between workmen and employers and now awaiting sanction. Full particulars of the fines, etc., have to be entered up in a list open to inspectors and workmen. When there are Special Industrial Courts these decide disputes between employers and employed as to fines. In places where there are no Industrial Courts, the ordinary tribunals are competent.

Deductions.

Other deductions are permitted only under the same restrictions as apply to fines. A deduction *without* agreement may only be made in respect of the contributions due from the workmen towards insurance against illness and accidents, and is made on each pay day. In the event of an omission to make such deduction on the proper date, it can be made only during the four weeks next following.

Persons to whom the Law Applies.

Industrial workmen (including those employed in mines, canal construction, and river-works), home workers, and trade employees.

BELGIUM.

Truck Generally.

Payment of Wages.—To be made in coin or other legal tender. All payments made otherwise are null and void, except that the following may be taken into account :—

The lodging of the worker.

The use of land.

The supply and repair of tools and implements at net cost (*prix de revient*).

The use of materials, etc., according to custom or agreement, at net cost prices.

The use of uniforms or special costumes which the worker is compelled to wear—at net cost.

And the following may be authorised to be taken into account by the "deputation permanent" (who, when granting or revoking authority, must hear the local "Council of Industry and Labour" or section thereof, if there is one).

The supply of commodities (*denrées*), clothes, and fuel, at net cost prices.

There is an appeal to the king against revocation.

Payment may not be made at or near public houses, shops, etc.

Where wages are less than 5 francs a day they must be paid at least twice a month, at intervals of not longer than sixteen days, and pieceworkers, etc., are to be paid, wholly or partly, at least once a month, and partial payments are to be accompanied by an account of work done and money paid.

BELGIUM—*continued.*

Manner of Spending Wages.—Apart from the last three items in the first paragraph above, employers may not impose or require by contract a particular method of spending wages, but freely concluded contracts (*baux*) may provide as to the first two items in that paragraph.

Goods Illegally Supplied.—Cannot be the subject of an action by the employer against the workman.

Fines.

Deductions from wages in respect of fines are prohibited except as regards those imposed for breaches of discipline and contained in regulations duly exhibited in the establishment.

Deductions.

Other deductions are prohibited except for:—

Bad work, waste, or damage to material or products.

Sick or provident funds.

Advances in money up to one-fifth of wages (the price of building land sold by the employer to the workman being reckoned as an advance).

Amounts due for things supplied as set out aforesaid under the heading "Payment of Wages."

Persons to whom the Law Applies.

Workmen, except:—

(1) Agricultural workmen.

(2) Domestics.

(3) Generally; workmen "living in."

Penalties.

The employer, 50 to 2,000 francs; others directing labour 50 to 2,000 francs unless acting under express instructions and without a personal interest, in which case it is 26 to 100 francs, which will be enforced against the employer.

Time limit 6 months.

FRANCE.

No direct legislation.

The general law of debt restricts the amount that may be seized from workmen's wages to one-tenth, and the amount that may be ceded to another tenth; in the absence of any law forbidding sales by a master to his men, this general law operates to limit the extent to which he can obtain satisfaction for goods that he may supply.

The same law prevents the employer making an adjustment to his own advantage between sums due from him as wages, and sums due from the workmen for supplies received, except in respect of:—

(1) Tools or instruments necessary to the work.

(2) Materials, etc., of which the workman has the charge and use.

(3) Sums advanced for the same objects.

If the employer makes an advance in money for any other purpose than that specified at (3) above, he can only recoup himself by successive deductions of not more than a tenth of the wage due. *This* tenth is not to be confused with the tenths already referred to.

A further law has been several times proposed, and, after many vicissitudes, seems likely to pass. It will probably provide somewhat as follows:—

(*a*) Wages to be paid in money (coin or notes) at least twice a month, and at not more than sixteen days' interval; payment to be on a working day, and not to be made at a public house, bar, shop, or store (except in the case of workers employed at such places).

(*b*) Piece-work to be subject to agreement and paid for at intervals of less than sixteen days.

(*c*) Fines to be limited to one-fourth of the daily wage, and the fines themselves to be allocated to the benefit of the employed.

The absence of detailed statutory requirements as to Truck, may perhaps be partly accounted for by the existence of industrial tribunals (*see* page), having power to settle disputes between employer and employed.

GERMANY.

The laws of the Empire are contained in "7 *Reichs-gewerbe-ordnung*," and are as follows:—

Truck Generally.

Payment of wages.—To be made in cash.

Supply of goods on credit.—The employer is forbidden so to supply goods. If he does, he cannot sue for them, nor make deductions, nor demand the return of the goods, which, with any payments that may have been made, are forfeited to the workmen's relief funds.

Cash sales.—No restriction, except that a workman cannot be bound by a contract to purchase from the employer, etc., and that any sales effected must not be such as to circumvent the other provisions of the truck law.

Payment in kind.—Can only be effected by previous agreement or by the workman's consent given at the time of payment; it is further limited to the supply of:—

Regular meals (at average cost price).

Food and drink (at cost price, *i.e.*, actual cost, plus carriage, but excluding interest and such general expenses as those of warehousing and insurance.

House and land (at ordinary local rates).

Medicine and medical attendance (at average cost, *including* interest and general expenses).

Tools and materials: Deductions specially limited in the case of time-workers to the average cost price, including interest and general expenses: in the case of pieceworkers there is a different limitation, the price permitted to be deducted (in cases where specially agreed) being the usual *local* price. One object of this is to prevent the worker trading in the goods supplied to him.

The payment may be either agreed upon beforehand, or a deduction may be made at the time of payment, the workman's consent being required in the latter case unless the goods have already been supplied.

Payment by orders or stamps on shop of employer, etc.—Forbidden.

Proceedings must be taken within five years.

Penalty.—Fine up to 2,000 marks or imprisonment up to six months.

Illegal payments are of no account, and if they have been made the workman can demand ready money payment without deduction for what has been supplied.

*Payment in public houses or shops.**—Forbidden except with administrative permission, usually given only for small and temporary undertakings. *Penalty* up to 50 marks or one month.

Fines and Deductions.

Generally there is freedom of contract subject to the restrictions of the general laws of the Empire, except so far as such freedom might infringe the special truck law set out above, and except that a contract binding the workmen beforehand to any deduction not intended to be applied to the improvement of their own position or that of their families, would be illegal.

Subject to these limitations, the following are in pursuance of the general law *permitted.*

Fines.—For certain breaches of contract (*but see below*).

Deductions.—For securities: for investment on behalf of the workmen (especially the young): for the support of crêches and educational institutions; for relief funds, savings banks, etc.

The general law is, however, limited by certain special provisions:—

Fines for illegal dissolution of contract: deductions for damage.—Fines and deductions are limited in the case of managers, foremen, engineers and others in

* Prussia has a further special provision on this point.

superior positions (*e.g.*, subordinates specially technically educated) to a day's pay on which the breach occurs and a day's pay for each day thereafter up to one week. Workers in factories where at least twenty are employed are liable to a deduction up to the average week's wage. In all other cases the deduction must not exceed in one payment more than one-fourth of the wages due, nor in all one week's wage. The application of these moneys must be provided for in the *Arbeits-ordnung* (*see* below).

Fines for assaults on fellow workmen.—May equal the average daily earnings.

Fines for grave offences against good morals, against rules for the maintenance of order or the safe working of machinery.—May equal the average daily earnings.

Fines other than the above.—May not exceed half the average daily earnings.

Fines : General provisions.—Full particulars must appear in the *Arbeits-ordnung*.

This is a code of regulations made for every factory, etc., after opportunity for comment by the workmen or their agents, and submitted to an administrative authority before being posted in the factory. This code must prescribe the manner of payment and set out the particular purposes to which penalties will be applied—subject always to the general principle that all the penalties are to be devoted to the benefit of the workmen. Failure to issue such a code renders the employer liable to a fine up to 300 marks or imprisonment up to six weeks ; failure to post it renders him liable to a fine up to 30 marks or imprisonment up to eight days.

The fines authorised by the code must be inflicted without delay and with the full knowledge of the workmen. Particulars must be booked for production to a Government official when required (penalty up to 20 marks or imprisonment up to 3 days), and no illegal punishment may be inflicted (penalty up to 150 marks or imprisonment up to four weeks).

Deductions for damaged work or injury to property of employer.—The workman's misconduct may render him liable to a fine under the *Arbeits-ordnung*, but there are no special provisions as to deductions, and, under the general law, the workman would only be liable to compensate the employer in certain cases, *e.g.*, of malicious intent or culpable negligence. The employer's right to claim such compensation still exists even though the workman has been fined in respect of the same matter.

Deductions for relief, benefit and accident funds.—These are permitted only in pursuance of a previous agreement. In view of the elaborate provision made by the laws of the Empire for insurance against sickness, accident and old age this branch of the subject is not of much importance in Germany.

PERSONS TO WHOM THE LAWS APPLY.

The laws apply to all workmen, including journeymen, labourers, apprentices, inspectors, foremen, mechanics and factory hands. Home workers, if they work for a particular trader, are included, even when they provide their own materials.

OCCUPATIONS TO WHICH THE LAWS DO NOT APPLY.

Practically all industrial undertakings are included *except :—*

Agriculture, i.e., farming, cattle rearing, market gardening, forestry and vine growing, *and any occupations* (*e.g.*, flax-scutching) *carried on incidentally thereto, no matter on what scale they are conducted.* (This provision leads to many anomalies.)

Fisheries (regulated by the laws of the various States).

Railways (excluded, except so far as concerns the work of *constructing* railways).

Merchant shipping—excluded (the exclusion, however, not extending to the crews of boats on inland waterways or of rafts). Special provision is made in the shipping laws. Wages are to be paid in cash, except that food and some other necessaries may be supplied. Fines are prohibited, but desertion renders liable to forfeiture of all wages due, which would be devoted to compensating the employer, any surplus going to the relief funds.

Trading houses.—That is to say, commercial clerks and apprentices employed in the mercantile trade are excluded.

Mines.—The provisions under the heading "Truck generally" are specially applied, but the Imperial provisions as to fines, etc., as a rule have no application, the matter being left to the various States.*

* Prussia has a law requiring regulations as to the supply and cost of working materials and tools to be included in the *Arbeits-ordnung*.

HOLLAND.

No special law as to Truck.

The law as to insurance against accidents prohibits the deduction from wages of the expense cast upon the employer by the said law. A Bill amended so as to contain the following provisions has been adopted by the Second Chamber of the States General and is under the consideration of the First Chamber. There is considerable opposition, and the Bill must be accepted or rejected in its entirety.

Summary of Proposed Law.

TRUCK GENERALLY.

Payment of Wages.—To be made in money (coin, or, in some places, if the workman agrees, notes) no payment in kind being permitted to be made to workers who do not 'live in,' except for :—

- Food, light and fuel for consumption at the place of supply.
- Working clothes.
- Materials, tools and implements for work, and the repairs thereof.
- So much of the produce, raw material or bye-products (other than spirituous liquors) as may be among the first necessaries of life for the workman and his family.
- House, land and stabling.
- Definite businesses or services to be done by or on behalf of the employer for the benefit of the workman.
- Instruction given.

Contracts Providing for the carrying over, or retention in the employer's hands, of a portion of the wage due.—These are illegal except when contained in a written agreement or in regulations made for the purpose of providing for the forfeitures dealt with in the next paragraph.

Forfeiture for Irregular Termination of Employment.—The master or man terminating the employment without notice, in cases where notice is necessary, has to pay an indemnity or forfeiture. The amount of this is :—

- In the case of contracts for indefinite periods, the amount the worker would earn in the usual notice period.
- In the case of contracts for definite periods, the amount the worker would have earned before their expiration.

Contracts (to benefit the worker) for a lower indemnity are void ; the indemnity may be larger but the arbitrator could then, if he thought fit, return it to the legal standard. Indemnities carry interest at 10 per cent. per annum from the date of the termination of the employment.

The remedies here provided are optional and do not exclude actions for damage where such are appropriate.

As to the detention of moneys to build up the amount of the indemnity—the amounts are to be deposited in the Post Office Savings Bank in the name of the workman, within three days after pay day, not more than 10 per cent. of the wages due being so dealt with. The maximum limit of the total is the same as the amount of the possible forfeiture (*see above*), but in the case of workers earning 4 guilders a day or less there is also a limitation to twelve days' wages. Immediately an engagement terminates in a regular manner, the workman or his

HOLLAND (Summary of Proposed Law)—*continued.*

representative may dispose of the deposits and interest. Further details are to be provided for by administration order.

Illegal Payments, etc.—To be void and the worker to be able (within six months) to sue, but the Judge to be able to limit the amount at most to that which represents the workman's loss arising out of the illegal payment.

Manner of Spending Wages.—Contracts prescribing the manner in which, or the place at, or person with whom wages are to be spent, to be void. ('Deductions' for savings and for benefit funds are made exceptions to this rule, but as to these, *see below.*) The workman can sue for and recover what has been deducted from his wages in this manner or what he has paid. The judge has a discretion similar to that referred to in the preceding paragraph.

Collation of Debts against Claims for Wages.—Except at the termination of the engagement this is limited to:—

(1) Damages due from workman to employer.

(2)* Fines imposed pursuant to the law (as set out under "Fines") and then only where a written proof has been given to the workman stating the amount of each fine, the time when and the reason for which it has been imposed, and a statement of the regulation or provision in a contract which has been infringed.

(3)* Contributions to funds or deposits in a Post Office Savings Bank or Saving Fund.

(4) Rent; or hire of tools and instruments.

(5)* Purchase money of ordinary daily household necessaries (excluding spirits) and of raw or bye-materials used in the work, provided that a written note of the cause and amount of the debt be given and that the price be not more than the cost, or more than the workman could buy for elsewhere.

(6) Advances in money properly proved by written declaration.

(7) Anything paid in excess of wages due.

(8) Costs of sick nursing and medical treatment.

There is no contracting out of this.

Fines.

Not to be imposed except in pursuance of a written contract and then only for breach of regulations (which must be pointed out, and which must mention the fine.)

The Fine not to go directly or indirectly to the benefit of the employer or other person inflicting it and its destination to be stated in the Regulations or Contract.†

Fines to be of fixed amount and expressed in terms of the currency in which wages are paid.†

No single fine, and no week's accumulation of fines, to exceed one day's pay.†

An employer cannot both fine and sue for damage in respect of one and the same fact.

Deductions for Idleness, Time Lost, Etc.

No wages to be due for the time during which the workman has not performed the stipulated work, unless (1) he has been performing an unpaid obligation laid upon him by authority (*e.g.* voting), or has been prevented by specially exceptional circumstances beyond his own control (*e.g.*, certain funerals and confinements), or (2) he has been prevented, and this for a short time only, by illness or accident not caused by his own wilfulness or immorality or by a physical defect which he has wilfully misrepresented to the employer at the time of entering into the contract. If such short absences be the subject of compensation or allowance out of insurance, etc., contracted for or legally prescribed, then the wage to be paid may be correspondingly reduced. Pieceworkers are to have mean wages, less any expenses they may have saved by their absence. These provisions may not be deviated from save in pursuance of contract in writing, or of regulations.

Deductions for Benefit Friendly and Similar Funds.

To be permitted if the funds accord with the general regulations on such subjects.

Deductions for Investment on Behalf of Working Minors.

To be permitted under conditions.

Persons to Whom the Law Applies.

The provisions as to fines and deductions do not apply to Merchant Shipping nor (unless applied by law, ordinance, or declaration, by or in the name of the parties) to servants of the State, the Province, the Commune, the Dike and Polder Services, or any other public corporate body.

Persons "Living in."

Housing, board, and other necessaries, if given in place of wages, to be in accordance with local usages, if these agree with health and morality: nursing and medical treatment (in so far as not otherwise provided) to be supplied, up to six weeks, if the engagement lasts so long. The cost may be recovered from the person employed, but in the case of the first four weeks, only if the illness or accident has been purposely caused, or results from immorality or from some physical defect misrepresented when the agreement was made. Contracting out of these liabilities is not permitted.

* In respect of these at each pay day the worker may not be debited to the extent of more than one-fifth of the wage then due and the actual collation of debts must not be effected in excess of two-fifths of the same amount.

† Not to apply to certain more highly paid workmen if by regulation or contract excepted, though in that case "the Juge" may fix a lower fine if he deem that imposed excessive.

ITALY.

No general law. There are, however, in force in many industrial establishments codes of special rules agreed upon by the employers and workpeople, and dealing (*inter alia*) with the circumstances in which the amount of the wages earned need not be paid over in full. From a detailed examination of 1631 such codes which has been carried out by the Italian Minister of Agriculture, Industry, and Commerce, it appears that in 880 cases the regulations provide for the retention, as a deposit, of part of the wages due, the retention being sometimes effected by instalments until the amount of the customary deposit is in the hands of the employer. The deposit varies in amount from three to thirty lire, or from the earnings of a week to the earnings of fifteen days. The principal object of requiring a deposit is to safeguard the employer against a sudden cessation of work by the employee, without notice, the codes providing in such a contingency for the definite retention of all or part of the deposit, by the employer. It is generally arranged that the deposit shall be returnable (sometimes with interest), if the employer leaves his work in a regular manner—as, *e.g.*, by complying with the custom, etc., as to notice or by duly delivering up papers, books, or medals, etc., received on being taken into employment. With regard to dismissal, the provisions vary. In some cases the deposit is returnable, if the worker be dismissed through no fault of his own. In one case (apparently that of the *women* in the straw industry in Macerata) half the deposit is forfeitable on dismissal for "family circumstances or marriage." In another, the deposit is forfeitable on dismissal:—(*a*) Owing to three days' absence; (*b*) for carrying away materials; (*c*) "immediate dismissal": and in at least one case the deposit is forfeitable simply "on expulsion."

In several cases it is also provided that the deposit or part of it is liable to be sequestrated in respect of damage to machinery, fittings, or goods "by the carelessness or fraud" of the workman, and, in some cases, the amount of the deduction to be made from the deposit is limited to the actual damage done. In most cases where there is any provision on this head, it is the rule that the workman, after the deduction has been made, shall submit to a retention of his wage to bring the deposit again up to its original amount.

SWEDEN.

No special law, though attempts have been made, in a general Bill as to employer and workmen (which failed to pass), to provide for payment in coin and not by money order or assignation of goods.

SWITZERLAND.

There are two main sets of provisions, one contained in a law of 1877 and one in a law of 1902. In this summary the 1877 law is dealt with first, and some notes (indicated by brackets) are added, giving the effect of various decrees and decisions explaining or amplifying the law as passed. The law of 1902 will be seen to be an extension of the law of 1877 to fresh industries, with some minor modifications, probably suggested by the experience already gained.

Law of 1877.

Payment of Wages.—Manufacturers are bound to settle accounts with their employees at least once a fortnight, in cash, in current coin, and within the factory. Special contracts or the rules of the factory may decide that the actual payments may be made once a month. The part of the wage carried to the new account is not to exceed the pay of the last week. The conditions of payment for piecework are to be settled, pending the completion of the work, by agreement between the parties.

Fines.—May not exceed a half day's wage.* The proceeds are to be employed in the interests of the workmen and particularly for benefit funds.†

[Fines are considered never to have been part of the wage and so the freedom of the employer to choose to which object, among those benefitting the workmen, he will devote them, is not restricted by the provision against deductions for special ends set out below.]

Deductions for damage to work, materials, etc.—These are not "fines"

[And therefore escape the maximum limit and the direction as to the application of proceeds. They are considered, however, to affect the amount *actually due* to the workman, and therefore, like fines, to be exempt from the provisions relating to deductions for special ends. *See* below.]

[*Deductions for lateness, unreasonably leaving or stopping work, etc.*—These, of course, are fines. For the reasons suggested by the previous paragraph employers have tried, but unsuccessfully, to urge that the deductions really relate to a species of damage to interests and so are not fines.]

[*Deductions for illegally leaving employment.*—These are considered as compensation for damage and consequently outside the category of fines.]

Deductions for Special ends.—These are forbidden unless they are made in pursuance of a special contract.

[And the contract must be really "special;" the workman cannot be held to have made a special contract because he knows of and has signed the factory rules in which the employer has included a provision on this point. The deductions at which the provision is aimed are those which the employer might wish to make in respect of savings banks, relief funds, etc., etc. and not *e.g.*, the deduction of moneys in respect of damaged goods. As to these, *see* above. Moreover, if the workman at the termination of his employment is his employer's debtor, in respect, for instance, of advances made by the employer, and the employer retains his last wages, it is for the judge to decide, in case of difference, if the wages can be retained, and, if so, to what amount.]

Application of the Law.—The law applies to every industrial establishment where workmen (many or few in number) are regularly occupied together on enclosed premises (*un local fermé*).

Making of Factory Rules.—Manufacturers are bound to establish rules for the organisation of the work, the discipline of the factory, the conditions of entry and departure and the payment of wages. These rules are subject to the approval of the Cantonal Government, which is given only after the workmen have been heard. If the rules lead to abuse, the Cantonal Government can enforce revision.

[The rules may provide for a monthly interval between payments but they cannot be held to form a special contract binding the workman to deductions for special ends.]

Law of 1902.

This applies to all the industries which produce or use explosive substances and, apart from them, the following industries, enterprises, and works :—

Building, including all labour in correlation therewith whether performed in the workshop or the yard, or on the building, or during transport.

Carriage by land and water, including the floating of timber.

All labours or services connected with or accessory or auxiliary to the working of a factory, even though not carried on within its enclosed premises.

The owners of such establishments are bound to settle with their workmen at least once a fortnight, in cash, and in current coin. By special understanding, previously arrived at, the parties may agree that payment take place once a month. The part of the salary carried forward to the new account is not to exceed six days wage. For piecework the conditions of payment may be settled beforehand at pleasure, but payment should be made at the latest on the first pay-day following the completion of the work. Where tasks take more than twelve days to execute, the workman has a right on pay-day to an account corresponding to the amount done.

Fines are not to be inflicted except under approved rules, and may in no case exceed half the daily salary of the workman fined. The proceeds of fines are to be applied to the benefit of the workmen and particularly to relief funds. Deductions for defective work or spoilt material, etc., are not considered as fines. Disputes as to the mode of payment, deductions, and the collection and allocation of fines shall be settled by the competent judge.

* An appeal in 1888 brought out the fact that a fine of fixed amount might happen, so far as concerned some of the persons affected, to be more than the half of a day's pay and therefore illegal, and it was held to be unsafe to fix any amount approaching the half-day's pay of the lowest paid person affected. It will be noticed that the limitation is more clearly expressed in the law of 1902.

† The concluding words are held to be illustrative and not a peremptory direction.

UNITED STATES OF AMERICA.

There is no Federal Legislation, and the matter is left to be dealt with by the various States. Their enactments are subject, however, to the usual rule that they must be "Constitutional," and some of those relating to "truck" have been declared by the Courts to be unconstitutional and for that reason not enforceable. Thus in Pennsylvania, where wages were required to be paid in money of the United States, the Courts have decided that, so far as this law amounts to making a contract between parties against their will, it is unconstitutional. The Constitution of the United States may thus have a considerable bearing on the State laws. The following provisions are to be found in the laws of the States of New York, New Jersey, Connecticut, Delaware, Massachusetts, Ohio, Pennsylvania, Illinois and Missouri and Rhode Island, and the laws of these States may be taken as typical of the legislation on this subject throughout the union :—

Truck Generally.

Wages—Cash Payment :—

New York.—Wages to be paid in cash.

New Jersey.—Payment in goods prohibited : scrip redeemable at face value (but the law is said to be commonly evaded).

Illinois.—Miners to be paid in money (but this is held not to interfere with *contracts*). Scrip to be redeemable in bankable currency.

Pennsylvania.—Wages to be paid in U.S. money (but the Courts decide that this applies only to mining and manufacturing businesses and also is unconstitutional so far as it forces a contract on an unwilling person).

Wages—Interval Between Payments :—

New York, Connecticut, and Massachusetts, require weekly payments.

UNITED STATES OF AMERICA—*continued.*

New Jersey, Missouri, and Pennsylvania, require fortnightly payments.

Illinois, Delaware, Ohio, and Rhode Island have no law on the subject.

WAGES—PAYMENT IN KIND:—

Ohio.—Payment in goods at unreasonable prices forbidden.

Pennsylvania.—Wages may not be stopped for goods furnished, except by legal powers (but the Courts hold that this allows the worker to direct the application of his wages to payment for goods supplied).

WAGES—PLACE OF SPENDING.—The American laws describe "stores" kept by employers as "company stores." There are some special enactments as to these:—

Connecticut.—Prices to be reasonable.

Pennsylvania.—Company stores prohibited.

Massachusetts.—Persons employed on public works not to be restricted in trade or in choice of a place for boarding.

Ohio.—Coercion of employees in trading forbidden.

Fines.

Illinois.—No law. (A report of 1886 shows that while there were few fines on men workers, women and children earning poor wages were great sufferers.)

Massachusetts.—Has a law regularising fines on weavers for work of inferior grade and restricting them to *agreed* fines. (The Courts hold that a posted notice, known to the weaver, that second grade work will be paid at *half* rates, is a sufficient agreement.)

Deductions.

Generally there is freedom of contract.

DEDUCTIONS FOR DAMAGE, ETC.:—

Ohio.—Limited to cases where there is an express contract.

DEDUCTIONS FOR SICK FUNDS, ETC.:—

Illinois.—Contracts for such deductions expressly enabled.

New Jersey.—Forced contracts illegal; others are enabled to be made.

DEDUCTIONS FOR TIME LOST:—

Massachusetts.—No such deductions to be made from the wages of women and minors when there is a stoppage of work owing to a breakdown of machinery and the workers are not allowed to leave the mill.

APPENDIX III.

INDUSTRIAL TRIBUNALS.*

FRANCE.

The "Conseils de Prudhommes" in France are tribunals of masters and men competent to consider disputes between manufacturers ("marchands-fabricants") and their subordinates, *i.e.*, foremen, workmen (in factories or at home) and apprentices. They do not exist in every judicial "circonscription."

Constitution, Scope, and Area of Jurisdiction.

The Councils are constituted, and their scope, their area of jurisdiction and the number of their membership (which must be even—at least six, not including the President and Vice-President—) fixed, by ministerial decree at the request of the local chambers of commerce or chambers of manufacturers. The members are elected by the employers, workmen, and foremen engaged in the industries for which the council is constituted; the electoral qualifications are a minimum age of twenty-five years and five years' employment in an industry (of which three must have been spent in the "circonscription" of the Council). The members elected choose in their turn a President and Vice-President, who hold office for a year and can be re-elected. The members are magistrates and under the surveillance of the Minister of Justice, are paid by the municipality, and are in principle irremovable except for grave dereliction of duty.

Powers.

The Councils are intended to control and settle accounts between manufacturers and "chefs d'atelier," inspect and visit workshops, and report contraventions of the laws and regulations. They can decide, for instance, in cases of dismissal alleged to be unjustifiable, the infliction of fines, the price of piecework, and the settling of compensation for damage to material. They have power throughout their district and can, if requested by the parties, decide also on disputes arising beyond it. In matters affecting amounts up to £12 their decision, when there is agreement, or when the decision is arrived at by an absolute majority of the members present, is final. In case of disagreement, *i.e.*, when the tribunal is equally divided, a Judge of the Peace is called in to decide. In cases affecting more than £12 there is an appeal to the Civil Tribunals, or, if the judgment has gone by default, "opposition" may be entered. Apart from the powers already mentioned, the Councils can (but rarely do) exercise a certain restricted jurisdiction as magistrates, dealing with the discipline of workshops and factories. These powers are disciplinary rather than repressive, are subject to appeal and are merely in addition to, and not in substitution for, the proceedings of the ordinary courts.

Procedure.

The Councils work in two ways, first by a "Bureau of Conciliation" of two members (one an employer and one a workman, each presiding in turn), and then, if the attempt at conciliation fails, by a "Bureau of Judgment" of at least four members (an equal number of whom must be employers and an equal number workmen), who hear witnesses on oath and give judgment publicly according to the decision of an absolute majority of those present. The Bureau of Conciliation cites the defendant to appear by a simple letter. If he does not come, he is cited again by a "Huissier." If he still refuses, the case is referred on to the Bureau of Judgment. Contempt of the Bureau of Conciliation is punishable by a fine of not more than 10 fr. or imprisonment for not more than three days.

General Remarks.

The working of the Councils has, on the whole, given general satisfaction to both sides; and it is probable that the system will in the near future be extended, notably to comprise clerks and employés other than workmen strictly so-called.

GERMANY.

The attempt to remove to special courts the business of deciding in cases of dispute between masters and men dates from 1845; much has been done, but the whole field has not yet been covered.

The existing law, that of September 29th, 1901, provides briefly as follows:—

Institution of Courts.

Trade courts, competent to deal with disputes between masters and workmen,† or between two workmen of the same master, may be set up by a commune or union of communes, and may act for a single commune, for several, or for a union of several. As a fact, the existing courts, as a rule, act for single communes. If a commune has more than 20,000 inhabitants a trade court *must* be set up, and, if the commune will not act, the competent Minister of the Federal State concerned *must order* the institution of the court on his own authority. Even where institution is not obligatory, the Minister may set up a court if employers or workmen demand one and the commune or union of communes concerned will not accede. The commune instituting a court makes the necessary General Regulations as to the election of assessors and as to procedure, and can, if it wishes, *restrict* the jurisdiction to certain trades, certain factories, or certain districts.

Expenses.

Expenses are provided for partly by fees, and for the rest, by the authority instituting the court.

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* This summary has been prepared from Reports obtained through the Foreign Office in January, 1907.

† *i.e.*, journeymen, labourers, factory workers, apprentices (including outworkers and homeworkers) workers in mines, salt works, ore-dressing works, quarries or coal mines, whether these trades are carried on above ground or underground: or, speaking generally, all those workers who come within the truck law. Foremen, superintendents and persons doing superior technical work, whose annual remuneration does not exceed 2,000 marks are also within the scope of the law.

INDUSTRIAL TRIBUNALS: GERMANY—*continued.*

Powers of the Court.

The powers of the court are:—

(1) To decide on disputes:—

(*a*) As to the delivery or contents of workbooks, testimonials, wages books, work tickets or papers, wages payment books.

(*b*) As to beginning or ceasing work.

(*c*) Quality of work.

(*d*) Return to the worker of his testimonial books, identity papers, documents, tools, clothing, securities, etc.

(*e*) Claims for damages* and infliction of penalties (whether for illegal or incorrect entries in the papers mentioned under (*a*) above, and in sick-fund books or superannuation insurance receipt cards—or for the matters set out under (*a*), (*b*), (*c*), and (*d*)).

(*f*) Calculation of, and making of deductions for, the contributions of the workmen to sick funds, and entrance money.

(*g*) Allocation of remuneration among workmen for work done collectively.

(2) To act as a Board of Arbitration and Conciliation dealing with the conditions of the continuance of or return to work, especially in the case of strikes or lock-outs.

(3) To file motions with various authorities, extending even to the Federal and Imperial Legislatures.

The court is also under an obligation to supply the State or Local authority with an expert opinion on trade matters.

The jurisdiction of the trade court excludes that of the ordinary tribunals, even though both parties might prefer recourse to the latter, and there are special provisions for rendering any evasion of this principle as difficult as possible. Further, contracting-out is guarded against. Thus an arbitration contract can only provide for exemption from the arbitration jurisdiction of the trade court if it contains express provision for special arbitration by an equal number of employers and workmen, presided over by a person neither the employer of the workman concerned nor an employee of the master concerned.

The court can decide cases if:—

(*a*) The liability arises;
or (*b*) The factory is situate; } in its district.†
or (*c*) Both parties dwell

Composition.

The composition of the court is as follows:—

(*a*) *A Number of Elected Assessors.*—These must be persons over thirty years of age who are competent to act as jurors (that is to say, they must not have forfeited, by previous punishment or by proceedings against them for crime or misdemeanour, the right to fill public appointments; and they must be persons not limited by the decree of a court in the control of their property). During the year preceding election they must not have been in receipt of parish relief for themselves or their families.

Half the assessors are employers and half workmen, employed or working in the district for at least two years, and elected by their fellows by direct and secret ballot. Only persons affected by the trade court and competent to act as jurors (*see* above) can vote; they must be twenty-five years of age and employed or resident in the district. Further details may be provided for by the statutes of the commune.

(*b*) *A President and his Representative* (or, in a union of chambers, the several presidents and vice-presidents).—These must possess the qualifications set out for assessors above, and, unless they have already been recognised in some communal or governmental capacity, their election requires confirmation by the higher administrative authorities. They must, moreover, be neither employers nor workmen, but chosen from some disinterested profession.

These are the only personal qualifications specified; thus there is no requirement of judicial competency. The communal statutes may, however, provide for this, and, as a matter of fact, most of the persons acting in these capacities are qualified to act as judges.

The ordinary quorum is three with the president. The communal statutes may require more, but in all cases the numbers of workmen and employers must be equal.

Procedure.

The procedure is cheap and simple, and facilitates amicable settlements. Such a settlement is to be proposed at the opening of each sitting, again whenever opportunity offers, and again in any case at the conclusion of the sitting. The complaint is either produced in writing or taken as a protocol by the court clerk. The court effects all services and summonses; and the case may be settled before the president without assessors, by compromise, default,† admission of claim, or withdrawal of suit. Failing either of these alternatives, the president fixes a hearing before himself and assessors, and arranges for evidence. Thereafter he sees that facts are clearly stated and proper evidence produced, and that the parties make all such applications as are necessary to serve their cause.

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* Thus claims under contract (special or contained in the code of regulations) for fines, deductions, or compensation in respect of damage to work would come before the trade court. Claims for wanton damage, not arising out of the performance of a task, would go to the ordinary courts, as would also claims for penalties because of the acceptance of a situation in the same district or because of an ex-workmen setting up on his own account.

† Protests, if any, must be lodged within three days.

INDUSTRIAL TRIBUNALS: GERMANY—*continued.*

Parties may not be represented before the court by professional lawyers, etc., but one person may appear for another, and, in exceptional cases where such representation seems justified, the loser may be ordered to pay all or part of the attendant costs.

Decisions are enforced like those of the "*Amtsgericht*" (ordinary courts).

Appeals.

Appeals against judgments in cases involving more than 100 marks, and complaints of certain orders, may be made to the *landgericht* (a subordinate district court), and its decision is final.

Costs and Expenses.

The costs of the court are in proportion to the amount involved, *e.g.*, three marks in a dispute involving one hundred marks, and can be reduced one-half in case of judgment by default, admission of claim, or withdrawal of suit. No costs at all are charged when there is a compromise. The communal statute can effect further reductions under some heads.

The court expenses are limited to out-of-pocket expenses actually incurred.

Special Courts for Certain Trades.

With regard to mines, salt-works, and ore dressing works the central administrative authorities can institute special courts which oust the jurisdiction of the ordinary trade court. Prussia, for instance, has five mining courts. These courts, however, are modelled largely on the trade court pattern.

Clerks and apprentices in mercantile businesses are subject to special mercantile courts, resembling the trade courts, but instituted as the result of a separate law.

LIMITATIONS ON THE SCOPE OF JURISDICTION.

The jurisdiction of the trade courts is subject to the following limitations and exceptions:—

Military and Naval Works.—The trade courts have no jurisdiction.

Works of State and City Authorities.—The trade courts have jurisdiction only in so far as a "trade" is carried on.

Works belonging to Members of Guilds *—

The trade courts have no jurisdiction over disputes with apprentices. These can be dealt with by the guilds, and there is no provision for arbitration or for representation of workmen.

As regards disputes with journeymen and labourers, the jurisdiction of the trade court may be excluded by the institution of a Guild Arbitration Court, half employers and half workmen, with a president chosen by the Government. There is an appeal to the ordinary courts (*i.e.*, not the trade courts) but recourse cannot be had to these in the first instance.

General Results.

The system seems on the whole to give satisfaction. Between 40 per cent. and 50 per cent. of the cases are settled by compromise, 20 per cent. to 25 per cent. by withdrawal of claim, and only about 10 per cent. by trial. Thus in Berlin, in a recent year, only one-third of the cases proceeded so far as to reach a sitting of the whole court, consisting of president and assessors. The defects recognised are:—

(*a*) The cumbrousness of appeal.

(*b*) The exemption of guilds, the appeal in the exempted cases being still more cumbrous.

(*c*) The general restriction of the trade court provisions to what may be called the "aristocracy of labour."

A suggestion frequently made is that the aim should be to have general labour courts replacing all special tribunals and competent to decide all disputes arising from contracts to work.

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* Unions of independent traders, mostly artisans, formed to further mutual trade interests.

APPENDIX IV.

LEGAL DECISIONS SINCE THE PASSING OF THE ACT OF 1896.

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LONG *v.* CRANE.

(This case was decided in 1893, but as it bears on the question of giving cider to harvesters (see *Jones* v. *Wasley*) it has been included.)

[June 9th, 1893. *Q.B.D.*]

(From the shorthand notes of Messrs. Cherer, Bennett and Davis, 8, New Court, Carey Street, London, W.C.)

Gibbons. My Lords, I appear in this case, with my learned friend Mr. Poland, for the appellant. It is an appeal by way of special case from the Justices of Worcestershire. They state in the case that at a Petty Session held on April 25th, 1893, an information was preferred by the appellant, Thomas Long, the Superintendent of Police, against John Henry Crane, who is the respondent, and the information charged: "That the respondent, on April 10th, 1893, at the parish of Astley, in the County aforesaid, being the employer of an artificer in a trade to which the Truck Acts, 1831 and 1887, respectively, applied, to wit, the trade of a servant in husbandry, did unlawfully make a payment to one Samuel Walters otherwise than in coin, to wit, by the delivery to the said Samuel Walters of a quantity of cider." I do not think I need go further into the case at present. If I may state the first point which your Lordships' opinion is asked upon, it is whether a Police Officer can prosecute for offences under the Truck Acts of 1831 and 1887. The 1 & 2 Will. IV., c. 37 (the Truck Act), enacts by the third section that all wages must be paid to the workmen in coin.

Wright, J. You had better read the case.

Gibbons. If your Lordship pleases. I did not know whether you would decide this point first. "At the hearing of the said information the following facts were proved in evidence before us and admitted on behalf of the respondent. The respondent was on the date of the said alleged offence named in the said information the employer of one Samuel Walters, a servant in husbandry, who was first engaged to work for the respondent about three years ago by the respondent's bailiff, William Mills, at wages of 14s. a week, with the use of a cottage and garden rent free, and at the time of such engagement no mention was made that the respondent should supply by way of payment or otherwise to the said Samuel Walters any drink. On April 7th, 1893, the said Samuel Walters signed an agreement (which was produced and shown to us at the hearing and marked 'A'), of which agreement the following is a copy: 'April 7th, 1893. Samuel Walters agrees to work for John H. Crane at the rate of 14s. a week and use of cottage and garden. Notice to be given on either side fourteen days verbally or otherwise to determine the engagement,' and he signs that 'Samuel Walters, 7/4/93,' upon a 6d. stamp. The rate of wages paid by the respondent to the said Samuel Walters under the terms of his hiring were equal to the standard of wages paid to servants in husbandry in the district. The said William Mills, in accordance with the express instructions received from the respondent, did, on the said April 10th, 1893, deliver to the said Samuel Walters a quantity of cider of about three or four pints' measure, which (as he, the said William Mills, swore) was a gift in accordance with the practice previously adopted and authorised by the said respondent at irregular times, but generally in hot weather, and not in part payment of wages or remuneration to the said Samuel Walters. The respondent at the hearing took the following objections——"

Lawrence, J. Really the first point is whether this was an infringement of the Truck Act.

Gibbons. That is one of the points.

Lawrence, J. If you have chosen to put in two or three more conundrums, as they have been called, why are we to spend the rest of the day in determining whether a constable could prosecute for offences under the Truck Act if no offence has been committed?

Wright, J. The Justices say there is no offence.

Lawrence, J. If giving your gardener a pint of beer on a hot day or a glass of whiskey and water on a cold night is an offence, the Truck Act every day must be broken. The whole question is whether it was paid as wages, is it not ?

Gibbons. The interpretation clause of " wages " is rather large.

Wright, J. The Justices have found it was not a payment for anything, neither in the form of wages nor for anything else. They have found it was a free gift. You cannot possibly contend that is within the Truck Act.

Gibbons. I do not think I can argue against your Lordships' view. I want to put this section before your Lordships. I think I am precluded by the Justices' finding, unless there is something incorrect in the way the contract is set out.

Lawrence, J. The contract is set out, and it is found this is done at irregular times, generally in hot weather. I suppose when men do a little more work, such as in hay time.

Wright, J. The recent Act contains an express power to give a servant in husbandry cider if it is given in addition to his wages.

Gibbons. Not cider, nothing intoxicating. This was an intoxicating drink.

Lawrence, J. I suppose cider is an intoxicating drink if you take enough of it.

Gibbons. We have a transcript of what took place before the Magistrates, and that was admitted by the respondent. The Act says : " Within the meaning and for the purposes of this Act any money or other things had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and taken to be the ' wages ' of such labour." If your Lordships cannot bring the case within those words, I do not think I ought to occupy your Lordships' time any further.

Wright, J. You are quite right. The case could not be argued.

Littleton. The appeal will be dismissed with costs ?

Lawrence, J. Yes.

SQUIRE *v.* SWEENEY.

[*Irish Weekly Law Reports*, January 30th, 1900.]

Magistrates' case stated—Factory Acts—Truck Acts—Inspection—Enquiry—Place for giving out work—Obstructing Inspector.

The Act 41 *Vict. c.* 16, *Sec.* 68 (4), *does not confine the place at which inquiries and examinations under it are made to the place where work is given out to outworkers, or to the factory or workshop itself.*

This was a case stated by the Justices of Donegal, sitting at Dungloe Petty Sessions. The case set out that the summons was taken out by Rose Squire, an Inspector of Factories, against John Sweeney, junior, for : " That he, being an employer within the meaning of the Truck Acts, 1881, 1887, 1896, did unlawfully obstruct an inspector, to wit, the complainant, in the execution of her duty." At the hearing of the complaint it was proved that the complainant was an Inspector of Factories and Workshops, and that the defendant was a partner in the firm of John Sweeney and Son, hosiery contractors, grocers, drapers, and hotel keepers of licensed premises. The complainant proved that she and Miss Deane, another inspector, were in Dungloe by instruction of the Home Office to execute the Truck Acts, and that on November 14th, 1899, they, with Constable B. McCaughey, R.I.C., entered the premises of the defendant, in the back part of which hosiery work was given out, and which was not connected with the drapery shop, but which was entered by a separate door from the back yard, and that they approached the premises to make inquiries in pursuance to the powers given them by the Truck Act (1887), Sec. 13 (2) ; Truck Act (1896), Sec. 10 ; Factory and Workshop Act (1878), Sec. 68, in order to obtain information required by them for the purposes of the Act. It was proved that the complainant had power to enter the premises and require production of the list of outworkers under the Factory and Workshop Act (1891), Sec. 27, and Factory and Workshop Act (1895), Sec. 42 (2), and that in consequence of the conduct of the defendant no inquiries were made, and that there was no opportunity of disclosing the object of the visit, and that the name of the occupier of the buildings appeared both as " John Sweeney " and " John Sweeney and Son." These premises included a drapery shop, a grocery shop, a hosiery giving-out department, and a business office which formed part of the drapery shop. The entire premises formed one block of buildings. The defendant was standing at the door of the drapery shop when the complainant approached. She went to him and asked if she could have speech with him ; the defendant turned and led the way into his private office, and when they got there she asked if she were addressing Mr. John Sweeney. He made no reply, but ordered her in a violent manner to leave, and turned her towards the door. She had no opportunity to produce her warrant of authority, and she was not asked for it. When the complainant, Miss Deane, and Constable McCaughey were on the street, the defendant again molested and abused them. The defendant contended that the drapery shop was not a factory, and he proved that

no hosiery work was given out there, and that the hosiery giving-out department was disconnected with the shop, and that the lad employed there had nothing to do with the hosiery giving-out department, and that there was a man in charge of that. The justices on this evidence dismissed the complaint on its merits, and on the application of the complainant stated the present case.

Palles, C.B., said that in the view the Court took of the matter it would not be necessary for him to review the facts of the case, or to go through the various Acts and sections cited. The judgment of the Justices was based on two points, and on one of these they were wrong. They had been of opinion that on the construction of Sec. 68, Sub-sec. 4, of 41 Vict. c. 16,* the only place in which an inspector could make the inquiries, or the examination mentioned in the section, was in the place where the work was actually given out. In his opinion there was nothing in the section which could restrict its operation in this way. The determination of the magistrates was based on an erroneous view of a matter which was material to the decision of the case, and the Court would, therefore, send the case back to the Justices to proceed therein according to law. It would be sent back, not for a conviction, but for the re-hearing, and the re-determination of the case by the Justices. They would add to the order an expression of the opinion of the Court that Sub-sec. (4) of Sec. 68 of the 41 Vict. c. 16, did not confine or restrict the place where the inquiries or examination mentioned in it could be made to that place where the work was actually given out. The Justices would then decide the case having regard to this opinion of the Court. Under all the circumstances of the case, he was of opinion that it was not one in which he should make any order as to costs.

SQUIRE *v.* SWEENEY.

[June 27th, 1900.]

Truck Act, 1831, Sec. 3—Paying a worker otherwise than in current coin of the realm.

Magistrates' case, dated April 30th, 1900, stated by certain of the Justices of the County of Donegal, from the Petty Sessions holden in and for the Petty Sessions District of Dungloe, in said county, on or about March 6th, 1900, setting forth the facts and grounds of their determination dismissing, on the merits, the complaint that defendant, being an employer within the meaning of the Truck Acts, did pay Mrs. Mary McGeehan, an artificer within the meaning of the said Acts, otherwise than in current coin of the realm.

† Palles, C.B. In this case we are of opinion that the reasons that have been given by the majority of the Magistrates for their decision are not correct in point of law; but if, upon the case as sent up to us, there is no evidence sufficient to sustain a conviction, then their determination is right although their reasons be wrong; and the only question we have to decide under the Act of Parliament is whether their determination is right or wrong.

Now, the only question we propose to determine is whether there is any evidence that Mary McGeehan was an artificer within the meaning of the Act of 1831. Artificers who were not within the Act of 1831 were brought into that Act by the subsequent Act of 1887. The class so brought in were "workmen" within the tenth section of the Employers and Workmen's Act of 1875; but it has been held in many cases in England, including several in the Court of Appeal, that the words in that section "engaged in manual labour" governed the word "artificers" in the second section of the Act of 1875; and these Courts have also held that this "manual labour" is something different from "manual work," and is something that, in the opinion of Lord Esher, "tries the muscles and the sinews"; and we have been obliged to hold that a hairdresser was not employed in "manual labour" within the Act of 1875.

Well, the manual occupation that is involved in knitting does not, in my opinion, require that amount of physical energy to bring it within the words "manual labour" as these words have been construed where they occur in Sec. 10 of the Act of 1875; and, therefore, Mary McGeehan cannot be an artificer within the meaning of the tenth section of the Act of 1875, and therefore was not brought into the Act of 1831 by the operation of the Act of 1887.

Now that brings us to the question: Is there any evidence that she was an artificer within the meaning of the Act of 1831 irrespective of the extension effected by the Act of 1887?

By the contract as disclosed upon the evidence, she was not bound to perform the work of knitting personally or any part of it. Her contract, so far as disclosed by the evidence, would have been performed had she had the work done either in whole or in part by others or wholly by herself.

In the result, therefore, the case is exactly within the decision of the Exchequer Chamber on *Ingram* v. *Barnes* (1) and *Sleeman* v. *Barrett* (2). I shall not say a single word in reference to these decisions by way of criticism or otherwise. They bind us, and because of them we are coerced to say that there is no evidence to sustain the conviction.

For this reason the dismissal must be affirmed with the costs of this case. The order will be so moulded as to exclude any possibility of the costs of the motion in which we were recently engaged being included as part of the costs.

Andrews and Johnson, JJ., concurred.

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* Now Section 119 (1) (*d*) of the Factory and Workshop Act, 1901.

† The judgment is taken from separate shorthand notes. The report which appears in the Irish Weekly Reports is too fragmentary.

(1) 7 E. & Bl. 115. (2) 2H. & C. 934.

BUXTON LIME FIRMS COMPANY, LIMITED *v.* HOWE.

[April 2nd, 1900. 2 *Q.B.* 232.]

Employer and Workman—Jurisdiction of Justices—Absence of Workman without Leave—Employers and Workmen Act, 1875 (38 & 39 Vict. c. 90), Sec. 4; Truck Act, 1896 (59 & 60 Vict., c. 44), Sec. 1.

The jurisdiction of a court of summary jurisdiction under the Employers and Workmen Act, 1875, to hear and determine a dispute under that Act between an employer and a workman is not ousted by reason of the agreement of service being one to which the provisions of Sec. 1 of the Truck Act, 1896, apply.

Case stated by justices for the County of Derby, from which the following facts appeared.

A complaint had been preferred under the Employers and Workmen Act, 1875, by the appellants against the respondent, the particulars of claim annexed to and served with the summons being as follows: "The plaintiffs claim 5s. as a fine or penalty or alternatively by way of damages for that the defendant being a workman under a contract of service with the plaintiffs wrongfully absented himself from work on September 15th and 16th, 1899, being 2s. 6d. for each of such days." The following facts were proved or admitted at the hearing.

On January 2nd, 1899, the respondent entered into the service of the appellants and was employed under an agreement signed by him. By the agreement the respondent agreed to serve the appellants in getting and breaking limestone for twelve months, the respondent being "subject to a fine, or penalty, or drawback of 2s. 6d. for each and every working day on which he shall be absent without leave, except in case of sickness." The appellants agreed to pay wages at a specified rate, and the agreement further provided that, "in the event of the breach of any of the conditions of this agreement on the part of the workman, then, and in every such case, it shall be lawful for the company to dismiss the workman without any notice or without being liable to make any payment by way of damages or otherwise for dismissal without notice, but all wages earned shall be paid up to the time of such dismissal less any amount then due for fines, penalties, or drawbacks for absence as aforesaid, should the company insist thereon." A notice was posted up in the cabin in which the respondent had his meals, of which the following is a copy: "Whereas by Rule 3 of the General Rules of the Buxton Lime Firms Co., Ltd., every contract man employed by the company is bound to do a full day's work every working day except in case of illness or absence by leave. And whereas also every contract man by the terms of his signed contract note is subject to a fine or penalty or drawback of 2s. 6d. for each and every working day absent without leave except in case of sickness. And whereas the loose observance of these conditions of employment has prejudicially affected the company in the carrying out of its contracts with customers and in other ways, Notice is hereby given to every workman that the rules and conditions subject to which he is engaged will henceforth be strictly enforced, and any infringement of them will be considered a breach of contract and punishable accordingly."

On September 13th, 1899, the respondent applied for leave of absence from his work on September 14th, 15th, and 16th, and leave was granted for the 14th, but was refused for the 15th and 16th. When the respondent's application for leave of absence on the 15th and 16th was refused, he replied: "Then I shall take French leave"; and he accordingly absented himself from his employment on September 15th and 16th without the appellants' permission.

The respondent was employed to get stone to supply a stone crusher, and during his absence the crusher was at work and the stone which should have been supplied by the respondent was not crushed, with a consequent actual loss to the appellants of a larger sum than 2s. 6d. for each day he was absent.

The respondent continued in the employment of the appellants and received wages from them; but no demand was made upon him for any penalties under the agreement for so absenting himself from his employment or for damages consequent thereon until he received the particulars of claim attached to the summons.

It was admitted that other workmen were absent from the works on September 15th and 16th, and that in some cases deductions for penalties were made from their wages, and that the amount was not deducted in the respondent's case because of his contumacy when asking for leave of absence and the desire on the part of the appellants to punish him for such contumacy by bringing him before the justices.

On behalf of the respondent it was contended—(1) That the agreement brought the case within the Truck Act, 1896, and that no particulars in writing under Sec. 1, Sub-sec. 2 (*b*), of that Act had been given, and that such particulars were a condition precedent to the levying of a fine or penalty such as was claimed. (2) That the appellants had their remedy for the respondent's misconduct in their own hands by deducting the penalties from his wages, as provided by the agreement. (3) That the appellants' only remedy was by deducting the amount claimed from the respondent's wages after complying with the requirements of the Truck Act.

On behalf of the appellants it was contended—(1) That if the case were governed by the Truck Act the service of claim in the form of particulars attached to the summons was sufficient notice for the purpose of the Act. (2) That the case was not governed by the Truck Act. (3) That the deduction from the respondent's wages was not obligatory.

The justices were of opinion—(1) That the appellants by their agreement with the respondent had the remedy for the offence in their own hands, and that their proper course was to have deducted the penalty from the next payment of wages, as the appellants had done in similar cases. (2) That the agreement came within the Truck Act, and that the proceedings to recover a penalty under it could only be brought after a strict compliance with the provisions of that Act. (3) That Sec. 1, Sub-sec. 2 (*b*), of the Truck Act had

not been complied with, and that the particulars of claim attached to the summons were not a compliance therewith. They accordingly dismissed the summons.

The question for the opinion of the Court was whether the justices were right in dismissing the summons on the grounds stated in the case.

Ridley, J. I think that the justices have come to a wrong decision in this case, and that the appeal should be allowed. We have to consider the state of legislative enactment on the subject. In the first place, there is the Employers and Workmen Act, 1875, which expressly gives power to a court of summary jurisdiction to determine disputes between employers and workmen; the summons in the present case was taken out under that Act. Then the Truck Act, 1896, contains provisions as to contracts between employers and workmen containing any agreement under which deductions may be made from the wages to be paid, and the Act says that such contracts are not to be valid unless certain conditions are complied with; for instance, the terms are to be contained in a notice, which is to be put up in some place accessible to the workmen; there are other conditions, which, as I understand the facts, have been substantially complied with in the present case. It is provided in Sec. 1, Sub-sec. 2, that the employer shall not make any deduction from the wages unless such deduction is made in accordance with the terms of a contract, and unless particulars thereof are put in writing and delivered to the workman. These conditions were complied with in the present case, and I think that the justices have gone wrong in this way: they supposed that because the Truck Act, 1896, contained the provisions to which I have referred, it ousted the jurisdiction conferred upon justices by the Employers and Workmen Act, 1875, in cases where the contract fell within the Truck Act, 1896. In other words, they thought that the parties must make use of the Truck Act, 1896, in all cases where the contract contained a provision authorising in certain events a deduction from the wages, and that if the employers did not comply with the requirements of Sec. 1, Sub-sec. 2, of that Act, they were left without a remedy. To justify such a construction, the words of the sub-section cannot be construed literally, and the word "receive" must have a wider interpretation than properly belongs to it. The Act was passed to prevent employers from taking matters into their own hands and making improper deductions from the wages due to the workman; but it was not intended in any way to interfere with the powers given to justices by the Employers and Workmen Act, 1875. Had that been intended by the Legislature, some provision to that effect would certainly have been found in the Truck Act, 1896. I think that the fact found by justices, that the agreement came within the Truck Act, and that the proceedings to recover a penalty under it could only be brought after a strict compliance with the provisions of that Act, was wrong. It may be that the agreement comes within the Truck Act, 1896, and I incline to think that it does, but it does not follow that proceedings for the recovery of a penalty can only be taken after compliance with the requirement of that Act; that is contrary to my view of the statute. Then the justices went on to find that Sec. 1, Sub-sec. 2 (*b*), of the Truck Act, 1896, had not been complied with, and that the particulars of claim attached to the summons were not a compliance therewith, and therefore the claim for the penalty could not be enforced. I think that in so holding they arrived at an erroneous conclusion; they should have said that although the agreement was within the Truck Act, 1896, the dispute had arisen under the Employers and Workmen Act, 1875, and have proceeded to adjudicate upon it; practically they have not adjudicated upon the dispute at all.

Further, it was contended that the appellants were not entitled to recover damages from the respondent because a penalty for a breach of the agreement was provided in the agreement itself. I doubt whether that is the true construction of the statute, and I think that it is not; but I do not desire to give any decision upon that point. I think that the case should be sent back to the justices to determine under the Act of 1875.

Darling, J. I am of the same opinion. I look at the case in this way. Sec. 1 of the Truck Act, 1896, provides that an employer shall not make a contract with a workman for any deduction from his wages, or for any payment by the workman by way of a fine, unless certain specified conditions are observed. Now, here the employers and workmen entered into a contract which provided for the payment of a fine or penalty or for making a deduction from the wages, and therefore that contract would be bad in law if it did not comply with the requirements of the Truck Act, 1896. The workman did something which would have entitled the employer to a fine or penalty which he could have deducted from the wages, because the contract provides for such a deduction in the event of the workman absenting himself from his work without leave. The workman absented himself without leave, and thereupon the employers, instead of making a deduction, issued a summons before justices under the Act of 1875 for the recovery of 5s. as a fine or penalty, or in the alternative as damages.

It was argued that because the amount was a penalty under the Truck Act, 1896, it could not be recovered before justices upon a summons under the Act of 1875. The Truck Act provides that employers and workmen shall not make a contract except upon certain terms and conditions; those terms and conditions were in my judgment complied with in the present case, and the contract was, therefore, in my opinion, good and binding on the parties to it. Sec. 1, Sub-sec. 1, was undoubtedly complied with. Sec. 1, Sub-sec. 2, says that "an employer shall not make any such deduction"—in the present case no deduction was made, so those words do not apply—"or receive any such payment;" as to these words, it was said that if the employer goes before the justices and gets a judgment in his favour and gets the proceeds of that judgment he receives a payment, and must, therefore, comply with the remaining part of Sub-sec. 2, which prevents the employer from recovering "unless particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made." But that argument does not seem to avail the respondent much, for the Act provides that the particulars are to be given when the payment is made, and, if recovery of the money is to be treated as payment under the Act, it follows that it is sufficient if the particulars were given when the payment is made, that is, when the employer gets the proceeds of the order of the justices. If the respondent's case is based upon that contention, it appears to me to be wholly wrong.

I should not be inclined to hold that, because in a contract of this nature there is a provision for a penalty, the employer could not in law recover it by means of legal proceedings. A man might absent himself

from his work at a time when his employer owed him nothing; for instance, his wages might be paid on Saturday, and he might stay away on the following Monday, Tuesday, and Wednesday; in such a case I should be sorry to hold that a master could not take legal proceedings for the recovery of the penalty mentioned in the contract. But that consideration would not conclude the present case, for there remains the alternative claim for damages. It was contended for the respondent that the employer had no right to recover damages upon such a summons; I cannot accede to that contention. The Truck Act does not deal with damages: it deals with fines and payments in respect of fines; and neither under that Act nor under the contract has the master given up his right to claim damages for the loss occasioned to him by reason of the workman's misfeasance. I think the justices were misled by not noticing that the Truck Act applied certain conditions to the making of a good contract; even if the parties tried to make a contract, but only succeeded in making a bad one, they would not, in my opinion, give up their rights under the Employers and Workmen Act, 1875; nor do they give them up if they make a contract which complies with the conditions of the Truck Act, 1896. I agree, therefore, that this case must go back to the justices.

Appeal allowed.

GLASGOW *v.* INDEPENDENT PRINTING COMPANY.

[Feb., 1900. [1901] 2 I.R. 278.]

Master and servant—Wages—Payment otherwise than in current coin of the realm—Agreement by workman to accept payment of portion of his wage in scrip of the company by whom he was employed—Truck Act (50 & 51 Vict. c. 46)—Agreement signed by those in common employment with the plaintiff.

On a case stated upon the hearing of a civil bill appeal it appeared that the plaintiff was employed by the defendants as a journeyman machinist at 22s. per week. The case stated erroneously that in October, 1894, the plaintiff signed an agreement, along with his fellow-workmen, to accept "a *reduction* of 10 per cent. on his wages—20s. a week in cash and 2s. to be applied to purchase shares of the defendant company." The plaintiff was paid 20s. down to April 24th, 1897, when he served notice on the defendants that he would not accept the reduced wages, and from that date until February, 1899, he was paid 22s. a week in cash. In February, 1899, he left the defendants' employment, and brought an action for £12, the difference between the 20s. and 22s. a week from the date of the agreement in October, 1894, to April 24th, 1897:—

Held, by the Queen's Bench Division, who acted on the statement in the case, without seeing the agreement, which was supposed to be lost, that the contract entered into by the plaintiff was for a wage of 20s. and an addition of the purchase money of scrip of the Company at the rate of 2s. a week, and that the case was not within the Truck Acts.

Held, also, by the Queen's Bench Division, that even if the agreement were within the Truck Acts, the plaintiff, by its tripartite character, and the acquiescence of his fellow-workmen (some of whom were outside the Acts), and himself, was precluded from recovering.

In the Court of Appeal the original agreement was produced, from which it appeared that the contract was made on the basis that the plaintiff's wages continued to be 22s., of which 2s. per week was to be satisfied by shares:—

Held, by the Court of Appeal, that the agreement was void under the Truck Acts, and the defendants were liable to pay so much of the plaintiff's wages as had not been paid in current coin of the realm; also that there was nothing either in the concurrence of the other workmen or in the plaintiff's own conduct to prevent him from recovering.

Judgments of Queen's Bench Division.

Sir P. O'Brien, L. C. J. This is a difficult case. It is one too, in which we should proceed with great caution, because the manifestly unmeritorious character of the plaintiff's claim renders the exercise of great care, indeed of what I might describe as severe introspection, essentially necessary, lest the impression of moral injustice, which is immediately created by a consideration of the facts, should in any way prejudice our minds in our endeavour to ascertain the true legal basis upon which our judgment should rest.

The construction of the Truck Acts, upon which the case depends, has produced in England an acute conflict of judicial opinion. In *Archer* v. *James* (1), which was argued in the Exchequer Chamber in England, six Judges were equally divided in opinion; and, in the case of *Hewlett* v. *Allen* (2), which went through every stage of legal discussion, from the Court of First Instance to the House of Lords, each tribunal differed in their reasons. The Court of Appeal differed in its reasons from the Court of First Instance, and the House of Lords differed from the Court of First Instance and from the Court of Appeal.

What are the facts of this case? They are to be found in the case stated for our determination by my brother Madden, and it is better to give them exactly as he stated them, giving not only the facts, but stating the contentions on both sides, and stating besides, which it is very essential to ascertain, the precise question ultimately evolved by the learned Judge for our determination.

"It appears in evidence" (the learned Judge tells us) "that for some time prior to October, 1894, the plaintiff had been employed by the defendants as journeyman machinist, an occupation of manual labour,

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(1) 2 B. & S. 61; 31 L. J. C. P. 155. (2) [1892] 2 Q. B. 662; [1894] A. C. 383.

at a weekly wage of 22s. In that month the defendants found it necessary to reduce their expenditure, and after some negotiations with their staff the following agreement, which was produced in Court, was drawn up by a committee of the staff, and signed by the majority of the staff, including the plaintiff:—'The Committee agree for themselves, and will recommend to their fellow-workers, for six months from November 1st, a reduction in wages on the basis of 10 per cent. off all wages and salaries of £3 a week and under; and of 20 per cent. on all salaries over £3, the deductions to be credited as subscriptions for ordinary shares. The committee also decide that as in the carrying out of this arrangement into proper effect it will be absolutely necessary that the entire staff should join in it, they will recommend to the Board that the services of any employee not agreeing to it should be dispensed with.'

"Under this agreement plaintiff was paid 20s. at the end of each week, and the remaining 2s. was put to his credit in defendants' books, and from time to time scrip of shares in the defendant company to the amount of the sums then standing to his credit was delivered to the plaintiff and accepted by him. After the expiration of six months the same arrangement was carried on by mutual consent, though no new agreement was formally drawn up, and plaintiff continued in defendants' employment on the same terms down to April 24th, 1897. On that date the plaintiff intimated to the defendants that he would not remain on in their employment at the reduced rate of wages, and from April 24th, 1897, until February 24th, 1899, he was paid at the rate of 22s. a week. On the latter date the plaintiff left his employment of his own motion, without giving notice to the defendants. Plaintiff never demanded the amount stopped by defendants until after he had left their employment. During the period from November 1st, 1894, until April 24th, 1897, the difference between the plaintiff's former rate of wages and the rate at which he was then paid amounted to £12. The defendants, in pursuance of the agreement, delivered to plaintiff scrip for this amount, which was produced in Court. It was contended for the plaintiff that the deduction of 2s. a week was illegal under the Truck Acts; that the payment of wages in shares was a payment 'otherwise than in coin of the realm'; and that plaintiff was entitled to recover the amount so deducted and paid. It was contended for the defendants that the agreement produced and signed by the plaintiff was an agreement to a reduced rate of wage, and not to a deduction from his former wages; and, as such, was outside the Truck Acts. That the plaintiff was estopped by acquiescence. That the section of the Truck Acts prohibiting set-off applied to goods only. That shares were not goods. That payment in shares was payment in cash, and that in any event the plaintiff was precluded at the date at which he brought his action from recovering the wages, if due, by Sec. 5 of the Truck Act, 1896. The question for the Court is whether the plaintiff is entitled, under the Provisions of the Truck Act, to recover from the defendants the difference between the former and the reduced rate of payment. If this question is answered in the affirmative the order of the Recorder should be affirmed with costs. If in the negative, the decree should be reversed, and the civil bill dismissed with costs."

Now, we have the facts—the contentions of the respective parties—and the question which we are to answer in the affirmative or negative according to our determination.

The learned Recorder of Dublin, from whom the case came on appeal before my brother Madden, gave a decree for the plaintiff for the full sum claimed, and he has very fully and lucidly stated in the order which he drew up the reasons upon which he acted. He prefaces his order by stating that the Court was of opinion that these actions (it appears there are a number of them, all of a similar character) were, under the circumstances proved, unjust, inequitable, and ungracious, as the agreement suggested to be illegal was a voluntary proposition of the staff, when aware that the defendant company, for commercial reasons, were obliged to reduce their expenditure, and had full power legally to reduce their staff by dismissal or otherwise, or to reduce the rate of wages.

I entirely agree with these observations of the learned Recorder of Dublin, and would add that the immeritorious character of the plaintiff's claim seems to me to be aggravated by the fact that the Board of Directors of the "Independent Printing Company" were urged by the employees, who were parties to the agreement, which the plaintiff now repudiates as illegal, to dismiss all who would not accept its terms. The plaintiff repudiates that very agreement which originated with himself and other employees without contrivance or pressure on the part of the defendants—an agreement which has been fulfilled to the very letter by the defendants, and the non-acceptance of which by the other employees was urged upon the defendants as a ground for their dismissal—and that, too, although some, as was not denied, of the staff of the Company, who were parties to the agreement, did not come within the definition of workmen or artificers as used in the Truck Acts. They were always to remain bound by the agreement they entered into, although the plaintiff, who subscribed the same agreement, which was to form the basis of the common action of all, is to be permitted to repudiate it, not only with reference to the defendants, but with reference to all his co-contractors, in respect of some of whom, at least, the Truck Acts, admittedly, can give no relief.

However, if the statute allows all this, we must not permit what we may consider deflection from a moral standard to override the requirements of the law.

What, then, does this agreement which was entered into between the "Independent Printing and Publishing Company" and their staff mean? Three views may possibly be taken of the contract—three, but no more than three.

First, it may be said that it was a contract in which the wages were fixed at 22s. a week. This was the view advanced and insisted on by the plaintiff's counsel.

Secondly, it may be said to be a contract in which the wages were fixed at 20s. a week, and that, in consideration of accepting a reduced money wage, an interest in the Company was to be given to the plaintiff, that, in fact, the true wage was the reduced money wage of 20s. a week: and that, in consideration of the reduction, the plaintiff was to get an interest in the Company. In this view the interest in the Company

would not be given as a recompense or remuneration for labour or work, but in consideration of an agreement to take the smaller wages of 20s. a week.

The third, the only remaining possible view, is that the agreement was a contract in which the weekly wages were fixed at 20s. a week, plus a tenth part of a share in the Company, the face value of which was £1.

Dealing with the contract on the basis that it fixed the wages at 22s. a week, I am, nevertheless, of opinion that, even on that assumption, the plaintiff is not entitled to recover. He is, by the circumstances of the particular case, precluded from all right to recover. He is estopped from so doing by the nature of the contract he entered into, and by the fact that all parties acted upon and acquiesced in it for years on the faith that each were bound thereby. What would be the result if he were allowed to recover ? This —the Company's funds—his co-contractors' share and interest in those funds, including the share and interest in those funds which belonged to those of the staff who were outside the Truck Acts would be made available to pay to the plaintiff the money now claimed by him in breach of his contract with those others—a contract by which they are bound. The relation of employer and employee does not subsist between the plaintiff and his co-contractors, some of whom are outside the Act. The Truck Acts cannot affect their rights, and it would be to sanction a very palpable fraud if we were to allow the plaintiff to recover as against them. He was, without contrivance or pressure of any sort, party to a contract with them ; and now, when he seeks, after years of acquiescence, to recover out of funds in which they are interested, he is, in my opinion, precluded and estopped from saying that his contract with them is not a good one.

It is quite true that they are not parties to the process ; but it must be always borne in mind that it is out of funds, the moneys of the Company in which they are interested, that he seeks to recover. We have before us the Company, of which those co-contractors who are outside the Truck Acts are members ; and, if we hold that a decree should be given, payment must be made out of the funds in which they are interested as shareholders.

For these reasons, even on the assumption that the wages were fixed at 22s. a week, I am of opinion that the plaintiff must fail.

We are, however, all of opinion that the first view of the contract, that it was a contract in which the wage was fixed at 22s. a week is not the correct view. We are all of opinion that the contract, so far as it related to a money wage, did not exceed the limit of 20s. a week. The original wages were to be reduced to that sum. If the full sum of 22s. a week had continued to be payable, there would have been no reduction ; but the new contract, in our opinion, did not operate as a mere mode of discharging a liability of 22s. a week. The agreement operated as a reduction of the money wage, with something additional, namely, the tenth part of a share weekly ; and it matters not whether the tenth part of the face value of the share is to be regarded as a consideration for the reduction of the wages, and therefore as not coming within the definition of wages in the twenty-fifth section of the statute, or as remuneration for labour, and therefore included in that definition.

The provision that what were described as " deductions " were to be credited as subscriptions for ordinary shares has been relied upon both by Mr. Sullivan and Mr. Dunn, in support of the contention they insisted upon throughout—that the wage was a weekly wage of 22s. ; but, in my opinion, the dominant intention of the resolution, which was the basis of the contract, was " *reduction* " of wages, and the word " *deduction* " was used to represent the money portion of the original wages, which the staff had agreed to forego. The plaintiff was to be dealt with on the basis that he was to get a share interest in the Company : that is to say, the tenth part of the face value of a share in lieu of what he had given up, in lieu of the reduction he had consented to make, namely, 2s. a week. The essence of the transaction was not a mode of payment of portion of a continued wage of 22s. a week, but the creation of a new wage of 20s. *and* an interest in the Company, whether the latter—that is, the interest in the Company—was, as I have already said, to be regarded as portion of the wages or a consideration for accepting a new reduced wage.

Now, if it be the latter, the whole case is easily solved. The plaintiff would in that case have been paid his entire wages ; and an interest in a share given as a consideration for accepting a reduced wage would not be within the definition of wages given in the twenty-fifth section of the statute. But, assuming that the share in the Company formed part of the wages, then it follows, I think, clearly, that the plaintiff is not entitled to recover on the question put to us by the learned Judge. That question is " whether the plaintiff is entitled under the provisions of the Truck Act to recover from the defendants the difference between the former and the reduced rate of wages." Agreeing that the wages were 20s. a week, and an interest in a share, what the plaintiff would be entitled to, in addition to the 20s. which he got, would be the value of the share, which might be greater or less than the 2s. a week ; and, as this value is not ascertained, this question should be answered in the negative.

This view, no doubt, though involving an answer to the plaintiff's claim—and the defendants in this case are abundantly justified in relying on any answer—is founded, more or less, upon the form of the case and upon considerations independent of what the true construction of the Truck Act is.

Assuming the wages to be 20s. a week, and a share or part of a share, how, under the Truck Acts, would the matter be ? I am of opinion that the reasons I have assigned as an answer to the plaintiff's claim on the assumption that his wages were 22s. a week, should prevail. If the true view of the contract be that his wages were 20s. and one-tenth of a share, the plaintiff, for the reasons I have already given, is precluded and estopped from relying upon the provisions of the statute to avoid the contract.

But, apart from any question of estoppel and acquiescence, how does the case stand if the contract fixed the wages at 20s. a week, *and* the tenth part of a share ?

Would that be a case struck at by the Truck Acts ? What was the policy and object of these Acts ? Lord Herschell tells us, in his judgment in the case of *Hewlett* v. *Allen* (1). He there says—" I do not think it can be doubted that the object of this enactment was to strike at the practice which had grown up of employers making their payment in part by the supply of goods, in the sale of which they were interested, which it was thought would place the person employed at an unfair disadvantage, and which it was thought was calculated to result in the person employed obtaining something less than the agreed remuneration for services."

This is the language of Lord Herschell. Now a share is not " goods, wares, or merchandise," and the plaintiff in the present case did not get less than what by his contract he agreed to take, viz., 20s. a week, and a tenth part of a share. But the question remains: Is such a form of wage struck at by the Act ? Take this case. Wages fixed at 20s. a week and the use of a cottage to live in. Is that case struck at by the Act ? One's instincts are startled by such a construction of the statute, but such a case might nevertheless appear to come within the letter of the Act, if not within its spirit. The first section of the 1 & 2 Will. IV., c. 37, which is styled the principal Act, provides that, if " In any such contract the whole or any part of such wages shall be made payable in any manner other than in current coin, such contract shall be illegal, null, and void." And the definition of wages, as given in the twenty-fifth section of the Act, includes not only money, but any other thing given as a reward or remuneration for any labour done or to be done. This definition is as wide as it well can be, and its very large comprehensiveness is indicated by the exemptions contained in the fourth section of the Act of 1887, which provides that nothing in the principal Act shall render illegal a contract with a servant in husbandry for giving him, amongst other things, food or a cottage in addition to money wages as remuneration for his services.

But assuming such a contract to be illegal, another question remains. It is this: What is the servant entitled to recover ? Is he entitled to recover not only the money wage, but the value of anything given in addition to money wages ? In the case I put, Is he entitled to recover, not only the money wage, but the value of the use of a cottage ? Now, there is no express provision in the Act of Parliament for valuing anything ; but is such a function or process impliedly imposed or directed ? It, I think, might with some plausibility be contended that once the first section commanded, as it were, payment in money—that is to say, the fixing of a money wage and nothing else—the following sections proceeded on the basis that nothing but money wages would be so fixed, and dealt with their payment with a view to money wages being paid in money, and in no other way: for instance, that a wage of 20s. a week, which would be *ex concessis* a lawful wage, should be paid in current coin and not otherwise. No doubt, there is a difficulty created by the definition of the word " wages." " Wages," in the first section, would include something in addition to a money wage, and, if in the third and fourth sections the word " wages " was to be construed as a money wage alone, the word in the different sections would bear a different meaning.

However, the words in the third section are the entire " amount " of the wages, and that would certainly *prima facie*, mean the entire amount of a money wage. The words are not the *amount and value ;* and later on in the third section, the words used are that every payment made in respect of *such wages* " *by delivering goods, or otherwise than in current coin,*" is declared illegal. These words would seem to forbid payment by the delivery of goods when a money wage exclusively was fixed.

The fourth section is the important section upon the subject with which I am now dealing, namely, whether the employee can recover at all except where a money wage is fixed. That section provides that the employee may recover any part of wages not paid in current coin, as servants recover their wages.

This section, if taken by itself, would certainly seem to me to contemplate a case where the entire wages consisted of money wages, and where a balance remained undischarged in current coin. It does not seem, at least *prima facie*, to contemplate the valuing of something other than current coin, and awarding this as wages, for instance, valuing the shares in the present case, and awarding their value to the plaintiff as wages ; and the fifth section, which deals with a limited set-off, would appear to contemplate a money wage against which there would be strictly speaking a set-off.

Now, I asked counsel for the plaintiff, If the wages were 20s. *and* a share, what would be the consequence ? The answer was that the case I put would raise a difficulty, and that it was essential to their case that the wages were 22s. a week, an entire money wage, and not a wage partly money and partly a share.

It may be said that the statute would be entirely frustrated if the employee could only recover the money part of the wage when the entire wage was of a composite character, namely, partly a money wage and partly something else such as a share, or, the use of a cottage. This is not so, as a composite wage would be hit by the first section. What Lord Bowen, in his judgment in *Hewlett* v. *Allen* (1), calls " the offence against the public," would be committed if a composite wage was fixed, and this offence would be penalised by the ninth section of the Act.

However, upon the facts of this particular case, and having regard to the answer that, as I have before indicated, may be given to the plaintiff's claim, on the hypothesis that the wages were of a composite character, namely, of 20s. a week and a share, it is not necessary to come to a final opinion on the question I have been now discussing, though my present impression is that the employee is entitled to recover only where the deduction is from a money wage.

My brother Andrews has suggested a view, which attracts me, but in reference to which I do not think it necessary to give a final opinion. He pointed out to us that the sixth section contemplates that there may

(1) [1894] A. C. 383. [1892] 2 Q. B. 662 ;

be other defences besides the limited character of the set-off dealt with in that section; and he has referred to passages in Lord Bowen's judgment in *Hewlett* v. *Allen* (1), which would indicate that this was so; and he suggests that, this being so, it is only reasonable to hold that, whilst the shares stand in the plaintiff's name, the defendants may set up a defence against a claim for their value, that the plaintiff still holds the very thing he seeks to recover the value of.

This view of the case is certainly plausible, but there is this difficulty. Is it not setting up as a defence the retention of that which the first section prohibits to be given as wages, declaring any contract by which it is agreed to be given as wages to be illegal, null, and void? However, I desire to leave the matter absolutely open as far as I am concerned.

As to the point that the plaintiff is barred by lapse of time, I agree with the argument of his counsel. The section of the Act of 1896, upon which the question arises, is expressly confined to cases arising under that Act, and does not extend to cases arising under the principal Act. The separate identity of each Act is distinctly preserved.

On the whole case, however, I am of opinion, for the reasons I have assigned, that the plaintiff is not entitled to succeed, and that the case which has been stated for our determination by our brother Madden must be answered in the negative, the defendants to get the costs of the argument. As I said at the commencement of my judgment, the case is a difficult one, and its difficulty with me was much enhanced by the fact that the learned Recorder of Dublin, for whose opinion and legal attainments I entertain very great respect, arrived at a different conclusion.

Andrews, J. The question which Mr. Justice Madden has reserved, namely, whether the plaintiff in this action is entitled to recover, under the provisions of the Truck Act, the difference between his former and reduced rates of payment must, in my opinion, be answered in the negative, for in no view of the case, as I interpret the agreement in question, could he, upon the facts as stated, be entitled to recover more than the money value of the shares he has received, and this has not been ascertained; but, as the case is one of considerable importance, and it appears that a number of claims depend upon its decision, I shall consider whether apart from all technicality, the plaintiff, upon the facts as stated, is entitled, in any form of action, to recover anything from the defendants, even upon the assumption that the contract between them was for payment of part of his *wages* otherwise than in current coin of the realm.

I shall first dispose briefly of the question upon the limitation of the time within which the proceedings referred to in the fifth section of the Truck Act of 1896 (59 & 60 Vict. c. 44) are to be commenced, and which has long since elapsed.

I think it clear, upon an examination of the whole of that Act—and looking at the necessary construction of the words "this Act," as contained in its fourth section—that the words, "this Act," in the fifth section, mean the Act of 1896 only, and that this limitation section has, therefore, no application to the present case; but, even if it were to be deemed applicable to cases within the Truck Act of 1831 (1 & 2 Will. IV., c. 37), I should be unable to hold that its terms included the present case, which, in my opinion, is not one of sums "deducted by, or paid to" the defendants, within the meaning of these words in the fifth section.

Upon the construction of the agreement, as set out in the case, I am of opinion that the rate of the plaintiff's wages theretofore existing was determined, and a new contract at a new and different wage was entered into; and, even assuming (but without deciding) that the weekly crediting under the agreement of the differences between his former wages of 22s. per week, and the "reduced" sum of 20s. per week, as subscriptions for ordinary shares in the defendant company, is to be regarded as part of his *wages*, what the plaintiff was to receive under the agreement was not 22s. per week, paid by 20s. and one-tenth of a share in the defendant company, but 20s. per week, plus an allocation of one-tenth of such share, according to its face value, which it appears was £1. Now, taking the widest view of it, the mischief against which the Truck Act of 1831 was provided was payment, or part-payment of wages, in such manner that the person to whom they were payable might thereby get (as he often did by payment, or part-payment, in goods) less in value than what he contracted for as his wages. A contract admitting of such payment is what was intended to be, and is prohibited by the first section of the Act of 1831; and I do not regard the present case as coming within the spirit of the Act of 1831, whatever may be said as to its coming within the letter.

I cannot think that it was intended by that Act to make illegal and void a contract for a wage of a specified money amount, with something besides money added, say, for instance, a house or garden, free of rent, or the grazing of a cow. Under such a contract the person employed would receive everything he contracted for, and nothing which could be of less value than what he contracted for as his wages; and, under the contract in the present case, as I interpret it, the plaintiff by receiving 20s. per week, and a weekly allocation of one-tenth of a share in the defendant company, received everything he contracted for, and nothing which was, or could be, of less value. In the second section of the Act of 1831 the context clearly shows that the "wages" therein referred to are the money wages contracted for, and that what is prohibited is any provision in the contract for laying out or expending them in any particular manner. But, assuming for the sake of argument, and without deciding, that, having regard to the definition of the word "wages" in the twenty-fifth section, and to the language of the first and third sections, the agreement in question, in so far as it relates to the tenth of the share, must be held to be illegal and void, and that the "payment" (if it can be so called) of the tenth of the share was illegal and void as a payment—the plaintiff's remedy, in my opinion, under the fourth section, would, at the furthest, be to recover the value in current coin of that part of his wages, viz., the tenth of the share which had been contracted to be paid otherwise than in current coin. The fourth section could not mean that his remedy was to recover the actual tenth of the share, for, on the assumption I have made, the contract to pay by it was illegal, and under the contract he would receive the actual tenth of the share as he has done.

(1) [1892] 2 Q. B. 662.

Now, in an action by the present plaintiff to recover the value in current coin of the shares he has received and retained, the defendants would have the right, if it has not been taken away, to defend the action, on the ground that the plaintiff has got and retains the very shares for the value of which he sues, and this would obviously be a complete answer to the action. The defendants' right to rely on this defence has not, in my opinion, been taken away. The fifth section of the Act of 1831 only takes away the right of the defendant in such an action to make any set-off, or claim any reduction of the plaintiff's demand, in respect "of any *goods, wares, or merchandise*," had or received by the plaintiff, as, or on account of, his wages, or in reward for his labour. The weekly allocation of the tenth of a share cannot come within this category, nor can the shares in the defendant company ultimately received by the plaintiff. This fifth section, therefore, has not taken away the defendants' right to rely on the defence I have referred to, and it has not been suggested that anything else has taken it away.

It will be observed that, on the assumption on which I have been proceeding, all that is rendered illegal and void, is the *contract* to pay, and the *payment* of part of the plaintiff's wages by the weekly allocation of the tenth of a share in the defendant company. The mere weekly allocation *per se* is a perfectly legal act, and so is the reception of it *per se*. Grant, for argument's sake, that the contract for the allocation, and the part payment of wages by the allocation, were null and void, and that the plaintiff could have refused to be bound by the contract in this respect, and could have insisted on being paid weekly the value of the tenth of the share in current coin, still there is nothing in the Act nor in law, or reason, outside the Act, to prevent him from electing to take and keep the shares, which he did take, and has kept, whereby he has received exactly what he contracted for, and nothing which could be of less value. The weekly allocation was his own proposal, and was made at his own request, and he voluntarily accepted it each week.

The case is free from any suggestion of influence, or pressure by the defendants, and, as I have said, there is no illegality whatever in either the allocation or the reception of the shares *per se*. On the facts I think it clear that the plaintiff must be held to have elected to waive his action (on the assumption that he had one) and keep his shares, and that this also would be a complete answer to an action to recover the money value now.

It will be observed that he has never rejected his shares, nor repudiated, nor sought to return them.

The case of *Hewlett* v. *Allen* (1), though not identical with the present case, affords, in my opinion, valuable guidance for its determination. The decision of the Court of Appeal was affirmed by the House of Lords, and though on different grounds from those which formed the basis of the judgments in the Court of Appeal, these judgments cannot, as I think, be regarded as having been over-ruled. The joint judgment of Bowen, L.J. and Lord Esher, has very instructive comments on the Truck Act of 1831. The learned Lord Justice, in referring (pp. 664, 665) to the provisions which give the right to the workman to recover the arrears of wages not paid in coin, observes that, while the Act prevented the employer from setting up in answer to such action *some* rights of set-off, of which he might otherwise at law have availed himself, it still left other rights of set-off available to him. Again, referring to Sec. 5, he said (pp. 667, 668): "It will be seen that it extinguishes such right of set-off only in certain cases, leaving rights of legal and equitable set-off untouched in all other instances than those specifically mentioned. . . . The statute draws its line of tutelary shelter here, and a similar though not absolutely identical line is drawn in the Act of 1887. Beyond these lines, all legal and equitable rights of set-off, and all legal and equitable defences, other than payment, are still left open to the employer."

Further on, after saying that the payment in current coin of a portion only, instead of the entire wages may be an offence against the Act (*i.e.* of 1831), he proceeds on these words:—"Yet when the workman sues to recover the unpaid portion, the employer is not precluded in all cases and every case alike from enforcing every set-off, or legal or equitable defence that he possesses, although in respect of certain specified dealings he is deprived of a particular set-off. The offence against the public may well be complete, and the penalty have been incurred, but it does not follow that the employer is to pay the workman the full arrear left unpaid in current coin, where, though not paid in current coin, the claim of the workman has been released, or satisfied in some other lawful way which falls short of being actual payment . . . and facts which establish a right of equitable, as well as legal set-off, will also be available to the employer, if they are outside the set-off forbidden by the Act."

These observations appear to me to have an important bearing upon the relative positions of the plaintiff and the defendants in the present case.

Kay, L. J., agreed in the main with the judgment I have referred to, and said (pp. 674, 675):—"Particularly I agree that the deduction made in this case [*Hewlett* v. *Allen* (1)] was *prima facie* a deduction contrary to the spirit and the language of the Truck Act, which has been referred to; but in this particular action we have to consider not merely that, but whether the subsequent conduct of the plaintiff in the action has not been such as to debar her from the remedy, which *prima facie* she had to recover the arrears of her wages under the provisions of the Truck Act."

What was in question in the case of *Hewlett* v. *Allen* (1) was a clear deduction weekly from the plaintiff's money wages and the payment of it as a subscription to the funds of a sick and accident club. The House of Lords held this payment to be, upon the facts of that case, payment to the plaintiff within the meaning of the third and fourth sections of the Truck Act of 1831, but it also seems to have been held (p. 392) that even assuming that there was in that case a contract which was made illegal, null, and void, by the second section of the Act, the defendant by making the weekly payments to the club, with the assent of the plaintiff, had discharged his obligations to her.

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(1) [1892] 2 Q. B. 662; [1894] A. C. 383.

In referring to the object of the Act of 1831, Lord Herschell said (p. 389) :—" My Lords, I do not think it can be doubted that the object of this enactment was to strike at the practice which had grown up of employers making their payment in part by the supply of goods in the sale of which they were interested, which it was thought would place the person employed at an unfair disadvantage, and which it was thought was calculated to result in the person employed obtaining something less than the agreed remuneration for his services."

His Lordship also referred to the limited character of the set-off, or reduction of demand which is prohibited by the Act (pp. 389, 390), and which I have observed upon.

I do not think it necessary to occupy time in discussing the numerous other authorities to which we were referred during the arguments on both sides, having regard to the guidance which, in my opinion, is afforded by the judgments in the Court of Appeal, and the House of Lords, in a case of so high and so recent authority as that of *Hewlett* v. *Allen* (1), and, although the decision as to the rights of the parties in this case cannot be affected by any considerations outside the law applicable thereto, I may be permitted to add that I regard it as satisfactory that the conclusions at which I have felt justified at arriving on legal grounds are consistent with the manifest justice of this particular case, which, as it appears to me, would be lamentably defeated if the plaintiff's contention were to prevail.

Gibson, J. . At first sight this case would seem to be far distant from the mischief dealt with by the Truck Acts, viz., payment of wages in goods, and possible advantage thence derived by the employer at the workman's expense. The staff of a new journal, some of them within the Truck Acts, and some (as counsel admit), like Mr. Allen, the manager of the paper, outside those Acts, in order to save the adventure from shipwreck, and to avoid consequent loss of employment, agree on their own initiative with one another, and with the Company their employers, that all wages should be reduced by a certain percentage, varying according as the wages were under or over £2 a week (the case erroneously states £3). To mitigate the severity of the sacrifice, and also as an incentive to zeal and exertion, the members of the staff are brought into partnership by getting shares in the paper, which are to be acquired by crediting each member with the amount of reduction he has submitted to as purchase-money of the shares estimated at their full value. To ensure complete unity of action, it was agreed that any employee not assenting to the reduction should be discharged. Does such an arrangement come within the Truck Code ?

Before considering whether the Acts apply, we must ascertain, apart from the Truck Code, what is the true meaning of the contract, and what is the real contract wage. The plaintiff's argument proceeds on the view that there was no reduction of wage at all, but only an alteration in the mode of payment, which, so far as relates to the deduction of the percentage and the acquisition of shares, was (it is said) illegal. The defendant's construction is that there was a wholly new rate of wage created ; the former wage was reduced ; and the employees were to get, by way of additional remuneration, shares which were to be acquired by crediting the amount of reduction as if it was purchase-money. A third view has been suggested by my Lord, viz., that the wage was reduced ; that it was the only remuneration, and that the shares were not part of the wage or remuneration for labour, but the consideration for the acceptance of the reduced wage. The agreement (of which the case only purports to give an extract) does not expressly specify the consideration, which must be collected by inference. The arrangement is expressed in loose and untechnical language. Having regard to the definition of " wages " in Sec. 25 of the principal Act, and to the fact that every composite wage, consisting partly of money and partly of goods, *prima facie* imports that the cash part is reduced in proportion to the estimated value of the goods, I think it best to assume in the plaintiff's favour for the purpose of my decision that the arrangement provided a new remuneration in substitution for the old wage. In any aspect of the case the shares cannot be regarded as a voluntary bonus.

Dealing with the contract as meaning that the plaintiff's wage was not merely of 20s. a week, but comprised something else, I think it is plain that the governing word of the bargain is " reduction. This term the plaintiff s interpretation entirely deletes. No doubt the word " deduction " is also used ; but it is manifest that the 2s. a week was never intended to be payable in coin. The percentage of reduction was only used for the purpose of the book-keeping calculation on which the shares were to be allotted. Just as the shares represented a speculative value quite different from the face value, so the 2s. credited did not represent real cash. The Truck Code does not alter the contract of employment in its essence, and transform the value or rate of the stipulated remuneration. If the contract was broken, the plaintiff, if not within the Truck Act, could only recover as damages the value of the shares, and not the amount of the deduction. The wage of 22s. a week payable in coin which the plaintiff now claims is quite different from the remuneration bargained for. The plaintiff cannot by the instrumentality of the Truck Acts convert speculative paper into cash, and compel payment on that basis.

If the shares formed part of the recompense of the plaintiff's labour, do the Truck Acts apply to the transaction ? and can the plaintiff who holds the shares get payment of their value from the defendants ? The authorities cited in argument all relate to cases where, the wages being reckoned in money, the question raised was as to the discharge of such money wage. The application of the enactment to remuneration of labour in goods of unascertained value was not before the Court for decision in any of the cases. The terms of the Act of 1831, however, are clear, and require the remuneration of labour to be made in current coin, and not otherwise. The definition of " wages " in Sec. 25, and the language of Sec. 4 of the Amendment Act of 1887 place the matter beyond doubt. It is certain that a wage, wholly or partly consisting of goods of amount and value fixed by the contract of hiring, would be contrary to the statute. Recompense of labour by goods, etc., of uncertain value is equally forbidden. The wage must be reckoned in money and paid in current coin, save in certain excepted cases.

Take the case of an artificer employed at 20s. a week with a free house (a demise at a rent is provided for by Sec. 23), and other advantages of unascertained value, such as a supply of milk, etc.—if such house and advantages are part of the remuneration of labour, the employer may be guilty of a statutory offence

(1) [1892] 2 Q. B. 662 ; [1894] A. C. 383.

within Sec. 9. He could hardly escape liability by saying that the money was the only wage, and that the employee had agreed to accept a reduced money wage in consideration of the free house, etc. But, though the employer in such case may have committed an offence, it does not follow that he is civilly liable under Sec. 4. As Bowen, L.J., points out in *Hewlett* v. *Allen* (1), the civil and criminal provisions of the enactment do not quite cover the same ground. Sec. 4 enables so much of the wages as shall not have been actually paid in current coin to be recovered. It would seem (like Sec. 5) to deal with wages reckoned in money. It relates apparently to the enforcement of a lawful money wage which the employer has sought to discharge by illegal means. Without straining the language it hardly seems to apply to the recovery of the money value of an illegal wage. There is nothing expressly authorising the Court before which the case may come to convert the unlawful remuneration in kind into payment in coin at a value or price fixed by itself. Can such a power be implied ? It may be said that unless there is such power, and unless Sec. 4 can be brought into operation, an employee, whose wage wholly or in part is composed of goods of unascertained value, is left without civil redress for a clear contravention of the Act. This may be so, but a wage in goods of unascertained value is rare—the reported cases supply no example—and the Legislature, whether from oversight or intentionally, may have confined the civil remedy to the grievance of common occurrence, the payment of a money wage in goods, or otherwise than in coin. As the point is of some general importance, I am unwilling, if the case can be disposed of on other grounds, to decide it now. I shall therefore assume (though I by no means decide) that the plaintiff can sue under Sec. 4 for the value of the shares.

This brings me to Sec. 5, which prevents the employer from making or claiming any set-off or reduction in respect of " goods, wares, or merchandise " had or received on account of wages. But for this section it might be hard to argue that there could be a set-off based on an illegal or void contract. That section, however, may be interpreted as conveying, (*a*) that, but for its prohibition, there might have been a valid set-off to the extent of the value of the goods supplied, notwithstanding that there had been a violation of the statute by the employer ; (*b*) that in cases lying outside its words, the right of set-off remained unaffected. The section refers to " goods, wares, or merchandise." Sec. 5 of the Act of 1887 uses only the term " goods." A house would not appear to fall within this language, nor would the phraseology seem to suit shares which are a speculative chose-in-action of fluctuating and uncertain value. The defendants contend that if shares are not " goods," they can defend themselves by an equivalent set-off against a claim by the plaintiff (if he is entitled at all to maintain such claim) for the value of the shares, treated as an unpaid money-wage. The set-off would, like the cause of action, be based on the value, and not on any contract price, the contract being (*ex hypothesi*) illegal and void. This view of the defendants may be sound, but I feel much difficulty in seeing how there can be a set-off founded on a valid implied contract when the express contract is illegal and void. In two material particulars the case before us differs from *Hewlett* v. *Allen* (2). The allotment of shares was here an express part of the contract of hiring, and the shares were the employers' own property. There was nothing like payment in coin to third parties, from which payment the masters could derive no benefit. Much of the reasoning of the Law Lords is addressed to these two considerations. That case was decided on the ground that there was no violation of the Truck Act ; but Lord Herschell was of opinion that, even if the Act was infringed, the plaintiff was bound by payments made by his employers on his behalf with his assent. The payments could scarcely be included in the terms, " goods, wares, or merchandise," and, if the view of Sec. 5, now contended for, is correct, it is strange that the judgment was not based on the simple ground that, as Sec. 5 did not apply, the defendants were entitled to protect themselves by set-off. So far, however, is this from being the case that the only lord who mentions Sec. 5 is Lord Herschell. He refers to it in a cursory manner, the greater part of his speech being applied to show that the payment was not in any way contrary to the statute. I admit, however, that the argument based on Sec. 5 is plausible. The section, on its face, seems to imply that to an action brought in consequence of violation of the previous sections of the Act, a defence of set-off would have been available if it (the section) had not taken away such defence. On this view, the only question would be, to what extent does the section exclude set-off ? I do not think that shares in the defendant company—a form of profit-sharing—could be considered to be such " goods " as the section contemplates. If every set-off is open which is not expressly forbidden by Sec. 5, the defendants can meet, by a set-off, the action so far as it seeks to recover the value of the shares as wages not paid in coin. The point is one of some difficulty, and the tenor of the speeches in the House of Lords suggests doubt whether Sec. 5 can have the very wide scope and effect for which the defendants now contend. The nature of the set-off or credit authorised by Sec. 23 rather tends to rebut the inference that Sec. 5, by implication, permits every set-off which is not thereby expressly forbidden. Whether, however, a set-off is available or not, the decree seems to be plainly wrong. The plaintiff could not, in my view of the contract, recover more than the value of the shares. The decree gives him 2s. a week as an unpaid cash-wage. The question reserved is whether the plaintiff is entitled to that sum ; if he is not, the decree is to be reversed. The answer must be negative. The Court cannot ascertain any other sum based on the value of the shares, varying probably from week to week, as it has no materials before it for making any such calculation.

But other difficulties lie in the plaintiff's way, even assuming in his favour his own construction of the arrangement of 1894, and that there is no set-off.

He has accepted shares in the defendant company, and he is, or is entitled to be, on the register in respect of such shares. The transaction is complete, and his ownership cannot be affected by the illegality of the bargain under which he got them. If the employment was with an ordinary partnership, there would be nothing illegal in fixing the remuneration, partly at a fixed cash-wage and partly at a share in profits. Would a money-wage, with a right to a share in the business after certain periods of service, be unlawful ? In such a case the employee would become himself one of the employers. A limited company or corporation may be subject to somewhat different considerations ; and an employee may conceivably be at liberty to take shares in such company without losing his right to sue or prosecute for a violation of the Truck Act in respect of such shares. Where the dealing is confined to the employer and employee, there is great difficulty in making out that acquiescence, any more than contract, can be a defence. The limited protection given by Sec. 5 of the Act of 1896, in case of acquiescence, is an argument against any such defence being admissible in other cases or generally. In *Hughes* v. *Bonella* (3), however, acquiescence seems to have formed the sole ground of the judgment, though no third interests were involved.

(1) [1892] 2 Q. B. p. 668.

(2) [1894] A. C. 383.

(3) 10 *Times* L. R. 197.

The case for binding the plaintiff by conduct rests mainly on the tripartite character of the arrangement to which the other members of the staff were parties. Some of these latter (as counsel concede) are outside the Truck Acts, and against them the contract was legally binding. It is familiar law that a bargain otherwise invalid may become effectual by the concurrence of third parties, and an accord and satisfaction may be validated in the same way. Many examples will be found in the notes to *Cumber* v. *Wane* (1). If the agreement might have been illegal and void between the plaintiff and defendants, if they were the only contracting parties, it does not follow that, after it was acted on, it was void between the plaintiff and his assenting associates. It was certainly valid as between members of the staff like Allen and the defendants. The plaintiff and his co-adventurers having accepted shares, the plaintiff now seeks, to the prejudice of the latter, to seize upon the property preserved by the common sacrifice and general average contribution. In violation of the contract and after the position of his colleague has been altered on the faith of that contract, he puts forward a claim which, if successful, must necessarily reduce the value of the shares. He would wreck the vessel just as it may be entering port. Do the Truck Acts enable such a seemingly unjust and unfair attempt to succeed ? The opinion of Bowen, L.J., in *Hewlett* v. *Allen* (2), is that there may be acquiescence precluding civil remedy even where the statute is infringed. Lord Herschell seems to have entertained the same view. In this case, not only was there an agreement with third parties for value, but there has been an allotment of shares on the faith of it. All the contractors got shares in the defendant Company, the employers. Can the plaintiff be allowed to sue the Company, that is, the entire body of shareholders, when the result is to confiscate for his own benefit the fruit of his comrades' labour and sacrifice, and prejudice their rights as shareholders ? Unless compelled by authority, I decline to hold that any such violation of a contract, acted on by all concerned for years, can be carried out under the cover of the Truck Acts.

I agree that if the plaintiff is entitled to sue, his remedy is not barred by Sec. 5 of the Act of 1896. That statute relates to prospective contracts, and brings certain new cases within the operation of the Truck legislation. The expression "this Act" throughout refers to the Act of 1896. It must bear this meaning in Sec. 4; Sec. 5 ought to receive the same interpretation. Sec. 12 does no more than make the previous legislation applicable to the new provisions.

To summarize: I am of opinion that the plaintiff's construction of the contract is erroneous: that the contract, if and so far as it made shares part of the remuneration of the plaintiff's labour, was contrary to the Act; that the plaintiff's remedy (if any) was limited to the value of the shares, and that the decree appealed from cannot be supported, as it gives the plaintiff a rate of wage to which he was not entitled under his contract. I pronounce no final opinion whether the plaintiff can sue under Sec. 4; but, if he can, I have much doubt whether, on the facts of the present case, the defendants can protect themselves by set off. But, adopting the plaintiff's own interpretation of the contract, I hold that by his conduct he has lost the right to sue.

Boyd, J. The question submitted to the Court for its decision is "whether the plaintiff is entitled, under the provisions of the Truck Act, to recover from the defendants the difference between the *former* and the *reduced* rate of payment." I think this question should be answered in the negative.

Some years prior to 1884 the defendant company had been incorporated as a limited liability company, its staff consisting of several persons, some of whom came within the provisions of the Truck Acts, while others were outside those provisions.

In the year 1894 it became apparent that the company was not a financial success, and that it could not continue its business unless reductions were made in the expenses of the establishment; and this was well known to the staff. Under these circumstances the several persons forming the staff met together and a committee was appointed by them to devise an arrangement whereby they should retain their employment by enabling the company to continue its operations. Accordingly, the committee drew up an agreement for presentation to the company; and this was signed by the majority of the staff, including the plaintiff and others who came within the protection and provisions of the Truck Acts, and by others who did not come within the scope of these Acts. The agreement, so prepared, was furnished by them to the company, and was accepted; and the services of the staff were retained on the terms and on the faith of this agreement. So far, as it appears to me, there was no collusion or contrivance by any of the parties to evade the provisions of the Truck Acts; and the agreement was prepared by the staff and accepted by the company in a *bona fide* effort to reduce expenses and to provide employment for the staff.

In my opinion, the cardinal point of this agreement was "a reduction in wages," and it provides that "they (the committee) will recommend the Board that the service of any employee not agreeing to it should be dispensed with."

Prior to this arrangement, the plaintiff was in the receipt of 22s. a week as wages, and under the scale fixed under the agreement these wages were "reduced" to 20s. a week, and the wages of the other employees, as well those who were within the scope of the Truck Acts as those who were not, were similarly reduced. Having provided for the reduction of the wages, the agreement then provided that, in consideration of the employees making such reduction, the deductions should be credited as subscriptions for ordinary shares in the company. In my opinion, these so-called "deductions" formed no part of the wages "made payable." If they were, the agreement as to a "reduction" of wages would be a farce. The deductions were not made from the agreed wages, but from the former wage. The deductions were not to be "made payable", as the Act of 1831 provided, but "to be credited as subscriptions" towards the employees becoming part proprietors of the company.

(1) 2 Smith's L. C., Ed. 1887, p. 366; 1 Str. 426.
(2) [1892] 2 Q. B. 662.

The employees continued in the employment of the company from October, 1894, to April 24th, 1897, under the terms of the agreement; and, on the latter date, as the case states, "the plaintiff intimated to the defendants that he would not remain on in their employment *at the reduced rate of wages*, and from April 24th, 1897, until February 24th, 1899, he was paid at the rate of 22s. a week." Till after he left the employment of the company on February 24th, 1899, he never repudiated the arrangement made by him and the other employees, and, during the whole of the time he was receiving the reduced wages, he likewise received the scrip for the shares, and retained and still retains the same.

In my opinion, the plaintiff entered into a contract not alone with the defendants, but also with his fellow employees, those within the scope of the Acts as well as those outside the Acts, that, if they accepted reduced wages, so would he; and I think it would be a violation of all principles of law and justice that he should be permitted, after his long acquiescence, now to repudiate his contract. On the faith of his having so contracted he induced others, who cannot avail themselves of his contention in the present case, to alter their position; and it would be a clear fraud on these persons should he be permitted to recover in this action.

I do not think that the arrangement which was made by the employees at their own instance, with their employers, and for their own benefit, comes within the grievances provided against in the Truck Acts.

Judgments of Court of Appeal.

The plaintiff appealed to the Court of Appeal (Lord Ashbourne, C., and FitzGibbon, Walker, and Holmes, L.JJ.), and during the argument the original agreement, as signed by the plaintiff, was for the first time produced, the material portion of which is stated in the Lord Chancellor's judgment.

Lord Ashbourne, C. This case came originally before the Recorder some time ago on a process brought by the plaintiff to recover a sum of £12, the balance of a sum for wages, which he claimed against the defendants. The Recorder, having fully considered all the facts of the case, felt himself bound to hold on the construction of the Truck Acts, that the plaintiff had made out his case, and that the defendants were liable. The defendants appealed, and the case came before Madden, J., on appeal, when the question was fully discussed. Madden, J., did not decide the question, but having regard to the importance of the arguments, he thought it right to state a case for the decision of the Queen's Bench Division. In order to explain the position and make my meaning clear, I shall read some of the paragraphs of the case stated—"It appeared in evidence that for some time prior to October, 1894, the plaintiff had been employed by the defendants as journeyman machinist, an occupation of manual labour, at a weekly wage of 22s. In that month the defendants found it necessary to reduce their expenditure and, after some negotiations with their staff, the following agreement, which was produced in Court, was drawn up by a committee of the staff and signed by the majority of the staff, including the plaintiff—'The committee agree for themselves and will recommend to their fellow-workers for six months from November 1st, a reduction in wages on the basis of 10 per cent. off all wages and salaries of £3 a week and under, and of 20 per cent. on all salaries over £3, the deductions to be credited as subscriptions for ordinary shares.' Under this agreement the plaintiff was paid 20s. at the end of each week, and the remaining 2s. was put to his credit in the defendant's books, and from time to time scrip of shares in the defendant Company, to the amount of the sums then standing to his credit, was delivered to the plaintiff, and accepted by him.

"After the expiration of six months the same arrangement was carried on by mutual consent, though no new agreement was formally drawn up, and the plaintiff continued in the defendants' employment on the same terms down to April 24th, 1897. On that date the plaintiff intimated to the defendants that he would not remain on in their employment at the reduced rate of wages, and from April 24th, 1897, until February 24th, 1899, he was paid at the rate of 22s. a week. On the latter date the plaintiff left his employment of his own motion without giving notice to the defendants.

"During the period from November 1st, 1894, until April 24th, 1897, the difference between the plaintiff's former rate of wages and the rate at which he was then paid amounted to £12."

When that case came before the Queen's Bench Division, composed of the Lord Chief Justice, and Andrews, Gibson, and Boyd, JJ., it was fully argued on both sides. The plaintiff contended that the deduction of 2s. a week was illegal under the Truck Acts, and that the payment of wages in shares was a payment under the Truck Acts "otherwise than in coin of the realm," and that the old wage of 22s. a week was still the wage which was to be paid, 20s. of it in coin, and the residue in shares. The defendants, on the other hand, put forward an equally strong contention, namely, that the old contract of 22s. was gone, and a perfectly new contract was entered into between the parties, namely, an agreement to work for the wages of 20s. a week while in addition 2s. a week was credited to the plaintiff in shares. The Queen's Bench Division, on the way in which the agreement is stated in the special case, as I have read it, held that it was a new contract, the governing word of which was that there was a *reduction* in the old wage, that it was a new wage that was agreed upon, and that the shares were not given in part payment of a new cash wage, but it was a *bonus* or a consideration for the acceptance of the new wage, and they reversed the decision of the Recorder, and decided in favour of the defendants.

The plaintiff appealed from that decision, and the case was clearly argued before us by Mr. Dunn for the appellant, and Mr. O'Mahony for the respondents. Up to a certain point in the argument, and it had proceeded a considerable way, the impression upon my mind was in favour of the defendants, and I was disposed to think that the agreement as set forth in the case stated was good. Before, however, the argument closed, at the suggestion of Walker, L.J., the original document which contained the agreement was produced, and it was found that it contained terms, and expressions, and provisions, which had to be considered before

a decision could be given. The case then stood over to enable the parties to have an opportunity of considering this new aspect of the case. When this document was looked into, it was found that it altered the view of the case very considerably; the governing word "reduction," which was formerly relied on, no longer appears in the way it was in the case stated, but the word "deduction" occupies a much more prominent position, and must be taken as expressing the recommendation of the committee, which was signed by the parties. The report of the committee states :—"The committee, having fully considered the position and prospect of the paper, are of opinion that rigid economy of every expenditure added to a small proportional reduction in the heavy wages list of the Company up to about June, 1895, will bring the expenditure and income level." It then proceeds :—"The committee think it well that an engagement should be made by which the entire salaried staff should during the next six months take a certain proportion of their salaries in shares of the Company." From the next page it is plain that this proportion of their salaries was looked at as a deduction from the old wage of 22s. a week. The result of this agreement and its construction amounts to this, that the old wage of 22s. was not determined, it was continued, but the method of payment was changed, and instead of 22s. to be paid at the end of the week, the new stipulation was that 20s. only was paid in cash, and the remaining 2s. in shares. It is obvious that this presented the case in an entirely new aspect, and strengthened the argument for the plaintiff, while it placed the defendants in much greater difficulty.

The case turns on the construction of the Truck Act of 1831, which was extended to Ireland by the Act of 1887, and that latter Act enlarged the number of employments to which the Truck Acts should apply. There are some sections in that Act that are expressed with a clearness which cannot be ignored. The first section of the Act of Will. IV., (1) provides that "in all contracts hereafter to be made for the hiring of any artificer in any of the trades hereinafter enumerated, or for the performance by any artificer of any labour in any of said trades, the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise, and that if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be, and is hereby declared, illegal null, and void."

It is hardly possible to conceive words of greater stringency. The Act then provides in Sec. 3 that "the entire amount of the wages earned by, or payable to, any artificer in any of the trades hereinafter enumerated, in respect of any labour by him done in any such trade, shall be actually paid to such artificer in the current coin of this realm, and not otherwise; and every payment made to any such artificer by such employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be, and is hereby declared, illegal, null, and void." These provisions make the meaning of the Act absolutely clear, that the wages of workmen should be paid in current coin of the realm, and every effort to pay them otherwise is declared to be illegal, null, and void; and considering the clearness of those provisions, and the stringency of the language used in the Act, I have arrived at the conclusion that this agreement was an attempt to pay wages otherwise than in current coin of the realm, and was therefore illegal, null, and void.

Then we have to consider the question—Does that give the plaintiff the right to issue this process in the Recorder's Court for payment of the balance of his wages, although he has been credited with 2s. a week in shares ? That is answered by the fourth section, which provides that "Every artificer in any of the trades hereinafter enumerated shall be entitled to recover from his employer in any such trade, in the manner by law provided for the recovery of servants' wages, or by any other lawful way and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer in the current coin of this realm."

Once we arrived at the conclusion that the old rate of 22s. a week was the plaintiff's wage, and that the only new matter was an agreement not to pay the entire amount in cash, but to pay portion by crediting the plaintiff with shares in the books of the defendants, then the fourth section applies, and the right of the plaintiff to recover the part of his wages not paid in cash is clear. It is worthy of note that a subsequent section of the Act of Parliament was deemed necessary to provide that payment of wages might be made in bank notes instead of coin, if the artificer consents. It may be that the Legislature was dealing at the time with men who were forced to take part of their wages in food, or other supplies; but "current coin of the realm" is the sole method of payment in the Act of Parliament. Going on these clear words, I am of opinion that this agreement cannot be upheld, being a contract that portion of the plaintiff's wages was to be paid otherwise than in current coin of the realm.

Then it was argued on behalf of the defendants, that, assuming that there was a violation of the Truck Act, there was acquiescence on the part of the plaintiff in this dealing, so that it would be inequitable for the plaintiff to take advantage of the provisions of the Truck Act, and that he was estopped from raising the question. I do not feel myself at liberty to do away with the clear words of the statute, which declares such agreements to be illegal, null, and void, unless I am coerced by authority to do so. The case of *Hewlett* v. *Allen* (2), which came before the Court of Appeal in England, and also before the House of Lords (3), was relied on. I fail to see the analogy between the two cases. There the employer had paid subscriptions again and again to a sick and accident club, with the consent of the employee, and the House of Lords held that such payments were equivalent to payment to the employee herself in current coin of the realm; the greater portion of her wages being paid in coin to the employee herself, and the rest being paid in coin to a club at her request. That is the decision of the House of Lords, consisting of Lord Herschell, Lord Watson, Lord Morris, and Lord Shand. It was, indeed, contended that in the Court of Appeal, Bowen, L.J., gave countenance to the argument that though the Truck Act had been broken, yet the plaintiff had precluded herself by her own conduct, and by her long acquiescence in the payment to the fund of her contributions from recovering them. Great weight must, no doubt, be given to any decision of Lord Bowen's, but his judgment must be taken in connection with the facts before him, and which were entirely distinguishable from those of the present case.

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(1) 1 & 2 Will. IV., c. 37.

(2) [1892] 2 Q. B. 662.

(3) [1894] A. C. 383.

For these reasons I am of opinion that the appeal should be allowed, and the order of the Recorder should be restored. As to the costs, we must remember that a great part of the costs has been incurred because the case was not presented in the fullest manner in the first instance; and, in my judgment, each party should bear his own costs in the Court below and in this Court.

FitzGibbon, L.J. The answer of the Queen's Bench to the question upon the special case stated by Madden, J., on appeal from the Recorder of Dublin, is in the following terms:—That the plaintiff is not entitled under the provisions of the Truck Acts to recover from the defendants the difference between the former and the reduced rate of payment. This difference, which was claimed in the action in which the Recorder gave a decree for £12, was the difference for a certain period between wages at the rate of 20s. per week which were paid to the plaintiff, and wages at the rate of 22s. per week, which he alleged to have been left unpaid under an agreement, the making of which was admitted, but which was alleged to be void under the Truck Acts. The special case purported to quote the impeached agreement. As so quoted, a question of construction arose whether, during the period covered by the claim, the plaintiff's wages had not been reduced to 20s. per week, and we were inclined to sustain the judgment of the Queen's Bench upon this ground. The discussion of the construction of the agreement as quoted occupied a large part of the judgments in the Court below. Fortunately or unfortunately, while the case was at argument here, Walker, L.J., called for the original agreement, and was naturally surprised at being unable to find in it the words which appeared in the case, and on which the argument had so far proceeded. We must now deal with the document itself, the parties having by amendment incorporated it with the special case.

The facts are as follows:—The plaintiff was for a considerable time employed by the defendants as a journeyman machinist, an occupation to which the case finds that the Truck Acts apply. The extension to the plaintiff's trade seems to be made by the Act of 1887. The plaintiff was employed at a weekly wage of 22s. and was one of the large staff who, in their several departments, some within and some outside the Truck Acts, constituted the staff of the Independent Company. That Company was compelled to reduce its expenditure. A committee was formed of the heads of the different departments, to consider the position and prospects of the Company with a view to reducing the expenditure and to enable the Company to carry on its business. The committee presented a report recommending various economies, and also recommending their fellow workers to agree to a graduated reduction of their remuneration. The committee drew up a statement which was to be handed to the head of each department, and the names of those agreeing to it were to be appended. This was afterwards done, and the rights of the parties must now be governed by the signed agreement alone. In order to effect a saving of expenditure the committee recommended, and by signing the document the plaintiff and the other signatories agreed, "that an engagement should be made by which the entire salaried staff should, during the then next six months (afterwards extended), take a certain payment of their salaries in shares of the Company." They agreed that the following proportions of their salaries should be set aside during the six months commencing Monday, November 19th, 1894 (which period was afterwards extended down to the commencement of the action), from all salaries of £1 and under, 5 per cent.; over £1 and under £2 10s., 10 per cent.; and over £2 10s., similarly graduated percentages up to 22 per cent. It was a term of the agreement that the entire staff should join in it, and that the services of any employee not agreeing to it should be dispensed with. The deductions from the salaries were treated as made on account of share capital, and were credited as subscriptions for ordinary shares. *This has been done.* No dividends have been earned or paid, but in the case of the plaintiff 10 per cent. upon 22s. per week has been credited to him as a subscription to the share capital of the Company, and it is to be assumed that an amount of such share capital equal to the amount of the deduction from his wages claimed in this action is now standing to his credit, under the impeached agreement, in the share ledger of the Company.

The first question is whether this agreement is within the prohibition of the Truck Act, 1 & 2 Will. IV., c. 37, which is an Act, in its title and preamble, to "prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm." Sec. 1 enacts that "in contracts hereinafter to be made for the performance by any artificer of any labour in any of the trades therein mentioned" (of which the plaintiff's trade is one) "the wages of such artificers shall be made payable in the current coin of this realm only and not otherwise, and that if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contracts shall be illegal, null, and void."

Upon the document signed by the plaintiff, I cannot doubt, as matter of construction, that his agreed salary or wages continued to be 22s. per week, and that the gist of the contract was that 20s. only should be paid in the current coin of the realm, and that the remaining 2s. per week, 10 per cent. of the whole, should be set aside, and if or so far as that 10 per cent. was paid at all, it was to be paid or satisfied in or by share capital of equal nominal amount but of uncertain value. I must hold that this was a contract to make that part of the wages payable in a manner other than in current coin, and therefore that it was illegal, null, and void.

The next question is whether this part of the wages can be recovered in this action. Sec. 3 enacts that the entire amount of the wages earned shall be actually paid to the artificer in the current coin of this realm and not otherwise, and that every payment made in respect of any such wages other than in the current coin aforesaid shall be illegal, null, and void.

If the allotment of the share capital be treated as a payment of wages, as I think it must be, this section makes it void. The shares being credited as fully paid up to the amount of the 10 per cent. upon the wages, and no dividends having been paid, there are no equities to be adjusted, no liabilities to be considered, and no account to be taken in respect of the credits given to the plaintiff in the share ledger. They are void, and it is not necessary to say anything more about them.

Sec. 4 enacts that every artificer within the Act shall be entitled to recover from his employer, in the manner by law provided for the recovery of servants' wages, or by any other lawful ways and means, so much

of the wages earned by such artificer as shall not have been actually paid to him by such his employer in the current coin of this realm. Sec. 5 prohibits any set-off or reduction in any such action for wages, by reason or in respect of any goods, wares or merchandise received by the plaintiff on account of his wages. Sec. 25 includes in the definition of wages, any money or other thing contracted to be paid, delivered, or given as remuneration for any labour done or to be done. The Truck Act, 1896, legalises certain deductions, upon prescribed conditions, and prohibits deductions otherwise made; but neither do the prohibitions nor the permissions of that Act apply to the present case, nor can the limitation, Sec. 5, which deals with the recovery of sums deducted or paid contrary to that Act, be applied to this action. Under the provisions of the existing Acts, I can see no answer to the present action for any part of the amount claimed by the plaintiff which is unbarred by the Statutes of Limitation. By admission of the parties it is to be taken that the amount thus recoverable, if anything, is the amount of the Recorder's decree, *i.e.*, £12, and if that sum is recoverable, as in our opinion it is, the case directs that the order of the Recorder shall be affirmed with costs, and it will be remitted to Madden, J., to have this done. Under the Civil Bills Acts the plaintiff will be entitled to the costs of the decree and affirmance.

Two other arguments were relied on. First, it was said that the plaintiff's right to recover was barred by acquiescence. Acquiescence is no bar to an action founded on the illegality of the thing acquiesced in. In equity, acquiescence cannot form a defence unless there has been some conduct, or change of circumstances on the part of one or other or both of the parties, making it in equity fraudulent for the plaintiff to rely upon his legal right, or upon the illegality of any terms to which he has purported unlawfully to agree. The defence of acquiescence here fails both at law and in equity. The authority chiefly relied upon to sustain it was the judgment of Bowen, L.J., in *Hewlett* v. *Allen* (1); but the facts in that case entirely distinguish it from the present, even if the judgment for the defendants is assumed to be validly rested upon acquiescence. The deductions from the wages in that case were paid over to a sick and accident club, in the benefits of which all the employees of the defendant's firm participated. That fund was created for the benefit of the plaintiff herself and of others, and it was held by the Court of Appeal that the deductions from the plaintiff's wages had been disposed of with her consent in a manner which she could not impugn after the lapse of years. The benefit fund had been honestly administered; it was a trust fund held upon a trust which was not illegal, though the fund was made up of moneys collected from persons who had made illegal agreements to subscribe to it. It was assumed that the plaintiff's contributions had been long since appropriated to the purposes for which she made them, therefore she was held to have precluded herself by conduct and acquiescence from recalling those contributions. That case affords no authority against the repudiation by the plaintiff in the present case of the illegal contract to give him scrip instead of cash, both scrip and cash being still in the hands, or under the control, of the original parties to the illegal agreement, and there being now nothing which equity can treat as fraudulent, or which requires to be taken into account if the parties are held to their legal rights, or if their illegal contract and acts are treated as null and void.

The House of Lords affirmed the decision in *Hewlett* v. *Allen* (2) upon the simple ground—wholly distinct from acquiescence—that the entire amount of the wages payable to the appellant had been actually paid to her as much as if the current coin of the realm had been placed in her hands, because the amount of the deductions was paid by the employer at her request into the fund to which she authorised their being contributed.

The last point made for the defendants was that the plaintiff could not rely upon the illegality of his agreement nor recover the deductions, because the staff of the defendant Company who joined in the agreement included a number of persons who were not artificers within the Truck Acts, and it was a part of the agreement that any employee, whether within the Truck Acts or not, who declined to join in the arrangement should be dismissed.

This argument might require consideration if any liability had been created or if any rights had arisen which were now at issue between one employee and another, or among the employees *inter se*, or if any consideration for the agreement as between the plaintiff and the defendant Company could be shown to have moved to or from any third party. But as the case stands the argument amounts only to this—the plaintiff made an illegal agreement, being an artificer under the Truck Acts, and a number of other people who were not within the Truck Acts made agreements in the same terms. The consequences of the illegality of the plaintiff's agreement cannot be affected by that circumstance.

I will add that I am not impressed by the observations reflecting upon the moral aspect of the plaintiff's repudiation of his agreement. Such repudiation is involved in every avoidance of an illegal agreement by a party who has purported to bind himself by it. If the plaintiff was held bound by this agreement, every Limited Liability Company that got into difficulties—indeed whether it was in difficulties or not—could put pressure upon the artificers whom it employed to take part of their wages in credits against capital, and if the Truck Acst are justifiable at all, which it is not for us to question, such a mode of payment would not only be within the purview of those Acts, but might also open the door to mischief, and even to fraud, under the Limited Liability Acts.

The question raised before Judge Madden would possibly have been decided by him, if he had seen the agreement. The case could not have been stated in the terms in which it was, nor could the arguments in the Queen's Bench have run the course they did, if the agreement had been before Madden, J., or the Queen's Bench. Both parties must be held equally responsible for all this, and they must abide their own costs of and incidental to the appeal, both here and below.

Walker, L.J. I concur with the other members of the Court. I have read the judgment of FitzGibbon, L.J., in which I agree. If the argument of the case in this Court had proceeded on the same facts that were before the Queen's Bench, the result might have been different. But we have had the original agreement between the plaintiff and defendants produced before us, and that document makes the case assume a different aspect.

(1) [1892] 2 Q. B. 662. (2) [1894] A. C. 383.

As to acquiescence, I do not think that *Hewlett* v. *Allen* (1) applies to the present case. There there was a payment in current coin to a sick and accident club, and the House of Lords held that was the same as a payment to the person employed. The fact that others were brought in and bound by the agreement does not, in my opinion, furnish an answer to the plaintiff's claim, when the agreement itself is illegal in asking the workmen to take payment otherwise than in current coin of the realm.

Holmes, L.J. The amendment made in the case stated during the hearing of this appeal has deprived the respondent of his strongest arguments, and has taken away the grounds upon which, up to the time when the error in the case was discovered, I was disposed to affirm the decision of the Divisional Court.

While agreeing with the view that the arrangement made between the defendant Company and its servants was not within the mischief contemplated by the Legislature in the enactment of the Truck Acts, and while recognising the immeritorious character of the plaintiff's demand, I am unable to give any construction but one to the very plain language of the document which forms the foundation of the case. It runs as follows :—"In addition to this, the Committee think it well that an arrangement should be made by which the entire salaried staff should during the next six months take a certain proportion of their salaries in shares of the Company. They agreed for themselves, and decided to recommend to their fellow-workers that the following proportions of the salaries should be set aside during the six months," etc. The proportions are then stated, and the proposal is that such proportions should be credited as subscriptions to ordinary shares in the Company. Is it not clear from this that the salaries were to remain what they had been before —in the plaintiff's case 22s. a week ; but that for the future the workmen were to receive only part of them in cash, and that the remainder should be credited in the books of the Company as against ordinary shares, for which the workmen were to receive scrip certificates ? I turn now to the Truck Act of 1831, upon which as extended to Ireland by the Act of 1887 this case is, I think, to be determined. It is unnecessary to have recourse to the definition section—the twenty-fifth—to show that the plaintiff's wages were 22s. a week. Without reference to that section it is clear from the terms of the document that the wages were 22s. subject to a condition that portion thereof should be discharged otherwise than in current coin of the realm. Payment by an entry in a ledger and the delivery of a scrip certificate is not payment in any kind of coin. But the first section of the Act of 1831 declares that, if in a contract of hiring within the Act, the whole or any part of the wages shall be made payable in any manner other than in current coin, such contract shall be illegal, null, and void.

Up to this point there is, I think, no room for doubt ; but there is the further question—can the unpaid portion of the wages be now recovered ? The contract having been declared illegal, null, and void in the first section, the third section declares that every payment made to the workman by the delivery to him of goods or otherwise than in current coin except as afterwards mentioned shall also be illegal, null, and void ; while the fourth section gives the workman the right to recover so much of his wages as shall not have been paid to him in current coin.

In the present case no payment in any sense in which payment can be understood has been made by the defendants either to the workman or to anyone else in respect of the portion of his wages sued for, nor can the defendants rely on any set-off in the legal sense of that term. The defendants can only show an entry in a book, the delivery of a scrip certificate, and an agreement to accept the same in part discharge. But the contract is made illegal by the first section ; and if it were possible to regard the rest of the transaction as a payment, it is made illegal by the third. Payment by a bank-note is a good deal more substantial than payment by a credit entry and a scrip certificate ; and yet a contract for payment, or even actual payment thereby, is only saved from illegality by the eighth section. Therefore, I fail to see what defence in the nature of payment, set-off, or accord and satisfaction, is open to the defendants. Something may be learned by contrasting this case with *Hewlett* v. *Allen* (2). There it was a term of the hiring that the workman should pay a weekly subscription to a sick and benefit society, proportionate to his weekly wages, which sum had been regularly paid out of the wages by the employers to the treasurer of the fund and applied in accordance with the trusts attached thereto. It was held by the House of Lords that the subscription to the society, having been paid at the instance of the workman, was a payment to the person employed, as much as if the current coin had been placed in his own hands ; and the only difficulty that suggested itself to some of the peers arose under the second section of the statute, which enacted that if in any contract of hiring, any provision should be made directly or indirectly respecting the place where, or the manner in which, or *the person or persons with whom* the whole or part of the wages should be laid out or expended, such contract should be illegal, null, and void. Some of the peers held that the contract was not within this section, while others were of opinion that even if it was, it was the contract, not the payment, that was made illegal. But nothing then determined touches the present case, where there was no payment to any person of the portion of the wages sued for. In the Court of Appeal, *Hewlett* v. *Allen* (2), was decided on the ground of acquiescence ; but the reasoning of the judgment of Bowen, L.J., was not adopted by the House of Lords, and, moreover, it would not apply to the present case. The acquiescence he relied on was acquiescence in the payment of the contributions and in the expenditure of the fund on the objects of the society. There is nothing similar or parallel to this in the present case. It is not alleged that the defendants lost, or the plaintiff gained, anything by the scrip certificate, which is, in my opinion, as illegal and void as the rest of the transaction.

It was suggested in the Divisional Court that the fact that the arrangement was joined in by servants of the defendant Company, not within the Truck Acts, makes it inequitable for the plaintiff to take advantage of the provisions of those statutes. I am unable to understand how this can be made a legal ground of defence. In the first place I do not see how these servants have been prejudiced by what has happened. They entered into a legal contract, and they have received all the payments to which they were entitled under it. They cannot recover more for the past ; and if they are now dissatisfied with the arrangement, or think that the defendants will be unable to carry it out in the future, they can leave the employment. In the second place,

(1) [1892] 2 Q. B. 662 ; [1894] A. C. 383. (2) [1892] 2 Q. B. 662.

I am of opinion that if on the grounds of public policy a certain kind of transaction is declared illegal in the interests of a particular class, and special rights are given to the members of such class as the result of such illegality, these rights cannot be defeated by reason of other persons having been parties to the arrangement which constituted the illegality.

The only other defence put forward is that the fifth section of the Truck Act, 1896, requires proceedings thereunder to be commenced within six months from the date of the deduction ; but I agree with the Divisional Court in holding that this provision is confined to the special deductions by or payments to the employer that are prohibited by that statute, and has no application to the present case.

SQUIRE *v.* BAYER & CO.

[May, 1901. 2 K.B. 299.]

Employer and workman.—Contract for deductions in respect of fines.—Specifications of acts or omissions in respect of which fine may be imposed.—Truck Act, 1896 (59 & 60 Vict., c. 44), Sec. 1.

By Sec. 1, *Sub-sec.* 1, *of the Truck Act*, 1896, *an employer may not contract with a workman for any deduction from wages in respect of fines unless* (inter alia) "*the contract specified the acts or omissions in respect of which the fine may be imposed.*"

One of the rules of a factory provided that "*all workers shall observe good order and decorum while in the factory,*" *and imposed a fine of* 6*d. or less upon any worker guilty of an infringement of the rule :—*

Held, *that the rule, although not specifying the particular acts or omissions amounting to such a breach of good order or decorum as to justify the infliction of a fine, was a sufficient compliance with the requirements of the section.*

Case stated by justices for the city and county of Bristol.

The respondents had been summoned to answer the information and complaint of the appellant, alleging that they, being employers, within the Truck Act, 1896, unlawfully made a contract with a workman for a deduction for or in respect of a fine of 6d. or less from the sum contracted to be paid by them to the workman, contrary to Sec. 1, Sub-sec. 1 of that Act, in that the contract did not specify the acts or omissions in respect of which the fine might be imposed, and the fine imposed under the contract was not in respect of some act or omission which caused, or was likely to cause, damage or loss to the employers, or interruption or hindrance to their business, whereby they were liable to a penalty not exceeding £10.

The appellant was an inspector of factories, and the respondents were corset manufacturers, occupying works which were a factory within the meaning of the Factory and Workshop Acts, 1878 to 1895. The terms of the contract between the respondents and the employees were contained in a set of rules among which was the following provision : " All workers shall observe good order and decorum while in the factory, and shall not do anything which may interfere with the proper and orderly conduct of the business thereof, or of any department thereof ; and shall in all respects obey the lawful commands of the general manager, forewoman, or superintendent of their respective departments. A fine of 6d. (or less at the discretion of the manager) shall be paid by each worker who shall be guilty of any infringement of this rule." A machinist, named Helen Robbins (who was a workman within the meaning of the Act) was employed by the respondents under a contract upon the terms contained in the rules.

The respondents granted to their employees the privilege of having their dinners in the workroom of the factory between 1 and 2 p.m., but the employees were not obliged to have their dinners there, and could dine elsewhere if they wished. The rules of the factory were in force during the dinner hour as well as at other times, and this was known to the employees. One day in November, during the dinner hour, Miss Knight, who was then in charge of the factory, and whose room was immediately underneath that in which the employees were having dinner, heard a considerable noise and commotion going on in that room, and on going there discovered Robbins playing a small harp, to the music of which several girls were dancing, singing, and clapping their hands. Miss Knight, in the course of her duty, reported this disorder, and Robbins and some others were fined 2d. each. Robbins stated at the hearing that she had not been told that it was wrong to dance and sing during the dinner hour, and that she was not aware that there was any harm in it ; but it was proved that a copy of the rules was posted in that workroom and other copies at other places in the factory, and Robbins admitted that she and the other girls would not have done what they did if Miss Knight had been present.

It was proved before the justices that the disorder and dancing caused considerable dust, and that dust would cause injury to the machines at which the employees worked as well as to the material served out to them to work upon. It was further proved that no fines were deducted from the wages of the employees, but a fine-book was kept, and once a week the employees were asked to pay such fines after they had received their wages in full, and a receipt was given for the fine, the one given to Robbins being as follows :—" The sum of 2d. has this day been received from Robbins in respect of a fine for making noise during dinner hour."

The appellant contended (*a*) that the rule did not specify the acts or omissions in respect of which a fine might be imposed ; and (*b*) that the fine imposed under the rule was not in respect of some act or omission within the meaning of Sec. 1, Sub-sec. 1 of the Truck Act, 1896.

The respondents contended that the words of the rule sufficiently specified the acts and omissions in respect of which a fine might be imposed, and that the fine inflicted was in respect of an act which caused, or was likely to cause, damage or loss to the respondents, or interruption or hindrance to their business.

The justices found as a fact upon the evidence that good order and decorum were not observed, and that dancing and disorder were likely to cause damage or loss to the respondents and injury to the discipline necessary to be enforced in a factory of that description. They also found as a fact that the rule (which was the only one in dispute before them) constituted a reasonable contract between the respondents and their employees for securing good order and decorum in the factory, and complied with Sec. 1 Sub-sec. (1), (*b*) and (*c*), of the Act, and they accordingly dismissed the information. The question for the opinion of the Court was whether on the facts stated the justices came to a right conclusion.

Lord Alverstone, C. J. This case is not free from difficulty, but I cannot see my way to hold that the decision of the justices was wrong. The two questions which arise for our consideration are: first, whether the rule is valid, and secondly, whether the breach was such as to justify the infliction of a fine. I do not dissent from the view of the Attorney-General as to the conditions which must be present in order to justify the infliction of a fine; there must be a contract between the employer and the workman complying with the requirements of Sec. 1, Sub-sec. (1) (*a*), (*b*), (*c*), and (*d*) of the Act; and, further, under Sub-sec. (2), the deduction must be in accordance with the contract, and particulars must be supplied to the workman.

In the present case the justices found that there was during the dinner hour disorder in this particular room in the factory, that to the knowledge of the employees the rules were in force in the factory in the dinner hour, and that the disorder was reported by the clerk who was then in charge. We have been pressed with the argument that a rule which provides that "all workers shall observe good order and decorum while in the factory" is not a sufficient specification of the "acts and omissions in respect of which the fine may be imposed." But there are many kinds of business, and the expression "good order and decorum" must be interpreted with reference to the requirements of the particular business, and it would be going too far to say that the language of the rule is necessarily too general. In a sense of course it does not specify the particular acts and omissions amounting to such a breach of good order or decorum as to justify the infliction of a fine, but I think it a sufficient compliance with the requirements of the Truck Act, 1896, to say that a fine may be inflicted if the employee does not observe good order and decorum while in the factory.

Then it was contended by the Attorney-General that there was no evidence of anything done by the girl Robbins which could fairly be held to amount to non-observance of the rule; I think, however, that the facts found by the justices prevent this point being raised. It is clearly found that some of the girls were dancing to the tune she was playing on the harp, and that such conduct was not an observance of good order and decorum, and that it was likely to cause injury, by reason of the dust raised, both to the machinery and the materials. We cannot take the isolated case of the girl who played the music and consider it by itself apart from the other circumstances, and say that it was not part of the disorder. We must look at the whole of the circumstances, and if the rule is in accordance with the requirements of the statute we cannot say that there was no evidence of a breach of good order and decorum, having regard to all the attendant facts. I think, also, that we cannot entirely shut out of consideration the fact that the employees were allowed to have their meals in the workroom, where there were much valuable machinery and materials; some regard must be had to the place where the breach of good order and decorum took place. For these reasons I am of opinion that this appeal must be dismissed.

Lawrence, J. I am of the same opinion.

Appeal dismissed.

JONES *v.* WASLEY.

[*Times Law Reports* XVIII. 418. March, 1902.]

Master and Servant—Wages—Payment otherwise than in coin—Written agreement—Verbal arrangement—Admissibility—Truck Act, 1831 (1 and 2 Will. IV., c. 37), ss. 1, 25.

A workman was engaged under an agreement in writing at a fixed rate of wages per week. There was also a verbal arrangement entered into at the same time under which, as the justices found, the workman was to be supplied with a certain quantity of cider each day in part payment of wages. On an information for an offence under the Truck Act, 1831:—

Held, that the justices were entitled to receive evidence of the verbal arrangement, and to find that an offence had been committed.

This was a case stated by the justices of the peace for the county of Worcester for the opinion of the High Court on a point of law. The appellant, Mrs. E. Jones, a farmer at Grimley, was charged, on an information preferred by the respondent, with having committed an offence under the Truck Acts, 1831 to 1896, by unlawfully paying to a labourer named Cooper, in respect of his employment by the appellant, certain wages otherwise than in the current coin of the realm. The justices convicted the appellant, subject to this special case, and imposed a fine of £5 and costs.

The following facts were set out in the special case:—About March, 1899, William Cooper, a wagoner, in consequence of an advertisement in a newspaper, applied to the appellant for a situation. He saw the appellant's son, and it was arranged that he should serve as wagoner at 14s. a week, with a cottage and garden

rent free. It was alleged by Cooper before the justices that there was also an agreement that he was to receive three quarts of cider a day. This was denied by the appellant's son. A written agreement was drawn up but, it having been lost, secondary evidence of its contents was given, and it was admitted that it contained all the terms above mentioned, except that with regard to the cider. Cooper would not swear that cider was mentioned in the agreement, but stated that, if not, there was a verbal agreement relating to it at the same interview. On two subsequent occasions, when Cooper was proposing to leave the appellant's employment, fresh written agreements were entered into, in which he agreed to remain at a higher rate of wages; and with regard to each of these agreements there was a conflict of testimony as to whether any verbal arrangement had been made as to Cooper receiving a specified quantity of cider a day, the appellant's son denying that such was the case, and Cooper stating that the arrangement was that things were to go on as before. In June, 1901, Cooper having been dismissed from the appellant's service, sued her before the petty sessional Court for wages due, and also for 6s. 8d. on account of cider. He obtained an order for the amount claimed as wages, but the amount claimed for cider was disallowed on the ground that for the purposes of the case the written agreement was conclusive as to what the terms of the agreement were. Evidence was given before the magistrates to the effect that most of the workmen employed on the appellant's farm were supplied with cider, but that those who did not have it did not receive any additional wages in consequence; and the appellant contended that she could have discontinued the supply at any time. It was also proved that Cooper usually had three quarts of cider a day, but that if he did not take his allowance he received no equivalent in money or otherwise. In these circumstances the justices found that the cider supplied to Cooper between the dates mentioned in the information was supplied in part payment of wages under a verbal arrangement or understanding existing between the parties at the time when the last written agreement between the parties was entered into, and convicted the appellant. The question for the opinion of the Court was whether they were right in receiving and acting upon evidence of a verbal arrangement to supply cider in part payment of wages, and in allowing such evidence to prevail in spite of the existence of a written agreement which was admittedly not modified by any subsequent arrangement, verbal or other, and which, whilst containing other terms in relation to the employment of Cooper, was wholly silent on the subject of cider.

The Court, without calling on counsel for the respondent, dismissed the appeal.

The Lord Chief Justice, in giving judgment, said it was contended on behalf of the appellant that where there was a written contract as to wages to be paid you ought not to look at a verbal arrangement made between the parties, even if it was found by the magistrates to be an undertaking to supply something other than money in payment of wages. If that contention was to prevail it would reduce the concluding words of Sec. 25 of the Act of 1831 to a practical nullity, because there might be many cases in which parties would enter into a perfectly proper contract in writing to pay wages in current coin of the realm, and then defeat the object of the statute by a verbal agreement. It was in order to get over this difficulty that the wide provision in Sec. 25 was introduced. A real gift, however, made by an employer out of kindness to his servants was not to be treated as a payment of wages. He, therefore, came to the conclusion that the evidence was properly received by the magistrates, and the appeal must be dismissed.

Mr. Justice Darling and Mr. Justice Channell concurred.

OWNER *v.* HOOPER.

[July, 1903. XIX. *Times L.R* 601.]

This was a case stated by the justices for the county of Gloucester, and raised the question whether the deduction of a sum for the insurance of a master against liability for injury to workmen can be held to be a payment of wages otherwise than in current coin of the realm contrary to Sec. 3 of the Truck Act, 1831.

It appeared that on March 27th, 1903, the appellant, who is an inspector of factories, supported before the justices a summons issued upon his information against the respondent, who is a walking-stick and umbrella manufacturer, charging him with unlawfully making a payment declared illegal by Sec. 3 of the Truck Act, 1831, by failing to pay to one George Gardiner in current coin of the realm the entire amount of wages earned by him. The facts proved were as follows:—For several years since the passing of the Workmen's Compensation Act, 1897, the respondent had been in the habit of paying his workpeople fortnightly in full; but at the time of the payment a slip of paper was handed to each workman, on which was written a sum of money equal to 2d. in the pound on the amount of wages paid. The workmen thereupon handed the sum noted in the slip to the respondent's cashier. It was proved that the workpeople understood that this payment was to provide for insurance premiums paid by him to cover his own liability under the Workmen's Compensation Act. It appeared that the respondent made a profit by the transaction, paying for insurance at the rate of 8s. per £100 of wages and deducting from the wages at the rate of 16s. 8d. In the case of George Gardiner £2 5s. was paid and 4½d. returned. The magistrates held that, although the case might fall within Sec. 3 of the Truck Act, 1896 (as to which they were not called upon to express an opinion), the transaction did not constitute a payment of a part of the wages due otherwise than in coin of the realm under Sec. 3 of the Truck Act, 1831. Accordingly they dismissed the summons.

The Lord Chief Justice said that, whether the respondent was entitled to act as he did or not, it could not be said that he violated Sec. 3 of the Truck Act, 1831, by making any payment of wages otherwise than

in cash. The insurance was made by him for his own benefit, to protect him against his own liability, and did not represent any payment made to the workmen in lieu of cash. The appeal must be dismissed.

Mr. Justice Wills concurred.

Mr. Justice Channell. I agree. It is clear that the wages have not been paid otherwise than in cash. Either they have been paid in cash or not at all.

POPLAR UNION *v.* MARTIN.

[July, 1904. *L.T.* XCI. 550.]

Poor Law—Pauper—Wilfully refusing or neglecting to maintain himself—Vagrancy Act, 1824 (5 Geo. IV., c. 83), s. 3.

In considering whether or not a person being able wholly or in part to maintain himself has wilfully refused and neglected so to do within Sec. 3 of the Vagrancy Act, 1824, because he has refused work outside the workhouse for which he would receive board and lodging and a small weekly wage, the Court must consider the conditions upon which the work has been offered, and whether the refusal to accept such work or such conditions was reasonable or not.

Case stated on an information charging the respondent for that he being a person able wholly or in part to maintain himself by work or other means did wilfully refuse or neglect so to do, by which refusal or neglect he became chargeable to the common fund of the Poplar Union.

The facts were as follows :—

The respondent was an able-bodied man of thirty-nine years of age, and on February 23rd, 1904, was admitted to the Poplar Workhouse, and on April 13th following he and ten other pauper inmates were taken by the labour master to the farm colony established by William Booth at Hadleigh, in Essex, for the reception and employment of destitute men.

Under the terms of an agreement between the appellants and William Booth the respondent could have started work at the colony on probation, receiving as remuneration his food and lodging free and 6d. a week in the nature of pocket money, and if the respondent had after two or three weeks been employed upon brick work he could have earned 4½d. a yard for digging clay, at which rate of pay it is possible for some men to earn 30s. a week. He was told to go to work in the brickfield at the colony. It was not possible to do more than guess at the remuneration which he might have earned later on.

These terms were explained to the respondent, and he was asked to sign an undertaking to conform to the rules of the colony, but he refused to work upon the terms or to sign such undertaking, and left the colony.

On April 18th, 1904, the respondent returned to the Poplar Workhouse, and again became chargeable on the rates.

It was contended on behalf of the appellants that the respondent had rendered himself liable to conviction as an idle and disorderly person under Sec. 3 of 5 Geo. IV., c. 83.

The magistrate decided against this contention on the ground that the respondent could not legally be required to work for anyone on the terms offered, which as to the money wages were for a time no wages at all, *and as to the food, etc., a violation of the Truck Acts.* He was of opinion that the words of the section above referred to ought to be construed with reasonable limitations and reasonable regard to the class of work to which the person charged had been accustomed, and also to the rate of wages ordinarily to be earned by persons engaged in similar employment, and he therefore held that the respondent had not been proved to be a person able wholly or in part to maintain himself. The facts proved did, indeed, bring him within the literal meaning of the words of the statute, but the consequences of construing the statute literally seemed to him to be such that a limited interpretation must be put upon the statute.

He appended some of the possible consequences which influenced his decision, inasmuch as the respondent would not be represented on the hearing of this case :

(*a*) Any employer of labour outside the workhouse could under threat of proceedings under this statute compel persons who had entered the workhouse to work for him at merely nominal wages or even for half their food, inasmuch as the remuneration offered, however small, must be sufficient to maintain the person " in part."

(*b*) If men are sent outside the workhouse to work for any employer on any work, no matter how unsuitable to them, they would be liable to conviction under this statute as idle and disorderly on refusing or neglecting to do such work, whereas in the workhouse they can only be convicted for refusing to work if the work is such as is suited to their age, strength, and capacity. They have also in the workhouse the benefit of the regulations laid down by the Local Government Board, whereas outside the workhouse these cannot be applied.

(*c*) A man to whom employment might be offered abroad or in a colony might similarly be liable on refusal to conviction under this statute.

The question on which the opinion of the Court was desired was whether the magistrate upon the above-mentioned statement of facts came to a correct determination and decision in point of law, or whether he ought to have convicted the respondent and dealt with him as an idle and disorderly person under Sec. 3 of 5 Geo. IV., c. 83.

Lord Alverstone, C.J. If the only course open to us had been that we must direct a conviction in this case, I certainly should have had the greatest possible difficulty in dealing with it. Speaking only for myself I cannot think that it is sufficient to satisfy the obligation of a person able to maintain himself by work or other means wilfully refusing and neglecting so to do wholly or in part to prove somebody has offered him some kind of work on some terms which he is not willing to accept, without the magistrate going on to consider whether or not the refusal under the circumstances to take the terms that were offered to him was sufficient evidence to show that his refusal was unreasonable. I do not want to criticise the learned magistrate's reasons, but I think certainly some of them with regard to the opportunity that would be given to persons outside to stand and compel labourers to come and work for them at certain terms seem rather far fetched. On the other hand, if under the words "ought to be construed with reasonable limitations and reasonable regard to the class of work to which the person charged had been accustomed and so to the rate of wages ordinarily to be earned," if he has considered those matters solely in connection with the refusal by the man to accept those terms, not being unreasonable—in other words, it not being a wilful refusal because the terms imposed on him were not fair terms—then I think those are considerations he may have in his mind in dealing with the particular question I have indicated. I think, therefore, the case must go back to the magistrate in order to decide whether or not there has been a wilful refusal or neglect on the part of this man to maintain himself wholly or in part. He must consider whether or not, under those circumstances, the offer made to such a man is an offer the refusal of which shows a wilful determination not to maintain himself in part. I should like to say that I entirely concur in what my brother Phillimore has said, that, if the condition of work is that a man must bind himself for a definite time so that he would not be able to go away and take work elsewhere, or that he should have to submit himself to matters that a man may properly take objection to, those should be regarded with regard to the question of whether there has been wilful neglect to maintain. The case must go back to the magistrate to rehear with this direction. If necessary, the prosecution can bring further evidence before him ; but I certainly do not think that the magistrate should have ordered a conviction upon the evidence, it being only that he would not accept the Salvation Army's terms.

Kennedy, J. I am of the same opinion, and I quite share my Lord's views of the impossibility of convicting upon the evidence before us. It seems to me, with the greatest respect to the learned magistrate, the statute has not imposed any very great difficulty upon those who, like the learned magistrate, have great experience in these matters of life in saying that the test is to be, Can the man, being able wholly or in part to maintain himself, be said wilfully to have refused or neglected to do so ? That is the condition of conviction. There are many circumstances—it would be absurd to try to enumerate even the majority of them—which, to my mind, would justify a magistrate, although the man is able-bodied, in saying, "I refuse to convict this man of wilfully refusing or wilfully neglecting." One of them, I think, would be, speaking for myself —and I understand my Lord takes entirely the same view—if a man, being put in the pinch of a particular necessity to ask for poor relief, was met by an alternative of signing an agreement of service for any length of period at a rate of wage which it might be possible to say would help to maintain him and not charge the ratepayers with his keep, but which would bind him to serve, possibly at an uncongenial trade and occupation, for an indefinite time and lose chances of bettering himself ; if a man declines under those circumstances to sign such an agreement, if I were the magistrate I should be slow to say he was wilfully refusing or neglecting. In the same way, if it were a condition of the employment that he should go to religious or other services to which by conscience he was averse, I should think it would be very good grounds indeed for saying, "I decline to convict you if the only opportunity of work shown you is work under those conditions." Thirdly, suppose a man whose ordinary occupation had been something of delicate manual industry had, by stress of that industry, or otherwise, been obliged to come on the rates ; if to that man was offered some employment which would practically destroy, or, at any rate, practically injure, his opportunity of earning his livelihood in the skilled industry to which he was accustomed—which, in fact, would ruin his chances for the future—I think that is a matter again that might properly be considered by the magistrate. With great respect, I should not, as stated by him, feel myself pressed by the suggestion that the work was merely novel work—work to which he had not been accustomed—nor even by the suggestion that the rate of wages was less than that ordinarily earned by persons in similar employment. As Lindley, M.R., pointed out in *Attorney-General* v. *Merthyr Tydvil Union* (82 *L.T.* Rep. 662), which was cited by the learned counsel who has appeared before us, it is not a case entirely between a man and his own interest in getting the same wage as the other persons—the man must be regarded as a person who is coming upon the rest of the folks in the form of the ratepayers to support him, and therefore mere novelty and mere getting a low wage in itself I should be slow to consider circumstances which would prevent my saying that the refusal to accept the work was a wilful refusal within the statute. It seems to me the magistrate ought to consider all the circumstances,

and if you look at some of the reasons given for the result by the learned magistrate, and if you read the statute, as it seems to me it ought to be read, as asking the magistrate to say on the facts, Did this man wilfully neglect or refuse? I cannot conceive how any consequence such as is suggested could follow, that a man, being sent to work outside the workhouse, no matter how unsuitable the work might be, would be liable to conviction under the statute if he refused to do such work. If the work from any reason, either inherent in the work itself or in its condition, was work which a man might reasonably refuse, you could not say he was wilfully refusing so that the magistrate would be entitled to convict. As it is, I am not satisfied that the magistrate has considered the matter in the plain and simple aspect, but I think he has brought in some considerations which I should not treat as proper considerations, or as decisive of this matter against a conviction.

Phillimore, J. I am of the same opinion. What the magistrate had to determine was whether this man wilfully neglected or refused to maintain himself. The fact that he was offered work by which he could have earned food and shelter and some small amount of money besides is not enough proof that he has refused to maintain himself, because the work may have been offered on unreasonable terms. But, if the work is offered on reasonable terms, his refusal to accept it may have been very good evidence on which a magistrate can hold that it is a refusal to maintain himself wholly or in part. I do not want to go into unnecessary details fettering the magistrate, but it would seem to me that to a person in the condition of a pauper in the charge of the parish any remuneration which would give that man shelter and food and the possibility of renewing his clothes when worn out, if not coupled with extraneous objectionable terms, would be work offered on reasonable terms. Any extraneous objection to the terms, such as undue length of tenure, rigorous conditions of conduct, or anything of that kind, might be very good ground on which the magistrate could find the terms offered were unreasonable. Finally, I should like to say (we have only heard the case out upon one side) that I have been utterly unable to see for myself how the terms offered to the respondent in this case could be said to be a violation of the Truck Act.

Case remitted.

SQUIRE *v.* MIDLAND LACE CO.

[April, 1905. 2 K.B. 448.]

Master and Servant—Wages—Deductions in respect of Damaged Goods—"Workman"—Employers and Workmen Act, 1875 (38 and 39 Vict. c., 90), S. 10; Truck Act, 1896 (59 and 60 Vict., c. 44), S. 2.

The respondents, a firm of lacemakers whose premises were a factory within the meaning of the Factory and Workshop Act, 1901, were in the habit in common with other lacemakers of handing finished lace after its removal from the machines to women called "clippers" for the purpose of having superfluous threads and material removed. The clippers, who were not employed exclusively by any one firm, undertook to get lace clipped, and applied to the manufacturers for lace which they took home with them for that purpose. The lacemakers had no control over the clippers, who might and often did employ others to assist them in the work; the clippers might execute the work themselves or give it to others to execute, or might return it unexecuted. The clippers were responsible in case of the non-return of the lace, and were paid at the end of each week according to the work done; they were required to pay for damage done to the lace in clipping.

Lace was handed by the respondents to two clippers; one was an outsider who had never worked in the respondents' factory, and did the clipping at home herself; the other was employed daily in the factory, and after it was closed at night she occasionally took the work home to do, and was assisted by her daughter. The lace handed to the two clippers having been damaged, a sum of 6d. was in each case deducted from the amount due to them at the end of the week; the conditions of Sec. 2 of the Truck Act, 1896, as to the making of deductions in respect of damaged goods were not complied with, and the deductions were illegally made if the clippers were workwomen within the Act:—

Held, that, as the clippers were not bound by the terms of their contracts to execute the work or any part of it themselves, they were not workwomen within the meaning of Sec. 10 of the Employers and Workmen Act, 1875, and, therefore, were not entitled to the protection of Sec. 2 of the Truck Act, 1896.

Case stated by justices for the city of Nottingham.

Two summonses had been issued against the respondents. The first summons charged that on June 13th, 1904, being the occupiers of a certain factory within the meaning of the Factory and Workshop Act, 1901, and being employers within the Truck Act, 1896, they did unlawfully make a deduction from the sum contracted to be paid to a "workman," to wit, Mrs. Annie Lizzie Flinders, in that the deduction was not made in pursuance of such a contract as is required by Sec. 2, Sub-sec. 1, of that Act. The second summons charged a like offence in like terms on June 23rd, 1904, as to Mrs. Amy Lamb. At the hearing the following facts were admitted or proved.

The appellant was one of His Majesty's inspectors of factories; the respondents were lace manufacturers and occupiers of a factory within the meaning of the Factory and Workshop Act, 1901, and would have been employers within the meaning of the Truck Act, 1896, if the last-mentioned Act had applied under the particular circumstances of the cases. After lace has been removed from the machines it has to go through the process of being clipped—that is, superfluous threads and material have to be removed. In the City of Nottingham there are a large number of women known as "clippers," who carry on the business of clipping, undertake to get laces clipped, and with that intent apply to the manufacturers for lace and take it home to be clipped. Clippers are not employed exclusively by any one firm or for any definite time, but are independent, and may and do take laces from different firms. They may and do employ other persons to assist them, the firms having no control whatsoever over them. Clippers may refuse to take work, and, having taken it, may execute it themselves or give it to other persons to execute, or may return it unexecuted and the manufacturers may refuse to give them work as they please. Clippers are responsible in case of non-return of the lace. They are paid at the end of each week, when the account is made up according to the amount of work done. The lace is examined, and if any damage has been done to it the clipper is required to pay damage in respect of it. This course of business has been in vogue in Nottingham for considerably over twenty-five years, and clippers are generally well aware of it.

Annie Lizzie Flinders sought to obtain lace for clipping from the respondents, and some was handed to her. She took it home, and subsequently returned it clipped but damaged; and on June 13th, 1904, a sum of 6d. was deducted from the amount due to her for clipping. The lace was given out to her only as an outworker. She had never worked in the respondents' factory, and she did the clipping at home herself.

Amy Lamb, under similar circumstances obtained laces from the respondents and returned them damaged; and on June 23rd, 1904, the sum of 6d. was deducted for damages in respect thereof from the amount due to her. She had been employed daily in the respondents' factory for more than a year, and occasionally after the factory closed at night she took work home to do. She knew that her home work was not considered as part of her work at the factory, and also that deductions were made from her wages for damaged goods. Her daughter assisted her in the clipping, and did part of the damage in respect of which the particular deduction was made.

It was contended for the respondents that the appellant had failed to prove in both cases any contract of service; that the term wages had been wrongly used, and the payments were simply money for work done; that there was no contract to execute the work personally, and that neither Mrs. Flinders nor Mrs. Lamb was a "workman" within the definition in Sec. 10 of the Employers and Workman Act, 1875.

The justices were of opinion that neither Mrs. Flinders nor Mrs. Lamb was a "workman" within the meaning of the Truck Acts, and dismissed both summonses.

The question of law for the opinion of the Court was whether upon the facts the determination of the justices in either or both of the cases was right.

Kennedy, J.* This is an appeal on a case stated by two of the justices of Nottingham, against their dismissal of a summons against the respondents for an alleged unlawful deduction from the sum contracted to be paid by the respondents to a workwoman, Mrs. Annie Lizzie Flinders, contrary to the provisions of the Truck Act, 1896, Sec. 2, Sub-sec. 1, and against their dismissal of a like summons in the case of another workwoman, Mrs. Amy Lamb. The justices were of opinion that neither Mrs. Annie Lizzie Flinders in the one case nor Mrs. Amy Lamb in the other case, was a workwoman within the meaning of the Truck Acts, and on that ground dismissed both summonses. After carefully considering the findings of fact stated in the case, by which we are bound, we find ourselves unable, in view of the language of the Acts of Parliament which apply to these cases and of judicial decisions which were given upon a practically identical statute, and which are binding on this Court, to hold that the determination of the justices was erroneous in point of law.

The definition of workman (which includes a workwoman) is contained in Sec. 10 of the Employers and Workmen Act, 1875 (38 & 39 Vict., c. 90). We many summarise it, for the purposes of this case, as including any person, not being a domestic or menial servant, who being engaged in manual labour has entered into or works under a contract with an employer, the contract being a contract of service or a contract personally to execute any work or labour. The material facts in relation to the employment of "clippers" in the lace trade at Nottingham generally are set forth in Paragraphs C to H of the case. [The learned judge read the paragraphs.] The further particular facts in regard to the two "clippers" whose cases form the subject of the present appeal are these. Mrs. Flinders never worked in the respondents' factory. She applied for and obtained work as a "clipper," and did the clipping herself at home. Mrs. Lamb was regularly employed in the respondents' factory during the day, and occasionally took home clipping work, which she knew was not considered part of the work at the factory; her daughter helped her with the clipping work at home. In neither case were the respondents aware of the person or persons who actually did the work. It was further stated by counsel that the clipping work was entered in the wages book and the women were paid weekly, subject to deductions from their pay for damaged work.

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* It may be noted that the case of *Grainger* v. *Aynsley*, 6 Q.B.D. 182, was referred to by counsel for the appellant and was therefore before the Court, though not referred to in their judgment.

We feel ourselves precluded by authority from considering upon this statement of facts whether we might not give to Sec. 10 of the Act of 1875 an interpretation sufficiently liberal to include these two persons as workwomen entitled to the protection of the Truck Acts. The basis of the decision of the Exchequer Chamber in the leading case of *Ingram* v. *Barnes* (1), affirming the judgment of the majority of the Court of Queen's Bench (2), unquestionably is that to be a "workman" or "artificer" within the protection of the Truck Acts the person who contracts to do work for an employer must be a person absolutely bound by the terms of the contract to work with his own hands in the performance of it. The fact that he may work, or will probably work, with his own hands in the performance of the contract is insufficient. The principle of *Ingram* v. *Barnes* (1) was distinctly recognised in the judgment of the Court of Common Pleas in the later case of *Pillar* v. *Llynvi Coal Co.* (3), in which case Montague Smith, J., delivering the judgment of the Court said: "The result of that decision is that a man is not an artificer within the Act unless the employer has by the contract of hiring a right to require his personal work and labour in return for wages—of course as wages are defined by the Act."

In the present case the justices have found the employment of these women clippers to be the employment of persons who may execute the work or give it to other persons to execute. In fact Mrs. Flinders herself executed at home the work she got; so did Mrs. Lamb, with the assistance of her daughter. But neither of them was bound by the terms of the contract with the employer to do any part of the work personally; and this, as we have already said, appears to be established by the judgments of the Exchequer Chamber in *Ingram* v. *Barnes* (1) to be essential in order to constitute a workman under the Truck Acts. It is true that *Ingram* v. *Barnes* (1) was decided, not in regard to the Employers and Workmen Act, 1875, Sec. 10, but upon the interpretation of an earlier Act (1 & 2 Will. IV., c. 37); but the learned counsel for the appellants was unable to point out to us, and we have been unable to discover, any real or material distinction in the somewhat different wording of the two Acts in regard to the definition of "workman."

We must therefore dismiss this appeal. We do so with some reluctance, having regard to the facts disclosed in this case as to the nature of the employment and the position of the women clippers, who, though they do sometimes employ assistants, are evidently, as a class, wage-earning manual labourers, and not "contractors" in the ordinary and popular sense, or persons who "speculate on the state of the labour market"; and we venture to express the hope that some amendment of the law may be made so as to extend the protection of the Truck Act to a class of workpeople practically indistinguishable from those already within its provisions.

Appeal dismissed.

WILLIAMS *v.* NORTH'S NAVIGATION COLLIERIES (1889), LIMITED.

[April, 1904. 2 *K.B.* 44.]

This case raises the question whether deductions made by an employer from wages earned by a workman of a lawful debt due from the workman to the employer are illegal, as being contrary to the Truck Act, 1831.

Collins, M.R., said: This is an appeal from an order made by Bucknill, J., at chambers, whereby he granted an interlocutory injunction in an action brought by workmen against their employers for non-payment in full of certain wages alleged to be due to them. The plaintiffs sought to recover the amount of certain deductions which had been made on the payment of those wages, and they claimed a declaration that such deductions were illegal and an injunction to restrain the defendants from making any further deductions of the same kind. When the case first came before Romer, L.J. and myself as an interlocutory matter, we came to the conclusion that it could not be conveniently dealt with in that way, and, if it were so dealt with, it could only be by discharging the injunction and leaving the real question in the case to be determined at the trial. Both parties, however, were desirous that this Court should deal with the merits of the case as a whole, and it was accordingly arranged to treat the case as a final appeal and to let it be dealt with by a full Court of three judges. To bring about that result the plaintiffs were obliged to throw over the greater part of their suggested cause of action and to confine themselves to claiming a declaration by the Court on the question which both parties desired to have decided, namely, whether a set-off against wages insisted on by an employer at the time of the payment of wages, was a violation of the Truck Act, 1831. We felt that there would be a difficulty in making the declaration which the plaintiffs asked for, even if we should be of opinion that such a set-off was a violation of the statute, because, even on the view of the plaintiffs, who asked for it, the declaration would not be ancillary to the putting in suit of any legal right. But with a view to meet the pressure which was put on us by both sides rather than from an opinion that the case could satisfactorily be dealt with by making such a declaration, we agreed to hear the case and determine it, as far as possible, on its merits.

The question arises in this way. The employers had a ground of complaint against their workmen in respect of a breach of the contract between them, which gave the employers a remedy sounding in damages. This remedy they put in suit before a Court of summary jurisdiction under the Employers and Workmen Act,

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(1) 7 E. & B. 132. (2) 7 E. & B. 115.
(3) L. R. 4 C. P. 752; 38 L. J. (C.P.) 294. [The case is reported upon this point only in the *Law Journal* report.]

1875, which provides that such matters may be dealt with by such a Court, with the result that the magistrates gave judgment against each of the workmen for an amount of 30s. payable by fortnightly instalments, and by their order they appointed as the dates of payment of the instalments days which coincided with the usual days for the payment of the men's wages. On the next occasion when the wages came to be paid, the employer set off the sum of 10s. which by the exigency of the judgment of the magistrates was payable to them by each of the workmen on that day, against the sum which was payable by them as wages to each of the workmen. It is alleged that this was a violation of the Truck Act, 1831, notwithstanding the fact, which the plaintiffs' counsel were compelled to admit, that under the terms of the Act, the very sum, which it was said to be a violation of the Act for the employers to retain, could have been set-off by the employers in proceedings instituted by the workmen to recover wages due to them. Notwithstanding the preservation by the Legislature of this right of set-off, it was alleged that it was contrary to the provisions of the Act, if an employer availed himself of it at the time when he paid his men their wages, though he could by authority of the statute avail himself of it next day in proceedings by the workmen to recover those wages. I do not think that anything ought to be treated as an offence in this country under a statute, unless the statute in plain terms constitutes it one. Now, has the Truck Act, 1831, constituted it an offence for an employer to withhold from a workman on payment of his wages an amount in respect of which he, the employer, has a legal right of set-off against the workman—namely, the amount of a judgment obtained by him against the workman ? It has been emphasised in a series of cases that the object of the Truck Act, 1831, is what is expressed in its title and preamble. It is intituled, "An Act to prohibit the payment in certain trades of wages in goods, or otherwise than in the current coin of the realm." The preamble is : " Whereas it is necessary to prohibit the payment in certain trades of wages in goods, or otherwise than in the current coin of the realm." This therefore is the main end and object of the Act. Sec. 1 accordingly provides that in all contracts for the hire of any artificer the wages shall be made payable in the current coin of the realm, and not otherwise. That clearly gives effect to the main object—namely, the prohibition mentioned in the preamble. Then Sec. 2 provides that the contract must not contain any stipulations as to the manner in which wages shall be expended. That is another provision calculated to give effect to the same main end. Then comes Sec. 3, the section with which we have to deal in this case. It provides as follows : " The entire amount of the wages earned by or payable to any artificer, in respect of any labour by him done, shall be actually paid to such artificer in the current coin of this realm, and not otherwise ; and every payment made to any such artificer by his employer of or in respect of any such wages, by the delivering to him of goods or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal, null, and void." It is sought by the plaintiffs to get out of the terms of that section that which appears to me, having regard to its place in the series of sections, and the central purpose of the Act, not to be contained in it, *namely, an absolute obligation on the employer, where wages have been earned by a workman, whether he has a set-off or not, to pay the workman the whole amount of the nominal sum which but for any such set-off would be payable as wages.* It is said that a failure to do that is contrary to the provisions of the Act. The plaintiffs shrank from contending that it is a criminal offence ; but they say that they will be satisfied if it is declared to be contrary to the Act. When the words of the section are looked at, they seem to me merely to constitute a provision calculated to carry out the central purpose of the Act, namely, that wages should not be paid otherwise than in money. *They deal with the mode of payment, not with the amount to be paid.* The section seems to point to the possibility of the employer not being bound to pay the whole amount of the wages earned by the workman, for it speaks of the amount of the wages earned by, " or payable to," any artificer. We ought not to reject the words " or payable to." They seem to me to show what the Legislature had in view. First it has to be ascertained what the amount of the obligation of the employer to the workman is—what sum he has to pay for wages. That is spoken of as " wages earned by or payable to " the workman. When that amount has been ascertained, the section provides how it shall be paid, namely, in current coin of the realm, and not otherwise. That seems to me to be *prima facie* the natural meaning of the section. But the matter does not stand there. Following out the provisions of the Act, we come to the rights and remedies given in contemplation of a breach of its provisions. Sec. 4 provides that the workman may recover from his employer in the manner by law provided for the recovery of servants' wages, or by any other lawful ways and means, the whole or so much of the wages earned by him as shall not have actually been paid to him in current coin of the realm, thus showing that the Legislature contemplated the recovery of the wages by the workman in a civil proceeding, in which *prima facie* the employer would be entitled to set off against the workman such a debt as that here in question, and to the extent of that debt the workman could not recover the wages. Then we come to Sec. 5, which expressly deals with the question of set-off, and provides that in any proceeding for the recovery of wages by the workman the employer " shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason of or in respect of any goods, wares or merchandise sold, delivered or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest." That again is another provision ancillary to the main object of the Act, and emphasising the fact that the Legislature do not intend to interfere with the existing law, except so far as is necessary in order to carry out that object, namely, that wages shall not be paid otherwise than in money. It leaves untouched the right of set-off, except in cases where a set-off would contravene the main purpose of the Act. It appears to me that by necessary implication that section involves a statutory recognition and sanction of all rights of set-off as against wages which are not struck at by the Act, for it shows that the Legislature contemplated the right of set-off as against wages as still existing, notwithstanding the previous provisions of the Act, and proceeded only in certain cases to interfere with it. Then comes Sec. 6, which debars an employer from suing a workman for the price of goods supplied to him on account of wages. The only other section to which I need refer is Sec. 9, which provides that, " Any employer of any artificer, who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract, or make any payment, hereby declared illegal, shall for the first offence forfeit a sum not exceeding ten pounds, and for the second offence a sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence, any such employer shall be and be deemed guilty of a misdemeanour, and, being thereof convicted, shall be punished by fine only, at the discretion of the Court, so that the fines shall not in any case exceed the sum of one hundred pounds." So that the only offences in respect of which the Legislature has

created any machinery for enforcing the Act are those of entering into a contract,or making a payment, declared by the Act to be unlawful, *i.e.*, a contract to pay or a payment of wages otherwise than in money; and the section does not make it an offence to withhold money due for wages on account of a legal set-off, or provide any penalty in respect of such withholding. The Truck Act, 1831, has been followed by other Acts, by which fresh matters arising have been dealt with, but I do not think that any of the provisions of those Acts has dealt with the matter now in question.

The provisions of the Truck Act, 1831, have been made the subject of decision from time to time. Cases have arisen in which, there having been some previous arrangement between an employer and a workman, whereby the employer was to be entitled to make certain deductions in respect of facilities given to the workman, as for instance, for the use of machinery in the hosiery trade, or in respect of fines, the employer has claimed to withhold sums earned as wages on account of such deductions; and the point has been taken in those cases that what was done amounted to a payment declared illegal by the Act, *i.e.*, that paying an amount arrived at by means of such a deduction was an unlawful payment. But it was pointed out that a payment could not be treated as an illegal payment because the amount paid was arrived at after a deduction, that not being a breach of the Act, which dealt with payments, not with deductions. I will refer to the first case on the subject, namely, *Chawner* v. *Cummings* (1). Lord Denman C.J. there said, in giving judgment: "In order to form a correct judgment upon the nature of this agreement and of these deductions, it is necessary to attend to the provisions of the Act with some particularity. It was directed, as is well-known, against what has been called generally the truck system, or, as the title of the Act is, against the payment of wages in certain trades in goods or otherwise than in the current coin of the realm. The prohibition extended to bank-notes, because the eighth section expressly legalizes payment by them under certain circumstances. The same purpose is declared in the preamble, and in the same terms, and is pursued in the earlier sections of the Act. The first section declares all contracts illegal, where the wages are made payable in any other manner than in the current coin. The second section avoids all contracts where there is any provision as to the place or manner in which the wages, or any part are to be expended. Sec. 3 makes all payments, except as aforesaid, illegal and void; and the fourth section contains the proviso already referred to, that the artificer may recover his wages as if such prohibited payments had not been made; and the fifth section, also before noticed, takes away the right of set-off in such cases. Now it is to be observed that payment otherwise than in money is alone prohibited. Deductions or charges are nowhere mentioned or alluded to before the twenty-third section, hereafter to be considered. Then are these deductions in the nature of payment at all? It seems to us to be the mode of calculating the amount of wages, and nothing more." The same principle was followed in subsequent cases. In deducting the amount of a set-off allowed by law, and sanctioned by the judgment of the magistrates, from the amount of wages earned, all that was done was to calculate the amount payable to the workman for wages, and the payment of the amount so found to be due in coin cannot be said to be a violation of the Act. *The offence created by the Act is not non-payment, but making a payment contrary to the Act*, i.e., *otherwise than in money.* The simple principle so laid down in *Chawner* v. *Cummings* (1) seems to me to have always been followed since, and never to have been questioned. The fact that, with regard to a particular trade, namely, the hosiery trade, an Act was passed in 1874, making deductions other than those specified in the Act illegal in that trade, only seems to emphasise the conclusion that such deductions are not forbidden by the Truck Act, 1831.

It seems to me that the matter would be perfectly clear but for the fact that Bowen L.J., in the course of a general disquisition on the Act in the case of *Hewlett* v. *Allen* (2), made some observations which I think may be put forward as opposed to the view I have expressed, and as suggesting that there is an absolute obligation imposed on the employer by the Act to pay the whole amount of the wages earned, even where he has a set-off against them. But, when one reads these observations with the context, and comes to appreciate the point of view from which they were made, I do not think that the learned Lord Justice really meant to say that it would be a breach of the provisions of the Act to pay only that which might turn out to be payable on account of wages, having regard to a right of set-off possessed by the employer, though, taken apart from the context, his words might be capable of that interpretation. He nowhere in terms deals with the point now in question, and I do not think that it can have been present to his mind, for I perceive that, in summarising the provisions of Sec. 3, he makes no reference to the words "or payable to" in the section. He does no doubt use expressions which appear to point to the view that a deduction of a sum from wages by the employer might be contrary to the Act, though the employer would have a right to set off the same amount in a Court in an action for wages against him. But these expressions were not necessary to his decision. He held in the particular case, that, though the amounts deducted, which had under an agreement between the plaintiff and her employers been paid to a sick and accident fund, could not, by reason of the Truck Acts, be treated as lawfully paid, yet the plaintiff was precluded by her acquiescence in such payments from recovering the amount of the deductions. The House of Lords affirmed the decision, but they appear to have entirely negatived the suggestion that such deductions as had taken place constituted any offence against the Act. They held that, the payments having been made to the fund with the assent and at the request of the plaintiff, there had been a legal payment to the plaintiff of the whole amount of her wages, and they in no way seem to have countenanced or indorsed the contention which forms the basis of the plaintiffs' argument in this case. When I scrutinise the passages referred to in the judgment of Bowen L.J., I do not come to the conclusion that he meant to countenance that contention, or that he intended in dealing with the Act to differ in any way from the interpretation put upon it by Lord Denman C.J. in *Chawner* v. *Cummings* (1). I do not think his mind was really addressed to the question whether there was anything in the Act to debar an employer on paying wages to a workman from availing himself of a legal set-off. That being the state of the authorities on the subject, there appears to be no authority really against the construction of the Act which I have endeavoured to express, as being *prima facie* the proper construction of it, but on the contrary the authorities appear to be in accordance with it. The result is that it cannot in my opinion be said to be an offence against or violation of the statute for the employers to avail themselves on payment of the workmen's wages of a legal set-off such as that sanctioned by the judgment of the magistrates in this case; and, assuming the case to be one in which it would, as a matter of procedure, be proper for us to make a declaration of the kind asked for by the plaintiffs, it appears to me that on the true construction of the Act the plaintiffs are not entitled to the declaration for which they apply. For these reasons I think the appeal should be allowed.

(1) 8 Q. B. 311. (2) [1892] 2 Q. B. 662; [1894] A. C. 383.

Romer, L.J., read the following judgment :—So far as concerns the relief actually sought in this action the plaintiffs do not dispute that the defendants are entitled to the set-off claimed by them. And in my opinion this is not a case which would justify an injunction being granted as sought by the plaintiffs. Nor is the Court bound to make any declaration as claimed by the plaintiffs. But both parties have asked us to express our views on a question that has been argued, and I proceed, therefore, to give my opinion so far as it appears to me within my province to do so in the present action. I can give that opinion and my reasons for it very briefly. In my opinion the Act of 1831 did not constitute as a punishable offence the mere non-payment of part of a workman's wages, where the master, who is (apart from any special provisions of the Act) entitled to a set-off in respect of an ordinary debt due to him from the man equal to the amount of wages retained, claims a set-off and a right of retainer in respect of that debt, the debt not being one in respect of goods, wares, or merchandise, a set-off which is prohibited by s. 5 of the Act. Nor, indeed, can I see that the Act makes a punishable offence any mere non-payment of a man's wages when they fall due, merely because the master had not the means of paying or neglected to pay the same exactly when they became payable. Of course I am only dealing with the Act of 1831, which governs the present case, and am not considering special legislation dealing with a special trade, like the Hosiery Manufacture (Wages) Act, 1874, the provisions of which are significant when compared with the provisions of the Act of 1831. I come to the conclusion I have indicated with regard to the Act of 1831 by a consideration of its clauses taken as a whole, and in particular of ss. 1, 2, 3, 5, and 9, which, in my opinion, ought to be considered together. It appears to me that s. 9 was intended to specify what should be deemed punishable offences under the Act, and that, apart from those offences, if a workman did not obtain payment of his wages, the only remedy contemplated by the Act as available to the man and to enable him to obtain payment is by civil action or proceedings. And even if this were not so, yet, so far as concerns a case where a master does not pay part of the wages, because he has a set-off not invalidated under s. 5, it appears to me, having regard to the provisions of that section, it is not right to hold that the Act, which contemplated an action, suit, or other proceeding being taken by the man for his wages, and only prohibited a special set-off being set up as against him by the master, could have contemplated that it would be a statutory offence for the master to claim at the time when the wages became payable a set-off, which is not prohibited, and which he could effectually set up as against any subsequent civil proceeding by the man to enforce payment. It appears to me that under this Act, if the master sets up, as he may without committing any punishable offence, when the wages become payable, a right to set off such a debt as we are considering in the present case, then the man can do nothing except commence a civil action or other civil proceedings in which the set-off will be a good defence. It follows that in the present case no declaration can be made in favour of the views of the respondents, and that the appeal should be allowed. After what the Master of the Rolls has said I do not think it necessary or useful to refer to the various cases cited before us.

Mathew, L.J., read the following judgment :—The question which we have to determine under the arrangement come to between counsel, to which the Master of the Rolls has referred, is whether the workmen have an absolute right under the Act of 1831 to be paid their wages in cash, or whether the employers may deduct the amount of an admitted set-off and hand the workmen the balance. It was contended for the employers that the Truck Act did not apply. The statute, it was said, did not deal with non-payment. The object of the legislation was not to enforce payment, but to prohibit and to punish payment not in money but in goods. It was argued for the workmen that the Act went much further and was intended to make a failure to pay in current coin an offence for which proceedings of a criminal character might be instituted. It was argued that to dispose of the case the true construction of s. 3 of the Act of 1831 had to be ascertained, and the counsel on each side relied with equal confidence, though not with equal success, upon its provisions.

I am of opinion that the view of the meaning of the section indicated in previous decisions is the correct one—namely, that the statute does not apply to cases of non-payment. The workman who does not receive all that he has earned has the right to enforce payment in the ordinary way, and is not intended to have the right to prosecute his employer for breach of contract. Any other construction would lead to the unreasonable result that the employers of the workmen specified in the Act would be subject to a serious and vexatious liability not imposed on other employers. The same considerations apply to the question of set-off. There would seem to be no reason why the Legislature should impose on one class of employers a disability to which other employers are not exposed. This action was brought by the workmen to recover the balances alleged to be due to them, and they applied for an injunction to restrain the employers from making any further deduction. The answer of the defendants was that they had a set-off in respect of the wages which were unpaid. This would seem to be an adequate reason for refusing the injunction. But it was argued for the workmen that, although it could not be disputed that there was a set-off, still it was not available at the time when the wages became due. The duty of the employers, it was urged, was to hand over the whole amount and to take steps to enforce their set-off at some future time : in other words, that the statute postponed the employers' right to pay themselves by deducting the amount admitted to be due from the workman. I am unable to adopt this reasoning, and I find nothing in the Act of 1831 or the latter statutes to justify this contention. I agree that the appeal must be allowed.

Appeal allowed.

WILLIAMS *v.* NORTH'S NAVIGATION COLLIERIES (1889), LIMITED.

([1906] A.C., p. 136.)

Employer and Workmen—Truck Acts—Deduction from Wages—Set-off Debt due from Workman to Employer—Truck Act, 1831 (1 & 2 Will. 4) c. 37, s. 3.

The Truck Act, 1830, *does not allow an employer when paying wages to a workman to make any deductions except those expressly sanctioned by the Act. Therefore he cannot deduct money which a court of summary jurisdiction has ordered the workman to pay to the employer in respect of breaches of contract to work.*

The decision of the Court of Appeal (1) *reversed.*

The appellants, who were workmen in the service of the defendant company, were entitled to wages payable on January 30, 1904. Having absented themselves from work shortly before, each of them had been ordered by magistrates in petty sessions under the Employers and Workmen Act, 1875, to pay to the defendant company 30*s.* by instalments of which 10*s.* was due on January 30. In the case of the appellant Williams, which was typical of the rest, he had earned £3 13*s.* 2*d.* and received £3 2*s.*, the difference consisting of an agreed deduction of 1*s.* 2*d.* for doctor, and the 10*s.* which was not agreed. The appellants having brought an action against the company for damages, a declaration, and an injunction, an order for an interim injunction was made by Bucknill, J., at chambers. In the Court of Appeal (Collins, M.R., and Romer and Mathew, L.JJ.), it was agreed that the relief claimed should be limited to a declaration that the 10*s.* was improperly deducted. The Court of Appeal reversed the decision of Bucknill, J., holding that the deduction was legal. Hence the present appeal.

March 1, Mr. S. T. Evans, K.C, and Mr. Bailhache (Mr. John Sankey with them) for the appellants. The Truck Act, 1831, s. 3, uses plain unmistakable language: it requires payment of the entire amount of the wages in coin. In *Hewlett* v. *Allen* (2) Bowen, L.J., enforces the strict literal interpretation of the words "The statute insists (in all but the excepted cases) on actual payment in coin. Payment in account will not do. Payment in goods will not do. Nothing is to discharge the wages debt except actual payment in current coin." Later the Lord Justice says: "The employer cannot, for the purpose of compliance with the statute, be both payer and payee. To hold otherwise would be to make the statute idle." *Chawner* v. *Cummings* (3), which is relied upon by the respondents, is really in the appellants' favour. After observing "that *payment* otherwise than in money is alone prohibited," Lord Denman, C.J., in respect of the deductions for frame rents which were then allowed, said: "Then, are these deductions in the nature of payment at all? It seems to us to be the mode of calculating the amount of wages, and nothing more." The same principle was applied in *Archer* v. *James* (4), where it was pointed out that such deductions contracted for by the workmen did not come out of wages. In those cases the contract of labour was carried out by the employer. Not so here. There must be a written contract even to justify deductions for medical attendance, and such deductions—there having been no contract—had to be repaid in *Pillar* v. *Llynvi Coal and Iron Co.* (5) and see *Ex parte* Cooper (6). In *Lamb* v. *Great Northern Railway Co.* (7) A. L. Smith, J., said: "The Legislature seems undoubtedly to have started by making all drawbacks illegal" except those authorised by s. 23. In *Smith* v. *Walton* (8) was held that deductions for damaged goods were payment otherwise than in current coin, and that a penalty was incurred under s. 9; *Willis* v. *Thorp* (9) was under the Hosiery Manufacture (Wages) Act, 1874, and fines were allowed to be deducted as not being prohibited under that Act. But the principle is well expressed by Mr. Benjamin, Q.C. in his argument for the employer: "The master can deduct nothing which does not depend upon the will of the workmen; he cannot, therefore, deduct for things like frame rent or standing; but a fine is a thing which a workman may or may not incur at his will." The stringency of the obligation to pay in coin in increased by the words "payable to" in s. 3.

Mr. Bankes, K.C., and Mr. Lush, K.C. (and Mr. A. J. Ashton with them) for the respondents.

The Truck Act, 1831, was aimed at the mode, not the amount, of payment, and prohibits payment in equivalents. The words "earned by or payable to" contemplate the case where the wages earned are larger than the amount payable, and imply that deductions besides those specified may be allowed. Section 5 prohibits certain specified sets-off, and implies, therefore, that all others are allowed. There can be no distinction between sets-off in an action for wages and in the payment of wages. The Act simply declares that the amount payable must be paid in coin. The employer owes only what he can be made to pay by process of law: he does not owe the wages without deducting the set-off. It would be a rare anomaly if the employer

(1) [1904] 2 Q. B. 44. (2) [1892] 2 Q. B. 662. 666; affirmed [1894] A. C. 383. (3) [1846] 8 Q. B. 311 323.
(4) [1862] 2 B. & S. 61, 86; 31 *L. J.* (Q.B.), 153, 162. (5) [1869] L. R. 4 C. P. 752. (6) [1884] 26 Ch. D. 693.
(7) [1891] 2 Q. B. 281, 285. (8) [1877] 3 C. P., D. 109. (9) [1875] L. R. 10 Q. B. 383.

can set off in an action but not in payment. The respondents are not seeking to pay an unauthorised sum, only refusing to pay the sum claimed. It is not the delay or omission to pay, but only the mode of payment which is dealt with. The employer might refuse to pay and under the Act there is no offence created for refusal to pay ; the Act does not deal with non-payment. If the appellants brought an action to recover their wages it is clear that these instalments would be deducted by the Court. It is exactly the same as if the master had lent his servant a sovereign ; he would be entitled to stop it out of wages. A. L. Smith, J., in *Lamb* v. *Great Northern Railway Co.*, was only referring to the kind of "drawbacks" referred to in the Act—payment by equivalents. In *Redgrave* v. *Kelly* (2) deduction of fines was held not to be an offence. This is an *a fortiori* case, as the fines there were imposed by the employer as a term of service, here by an Order of Court ; see also *Beetham* v. *Crewdson* (3). In *Archer* v. *James* (4) the judgments are really in favour of the respondents. Bowen L.J.'s judgment in *Hewlett* v. *Allen*, (5) taken as a whole, is not adverse to the respondents, and the speeches of Lord Herschell, L.C., and Lord Watson are wholly irreconcilable with the appellants' contention. Lord Herschell expressly justifies sets-off, except those which are prohibited, and Lord Watson holds that advances of money by the employer are not recoverable by the workman. The Act is penal and must be construed strictly, and there is nothing express or implied to make unlawful the deduction of moneys due upon a cross judgment.

Mr. S. T. Evans, K.C., in reply.

The House took time for consideration.

Lord Loreburn, L.C. :—My Lords,—I do not propose to enter upon a consideration of the authorities that were cited to us in the course of argument or dealt with in the Court of Appeal, as I understand that my noble and learned friend Lord Davey intends to refer to them. But I have come to the conclusion that the judgment appealed from ought to be reversed, and a declaration given in the sense asked for by the plaintiffs. The facts lie in narrowest compass. [His Lordship stated the facts given above.]

The question is whether the employers, when they paid the wages on January 30th, were in law bound to pay in coin the total due for wages, or were entitled in law to deduct 10*s.* due from the workmen to the employers, and pay merely the balance in coin. This turns upon the true construction of s. 3 of the Truck Act, 1831. Now, I find in that section an explicit enactment that "the entire amount of the wages earned by or payable to a workman" shall be "actually paid" to him in the current coin of this realm, "and not otherwise." The section does not say when it is to be paid, for the common law will settle that as soon as the agreement of service is ascertained. The section does say that when paid it shall be paid in coin of the realm, and not otherwise. I cannot think this means that it shall be paid as to part in coin and as to the remainder in account. Our attention was directed in argument to the word "payable" ; we were invited to hold that the obligation to pay in coin applied only to the entire amount of wages payable after deducting cross-claims. In this case it was argued only £3 2*s.* was payable, because, on striking an account, that was the balance due. A reference to s. 23 shows to my mind that this would be a wrong interpretation even if the language of the Act admitted of it. Section 23 provides, with elaborate care, and under strict safeguards, the cases in which debts due from the workman may be deducted from the wages due to the workman when the employer is paying the wages. These provisions would be wholly unnecessary if an employer were already authorised by s. 3 to deduct anything that the workman owed him and to pay in coin merely his balance. The word "payable" may have been inserted because otherwise the law could have been evaded by making wages payable in advance, before they had been earned. Or it may have been inserted because there might be deductions authorised by s. 23 which would not diminish the wages earned but would diminish the sum payable for wages. However that may be, it appears to me that an obligation rests upon the employer under the Truck Act, 1831, s. 3, to pay in coin (for we are not concerned with bank notes in this case) all the money payable as wages, and that in ascertaining how much is payable as wages he can subtract nothing except the deductions expressly sanctioned by s. 23. The deduction of 10*s.* for fines was, therefore, in the present case illegal. Mr. Lush argued that this construction would be very anomalous. He urged that, if the employer did not pay the wages at all and were sued, he would be entitled then to set off in the action anything due to him except such sums as fall within the prohibition of s. 4. It would be strange, said Mr. Lush, if an employer could, by breaking his contract and forcing litigation, obtain an advantage denied to him if he fulfilled his contract. No doubt this would be an anomaly, as are the Truck Acts themselves, and some other Acts which interfere in a limited degree with freedom of contract. It is necessary to distinguish between the clauses of the Act relating to set-off in an action and those relating to stoppage or deduction when the wages are paid. Possibly the legislature thought a Court might be trusted to strike a balance in the rare cases where the dispute came into Court, but that the vast multitude of weekly or other payments which never come near a Court ought to be regulated by a simple and wholesome rule —namely, that they should be paid wholly in coin save for certain carefully specified exceptions. This is, however, a mere conjecture. It is enough to say that, assuming the Act of Parliament has so provided, the fact that the provision is anomalous does not permit us to disregard the plain meaning of the words used. Accordingly, I advise your Lordships to reverse the judgment of the Court of Appeal and enter judgment for the appellants, with a declaration in the sense prayed.

Lord Macnaghten. My Lords, I have had an opportunity of reading in print and considering the judgment which has just been delivered, and I entirely agreed in it.

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(1) [1891] 2 Q B. 281,285. (2) [1889] 37 W.R. 543 ; 54 J.P. 70. (3) [1890] 55 J.P. 55.
(4) [1862] 2 B. & S. 61, 86 ; L. J. (Q. B.) 153, 162. (5) [1892] 2 Q. B. 662 ; affirmed [1894] A. C. 383.

Lord Davey. I agree with the judgment of my noble and learned friend on the woolsack, and with the reasons which he has given for his judgment. The learned Judges in the Court of Appeal rested their decision mainly on the ground that it was neither an offence nor a violation of the statute to give effect to a legal right of set-off. Set-off in an action I understand. It is a right given by statute to a man who is sued for a sum of money to defend himself by claiming a debt due to himself from the plaintiff in satisfaction or reduction of the debt for which he is sued. But set-off outside the Court means nothing more than a claim of deduction and retention, and the question comes to be whether the deduction of a cross-debt which might be the subject of a set-off in an action is a legitimate deduction, or whether the express enactment that the entire amount of the wages shall be actually paid in current coin can be so qualified. I agree with my noble and learned friend that there can be but one answer to that question. By s. 23 and s. 24 certain deductions are permitted to be made, or, to use the language of the marginal note, "particular exceptions to the generality of the law" are made under strictly defined conditions, and no other deductions or particular exceptions are, in my opinion, authorized. The learned counsel for the respondents argued that the employer was not bound by the Act to pay in full, and non-payment was not an offence under the Act. Be it so; but this was not a case of non-payment or repudiation by the master of his debt, but of retention of a part of the workman's admitted wages in payment of a debt to himself, and was intended to be payment or satisfaction *pro tanto* of the workman's wages. Lord Justice Bowen stated the exact point in *Hewlett* v. *Allen* (1) when, commenting on the third section, he said that payment in account will not do, and that the employer cannot for the purpose of compliance with the statute be both payer and payee, while, on the other hand, he held that set-off in an action was only prohibited in the cases mentioned in s. 5. It is sufficient to look at the account printed on page 10 of the appendix, which was handed to one of the appellants, to see that this is nothing more than payment in account, which I agree with the Lord Justice will not do. I will only add that I can see very good reasons why the Legislature should not allow a deduction to be made by the employer himself, although it might be the subject of set-off in an action where the amount and propriety of it could be impartially investigated. Mr. Lush boldly said that there was a clear and consistent current of authority in favour of the respondents, and it was too late for this House to revert to the views of the appellants. My Lords, the exact contrary of this statement appears to me to be nearer the truth. Not a single one of the numerous cases which were cited, in my opinion, supports the argument of the respondents, and a great deal is to be found in the judgments of the learned Judges which is against them. In *Chawner* v. *Cummings* (2) the plaintiff was presumed to have contracted upon the usual and well-known terms in the trade, and certain customary deductions which had been made from his nominal wages were held not to be in the nature of payment at all, but the mode of calculating and ascertaining the actual amount of his wages. *Archer* v. *James* (3) was a similar case, and was decided, in the first instance, on the authority of *Chawner* v. *Cummings*. In the Exchequer Chamber three Judges held that *Chawner* v. *Cummings* was wrongly decided, and three other Judges, on the other hand, approved the decision, and held that the deductions in question on the case before them were in the same category, and were elements only in calculating the real amount of the workman's wages. But there is not a word in any of the judgments which supports the contention that, when the amount of the wages is ascertained, the employer can discharge himself by set-off or payment in account. In *Pillar* v. *Llynvi Coal and Iron Company* (4) it was only decided that deductions of the character authorised by s. 23 could not be made unless there was a contract in writing as required by the section. In *Smith* v. *Walton* (5) the workman having damaged a piece of cloth through negligent workmanship, the employer delivered to him the damaged cloth, and deducted from his wages the value placed by the employer on the cloth. The question arose on an information against the employer for making an illegal payment. The Court reversed the decision of the magistrates, who refused to convict, Mr. Justice Lindley saying that, whether there was a payment in goods or a set-off, the respondent had infringed the Act. The decision in "*Ex parte* Cooper (6)" has no bearing on the case before the House. *Lamb* v. *Great Northern Railway Company* (7) was a decision on the amending Act, 1887, but the judgment of Mr. Justice A. L. Smith contains *dicta* on the construction of ss. 2, 3, 4, and 23 of the Act of William IV. which are in the appellants' favour. The judgment of Lord Bowen in *Hewlett* v. *Allen* has already been referred to. That case, however, was decided on the ground that the plaintiff had authorised and directed certain payments to be made by the employer on her behalf, and was confirmed in this house (8) on the same ground. My Lords, the writ in this action claimed payment to each of the appellants of the sum of 10*s.* deducted by the respondents. In the Court of Appeal, by some arrangement between the parties, the appellants confined their claim to a declaration that such deduction was illegal. The Master of the Rolls expressed some doubt whether the Court ought to entertain a suit for declaration not ancillary to the putting in suit of any legal right. I share that doubt: but as the case has been fully argued and both parties appear to desire the decision of the House upon it, I am not disposed to say more. I am of opinion that the order appealed from should be reversed, and, the appellants and respondents having consented to the hearing in the Court of Appeal being taken as the trial of the action, it be declared that the deduction by the defendants on January 30, 1904, of the sum of 10*s.* from the wages due to the appellants respectively from the respondents at that date was unauthorised and illegal, and it be ordered that the respondents pay to the plaintiffs their costs of this suit, including the costs of the appeal to the Court of Appeal, and also the costs of this appeal.

Lord Robertson. My Lords, but for the judgment of the Court of Appeal I should have thought the imperative terms of the Act conclusive of this question.

I entirely adopt the reasons given by my noble and learned friends the Lord Chancellor and Lord Atkinson for the reversal proposed.

(1) [1892] 2 Q.B., 662, at p. 666. (2) 8 Q.B., 311. (3) 2 B. and S. 61. (4) L.R., 4 C.P., 752. (5) 3 C.P.D., 109. (6) 26 Ch.D., 693. (7) [1891] 2 Q.B., 281. (8) [1894] A.C., 383.

Lord Atkinson. My Lords, the third section of the Truck Act of 1831 as printed in the revised edition of the statutes runs as follows : "The entire amount of the wages earned by or payable to any artificer . . . in respect of any labour by him done . . . shall be actually paid to such artificer in the current coin of this realm and not otherwise ; and every payment made to any such artificer by his employer, of or in respect of such wages, by the delivering to him of goods, or otherwise, than in current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal, null and void."

Some comment was made on the use in this section of the words "or payable to any artificer." I think these words are introduced for the purpose of meeting a case where some deduction or stoppage authorised by ss. 23 and 24 of the statute has, in fact been made, and the workman is only entitled to receive the balance of his wages remaining due after that deduction.

It has been urged on behalf of the appellants that such a deduction as that made in this case does not come within the mischief aimed at by the Truck Acts ; that those statutes were merely designed to prevent the payment of workmen's wages in equivalents for cash as distinguished from cash itself. It may well be that this was the main purpose and object of this legislation, and that in this particular section the language used extends beyond the mischief aimed at, and reaches comparatively harmless transactions or practices not within the spirit of the statute. Still, there is no ambiguity in the words of the section used. They are precise and clear, and require that the entire amount of the *wages* earned shall be "actually paid in the current coin of this realm, and not otherwise." It cannot, I think, be contended that the withholding by the master from a workman of a portion of the wages earned by the latter against his consent is, or could be, held to be a payment by the master to the workmen of that very same portion. It is, in fact, the very opposite of payment. It is a refusal to pay, for the not unnatural reason that an equivalent sum is due to the master by the workman. The requirements of the statute have therefore not been observed in this case. The wages earned have not been paid.

The drawback or stoppage, or deduction, or whatever it may be termed, actually made is not one of those authorised by ss. 23 or 24, yet it is sought to justify the course taken on this ground that inasmuch as in any action brought by the workmen to recover his wages the master would be entitled to set off the debt due to him in reduction of the workman's claim, it is absurd and anomalous to hold that the master cannot before action brought, make a deduction in respect of the claim which, after action brought, he can successfully rely upon by way of set-off. No doubt, at first sight, there would seem to be much force in this argument, but a little consideration will show that there may be good reason even for this anomaly. The whole principle upon which this legislation is based is that the workman requires protection, that if not protected he may be overreached ; and it is quite consistent with that principle to hold that in any such action brought by him to recover his wages, he may be liable to have the sum found on investigation before the legal tribunal to be due to him by his master diminished by the sum found by the same tribunal on the same occasion to be due by him to his master, and yet at the same time to prohibit the master from, as it were substituting himself for the legal tribunal, investigating his own claim against his workmen in his own office and deciding in his own favour. In this particular case no doubt the sum sought to be deducted is the amount of a judgment debt, and the danger referred to could not arise ; but the argument as to the anomaly which I have mentioned dealt with the general scheme and machinery of the statute, and it was in respect of its general application that I consider it open to criticism.

The several authorities cited appear to me to support rather than refute the contention of the appellants. They may, I think, be roughly divided into two classes, namely, those cases like *Chawner* v. *Cummings* (1) in which charges were made by the employer for the use of the instrument by which the workman did his work and earned his wage ; and those like *Hewlett* v. *Allen* (2) in which payments were in effect made by the master out of the wages by the authority of the workman for certain purposes not prohibited by the Truck Acts. In none of these cases was it contended that the master had the right to deduct here relied upon. On the contrary, the effort of the master in each of these cases was to justify the drawback on grounds entirely different from and inconsistent with those relied upon in this case.

In the first class of cases it was successfully contended that the charges made by the master were not deductions properly so called from sums due for wages earned, but were sums to be taken into account in ascertaining the amount of wages actually earned ; and in the second class of cases the so-called drawbacks or deductions were justified on the ground that these sums in truth and in fact represented portions of the wages earned paid in current coin of the realm at the request of the workman to his duly appointed agent.

All the reasoning upon which the several tribunals in the cases cited based their respective decisions would have been unnecessary, and indeed beside the point, if the Truck Act, had conferred upon the master the right here contended for, namely, the right to deduct from the workmen's wages whatever the master could set off in a suit brought by the workman against him to recover these wages.

It may well be that the appellant has no merits, and that a decision in his favour will enable him to violate his duty with impunity and evade the payment of his just and legally established liabilities ; but if that be so, the fault must lie on that "tutelary shelter" to use Lord Bowen's words, which the Legislature has thrown up around the workman, without taking sufficient care so to mould and fashion it that it could not be open to abuse.

I think this appeal must be allowed, with the declaration made in the sense prayed for.

(1) 8 Q.B. 311. (2) [1892] 2 Q.B. 662 ; [1894] A.C. 383.

DEANE *v.* WILSON. (1)

(Irish Reports, K.B.D. [1906] Vol. II).

Master and servant—Contract of employment—Weekly wage for specified hours—Bonus for full-time work—Failure to put in full time—Deduction of bonus—Truck Acts (1 & 2 Wm. 4, c. 37; 59 & 60 Vict. c. 44, s. 1).

A workwoman was employed at 8s. per week of 55½ hours, with a bonus of 2s. per week for full attendance, and that alone. Printed rules, posted in the factory, of employment, admittedly read by the workwoman, provided, inter alia, that "any person absent without reason, and not assigning satisfactory reason, shall lose bonus." The workwoman being absent for a quarter of a day without sufficient reason, 2s. 4d. was deducted from the weekly sum of 10s. which would otherwise have been payable to her. No question being raised as to the 4d. (representing the quarter of a day's wages) :—

Held, that the deduction of the 2s. bonus was not an offence under the Truck Acts.

Case stated for the opinion of the Court at the instance of the complainant, Miss Lucy A. E. Deane, Inspector of Factories, in respect of a adjudication by the magistrates at Newry Petty Sessions on April 25th, 1906. The defendant was Abraham Wilson, a partner in the firm of Abraham Wilson and Co., and the charge against him was set out in the summons as follows:—"For that on or about the 10th day of February, 1906, at Edward Street, Newry, in said district and county, you being the employer of a certain workwoman, to wit Theresa Dixon, did, contrary to the provisions of the Truck Act, 1896, unlawfully make a certain deduction of 2s. from the wages of the said Theresa Dixon in respect of a fine, in that such particulars in writing as are required by the aforeside Act were not supplied to the said Theresa Dixon on the occasion when the deduction was made, whereby you are liable to a penalty of not less than £5 and not exceeding £10." The magistrates dismissed the charge on the merits; but, upon the application of the complainant, consented to state a case, which they did as follows:—

At the hearing of the said complaint it was proved, on the part of the complainant, that the said Theresa Dixon was a workwoman in the spinning factory of Abraham Wilson and Co. at Edward Street, Newry. She deposed that she had been employed in the factory for a lengthened period, in fact since childhood. She also admitted that she had read the printed rules of the factory, and that they were posted up in the works. The third rule was—"Any person being absent without reason, and not assigning satisfactory reason, shall lose bonus or be discharged, or may be prosecuted according to Act of Parliament, as may be considered necessary under the circumstances."

The said Theresa Dixon proved that when she served full time in the factory she received the sum of 10s. for the week of 55½ hours. However, when she was out a quarter day (and did not thereby serve full time), there was a deduction from this sum (10s.) of 2s. 4d. This deduction was made on or about the 10th February, 1906. The witness admitted that she had been out the quarter day during the week then being paid for. She did not go to work on one of the mornings of the week untill 9.45 o'clock—after the breakfast hour. She should have been at the factory, to keep full time at 6.30 o'clock a.m.

For the defence it was proved by Messrs. James Wilson, a partner in the Company, and E. J. Kilbraith, bookkeeper of the firm, that the wages of Theresa Dixon (and others at the same work) were 1s. 4d. per diem.

However, for some years past, in order to obtain a full attendance of the workwomen in this factory, the management decided to give a bonus of 2s. per week for full attendance, and for that alone.

The quarter day's wages (at 1s. 4d.) which were not earned, and the bonus (for full time week) were not paid to Theresa Dixon on 10th February, 1906.

It was contended by the complainant that under 1 and 2 Wm. 4, c. 37, s. 25 (extended to Ireland by 50 and 51 Vict. c. 46) the bonus was "wages" within the meaning of the statute quoted; that the deduction was a "fine" and that an offence had been committed (when the statutes were together construed) under 59 and 60 Vict. c. 44, s. 1, clause 2 (b).

The Justices were of opinion—(1) That the minimum penalty (claimed in the said summons) of £5 under 1 and 2 Wm. 4, c. 37, s. 9, was expressly repealed by 47 and 48 Vict. c. 43 before the extension by the latter statute (50 and 51 Vict. c. 46) to Ireland; that the statute then existing and in full force and virtue, depleted of the minimum of £5 for a first offence, was the Act they had to administer; that under the statutes quoted there was now no minimum penalty for a first offence; (2) That the "wages" of Theresa Dixon were 1s. 4d. per diem, and that there was no deduction made from the wages on the 10th February, 1906, save for a quarter day, when she was admittedly absent from the factory—a wage which she did not earn; that the 2s. per week was given as a bonus or prize in special consideration for full time of 55½ hours kept by the worker each week; that it would not be computed as "wages" as it was not given for excellence of nor for extra work, but was a premium for full time, and that therefore no fine had inflicted.

The Solicitor-General (Mr. Redmond Barry, K.C.) and Mr. Dudley White, for the complainant:—

The 2s. was a sum that the employees was contractually entitled to receive on completing a certain number of hours work in the week and consequently was wages. The words "sum contracted to be paid" in section 1 of the Act of 1896 were used in view of the experience of years and the devices of employers to evade the previous Acts. This is a penalty for not doing full time.

(1) Before Lord Chief Justice Lord O'Brien and Mr. Justices Andrews and Kenny.

Mr. Chambers, K.C., and Mr. F. Redmond, for the defendant :—

A fine is punishment. This was a contract that if the employee worked for a certain number of hours she was to get 10*s.* and that if she did not work for so many hours she was to receive only 8*s.* The Truck Acts never affected the amount of wages to be paid ; they dealt only with the mode with which wages were to be paid. The 2*s.* never became wages, because it was never earned, and could never have been sued for.

(They referred to—*Squire* v. *Bayer and Co.* (1) ; *Williams* v. *North Navigation Collieries, Limited* 2 ; *Buxton Lime Firms* v. *Howe* 3 ; Employers and Workmen Act, 1875, section 4).

Andrews, J. The offence charged against the defendant in the summons in this case is that, being the employer of Theresa Dixon, a workwoman, he, contrary to the Truck Act, 1896, made a deduction of 2*s.* from her wages, in respect of a fine, particulars in writing, as required by that Act, not having been supplied to her on the occasion on which the deduction was made.

The argument proceeded on the construction of the Act, which I shall consider apart from any technical objection to the form of the summons.

The Act (59 & 60 Vict. c. 44) provides by section 1, clause (1), that an employer shall not make any contract with any workman for any *deduction from the sum contracted to be paid* by the employer to the workman . . . . . for, or in respect of any fine (unless under certain specified circumstances, which I shall assume do not exist in this case), and the Act further provides by section 1, clause (2), sub-clause (*b*), that an employer shall not make any *such* deduction unless particulars in writing, showing the acts or omissions in respect of which the *fine* is imposed, and the amount thereof, are supplied to the workman on each occasion when a deduction is made. No such particulars were given in the present case. The 4th section provides that if any employer enters into any contract contrary to the Act, or make any deduction . . . . contrary to the Act, he shall be guilty of an offence against the Truck Act, 1831, and shall be liable to the penalties imposed by section 9 of that Act as if the offence was an offence in that section mentioned.

The offence with which the defendant is charged is thus by the Act of 1896 made an offence under the Act of 1831, which that Act did not itself make provision for. Before determining that a new offence created by Statute has been committed, it ought to appear that the facts relied on in support of the charge clearly establish the offence so created.

The facts in the present case are that for a working week of 55½ hours the sum which the worker would under her Contract of Service be entitled to receive from the defendant as her employer, would be 10*s.*, if she worked for the full time of 55½ hours ; that her wages were at the rate of 1*s.* 4*d.* per day, making 8*s.* for the week, with an addition, called a bonus, of 2*s.* per week for full attendance, and for that alone.

During the week ending the 10th of February, 1906, she did not give full attendance, having remained off work for a quarter of a day. Fourpence, which represented the quarter day's wage, was not paid to her. This non-payment has not been alleged to have constituted an offence under the Act, and I understood it to have been admitted that it did not constitute an offence under the Act. The 2*s.* which the worker would have been entitled to, if she had given full attendance, but which she never became entitled to, was not paid to her, and the question is, did this non-payment constitute an offence under the Act ? In my opinion it did not, and I think the magistrates' determination "that the charge be dismissed on the merits" was correct in point of law. I am unable to hold that the non-payment of the 2*s.* which was not earned and never became due was a *deduction* from the *sum contracted to be paid* to the worker. There was no contract to pay it unless it was earned. If she had not worked at all during the week, though the contract for service remained, she would not have been entitled to any payment, and could it be said that when being entitled to nothing, she was paid nothing, the non-payment was an offence under the Act ? Further, even if this non-payment of the 2*s.* which she did not earn could be possibly held to be a *deduction* from the sum *contracted to be paid* to her, it could not, in my opinion, be held to be a deduction for or in respect of a *fine*. The non-payment took nothing from her to which in any view she had become entitled, or to which when the week ended she could ever have become entitled. It was simply withholding payment of what she had not earned, and never could earn. I do not think that the Act was ever intended to apply to such a case which, in my opinion, is not within its letter or spirit. I can see nothing unfair or unreasonable in a contract with a worker to pay him so much a day for each day he works, and if he works full time for a week to give him, at the end of the week, an additional sum, in consideration of his uninterrupted work. Such a contract is beneficial to both the employer and the employed. Under it the worker gets an additional payment to which he would not otherwise be entitled, and the employer gets, what may be very important for him, uninterrupted work. To hold that non-payment of such an addition, when not earned, was an offence under the Act, would, in my opinion, be to deprive the employer of a fair and reasonable means of securing uninterrupted work. The non-performance of one worker's work in a factory may in many cases cause injurious interruption of the work of others, where work may be dependent upon the work of the defaulter, and thus cause a much greater injury to the employer than the mere loss of the work of the defaulter. I think the acquittal of the defendant was right, in point of law, and ought to be affirmed.

Kenny, J. The questions for our decision in this case arise on a "case stated" by the justices at Newry Petty Sessions on the hearing of a summons by the complainant, a factory

(1) [1901] 2 K.B. 299. (2) [1904] 2 K.B. 44 ; [1906] A.C. 136.
(3) [1900] 2 Q.B. 232.

inspector, against the defendant, Abraham Wilson, who is described in the "case" as a partner in the firm of Abraham Wilson & Co., Ltd. If the Company be one incorporated under the Company's Acts I presume that Mr. Wilson is a director—not a partner. The charge contained in the summons is that the defendant, being an employer of a workwoman named Theresa Dixon, did, in contravention of the Truck Act, 1896, unlawfully make a deduction of 2*s.* from her wages in respect of a fine, without supplying to her such particulars in writing as are required by Section 1, Sub-section 2 (*b*) of the Truck Act, 1896 (59 & 60 Vict. c. 44).

The facts, as found, are these:—Theresa Dixon was a workwoman in the defendant's spinning factory in Newry. Her wages were 1*s.* 4*d.* a day—and for some years past the defendant's Company, in order to obtain a full attendance of their workwomen, had been giving a bonus of 2*s.* a week for full attendance—and, according to the evidence of the defendant's witness, for that alone. Full attendance meant 55½ hours a week, absence from work even for a quarter of a day involved the loss of the whole 2*s.* at the end of the week in addition to a deduction from the daily wage proportionate to the period of absence. The defendant's printed rules were posted up in the factory and the workwoman admitted that she had read them. One of them was as follows:—

> "Any person being absent without reason and not assigning satisfactory reason shall lose bonus—or be discharged or may be prosecuted according to Act of Parliament, as may be considered necessary under the circumstances."

In the first week in February last, the workwoman was absent for a quarter of a day, and at the end of the week she received, in respect of her week's work, a sum of 7*s.* 8*d.* instead of the 10*s.* (made up of the 8*s.* and 2*s.*) to which she would have been entitled had she put in the whole 55½ hours. The sum of 2*s.* 4*d.* not received by her represented the bonus of 2*s.* and the unearned wage of a quarter of a day, namely 4*d.*

The complainant contended before the justices that the sum payable for full time was part of the "wages" of the workwoman, and that the 2*s.* withheld by the defendant's Company was a "fine" within Section 1, Sub-section (2) (*b*) of the Truck Act, 1896.

The justices were of opinion that the "wages" were 1*s.* 4*d.* a day, and that there was no deduction made from the said wages save for the quarter day—that the 2*s.* a week was given as a bonus, prize, or special consideration for full time of 55½ hours a week, and that the 2*s.* would not be computed as wages. They accordingly held that there was no "fine" inflicted and dismissed the summons.

The correctness of the magistrates' decision depends on the construction of the Truck Act, 1896. The latter, together with the Truck Acts, 1831 and 1887, form a code, but it was admitted by the Solicitor-General that we are not concerned with the terms of the Act of 1831 inasmuch as it does not purport to deal with "fines," and the complainant's case here is dependent on the retention of the 2*s.* being regarded as a fine. The Act of 1831 is however important as showing that the evident intention of the legislature was to insure as far as possible that workmen should receive their wages in actual cash. Wages were by the 25th section deemed to include any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, and the Act made void all contracts that stipulated for a payment of wages—as so defined—otherwise than in coin of the realm and all stipulations respecting the manner in which such wages were to be expended. But the Act did not deal with deductions from wages save by enacting that in an action for recovery of the latter the employer was not to be at liberty to set off a claim for goods received by the workman on account of wages or supplied to him at any shop belonging to the employer. The Act of 1896 for the first time introduces provisions in regard to "fines"—but more important still, it abandons the word "wages," and in its place uses the expression "sum contracted to be paid by the employer to the workman." These substituted words were, I have no doubt, intended to be, and I think they probably are, wider in their scope than the term "wages"—but whether that be so or not, it does not in my opinion affect the question we have to decide, which is, was the non-payment of the 2*s.* "a deduction for or in respect of a fine?" The 2*s.* a week in a certain event does become part of the "wages," and it no doubt is a sum contracted to be paid—but, on the evidence, its payment is altogether conditional. The 1st section of the Act provides that an employer is not to make a contract with any workman for any deduction from the sum contracted to be paid, for or in respect of any fine or make any such deduction, unless subject to certain conditions and restrictions, and Section 4 makes any contravention of the terms of section 1 an offence, and prescribes a penalty. The Act contains no definition of a "fine," nor does it supply any test for arriving at its statutory meaning. The ordinary and popular meaning of the word "fine" imports a penalty for an act of commission or omission. It is possible to impose it in at least two ways, namely, by the exacting of a payment or by a deduction. There is no question here of the exacting of a payment. If it be by deduction, there is necessarily a process of subtraction from some integer to which, but for the imposition, the individual would be entitled. According to the evidence the workwoman is paid a daily wage of 1*s.* 4*d.* She is entitled to that sum conditionally on her giving an entire day's work. If she fails to give a full day's work she receives only a part of the 1*s.* 4*d.* proportional to the time she has worked. The remainder of the 1*s.* 4*d.* in such a case is unearned, and consequently not payable. The wages whether fully earned or not are payable once a week. At the end of the week the workwoman may be entitled to be paid for six full days or for a shorter period. If she has worked for only 5½ days could it be said for a moment that the half-day's wage in respect of which payment is withheld, is in the nature of a fine or penalty? It represents unearned money and nothing more. The 4*d.* withheld in this case was never earned and never payable. In what material respects does it differ from the 2*s.*? The latter was also conditionally payable. It too had to be earned before the workwoman could claim it. No doubt if it was earned it might be regarded as

portion of the sum contracted to be paid and undoubtedly it would be recoverable. But it must be earned in accordance with the contract. The workwoman here had not a weekly wage of 10*s*. She had a daily wage payable weekly. If this 2*s*. so withheld was a fine—apart from the Act of 1896—what was it deductible from? Suppose she worked one full day and no more. She would be entitled to receive 1*s*. 4*d*.—or if her evidence as to 10*s*. being the weekly wage—then 1*s*. 8*d*. In that case how is the 2*s*. to be deducted? Is she to receive no payment at all, or is a proportionate part of the 2*s*. to be deducted, or is she to receive the full day's wage without any deduction? The contention for any one of those possibilities would be absolutely opposed to the contract between the parties, and to my mind establishes that this 2*s*. withheld is a mere bonus and not a fine. According to the contract, the right to it might be lost on the very first day of the week by the woman's absence for say a quarter of a day. Consequently it was never earned. Its non-payment is simply the contractual result of the woman's failure to work for a certain stipulated period.

It was suggested in the course of the argument that this arrangement for a bonus to those workpeople who would work their full week of 55½ hours was really a device or contrivance for evading the provisions of the Act of Parliament. I cannot for a moment think so. Mr. Chambers put it to us very strongly—and I am sure in complete accordance with the course of things and methods of work in the great North of Ireland factories—that each department and each particular class of machinery are dependent for their regular and continuous working and the amount of manufactured stuff they can turn out, on the absolute co-ordination of all the departments. I can well understand that position, and fully appreciate the dislocation that would ensue and the effect which the stoppage of the machines for want of a sufficient number of operatives, or any other reason, might have upon the output of the factory or any section of it. I believe the offer of a bonus in the present case for punctual and regular attendance to be a perfectly *bona fide* effort on the part of the Company to ensure the latter—that it in no respect savours of a device or contrivance to evade the provisions of the Truck Act—and that the non payment of the 2*s*. cannot be regarded as a fine. The magistrates were therefore, in my opinion, correct in the determination at which they arrived.

Andrews, J. The Lord Chief Justice, who is unable to be present, has authorised me to state that he concurs in the judgment of the Court.

DEPARTMENTAL COMMITTEE ON THE TRUCK ACTS.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

TRUCK COMMITTEE.

VOL. II.—MINUTES OF EVIDENCE (DAYS 1—37).

Presented to both Houses of Parliament by Command of His Majesty.

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WITNESSES GIVING EVIDENCE BEFORE THE TRUCK COMMITTEE.

DAYS 1–37.

(A)—LIST SHOWING POSITION, SOCIETY REPRESENTED, &c.

(*An Alphabetical Index to the names will be found on page* iv.).

Number of Days' Evidence.	Pages.	Name of Witness.	Position or Society Represented.
1, 2	1–17	Cunynghame, Mr. H. H. S., C.B.	Legal Assistant Under-Secretary of State at Home Office.
3, 4	17–35	Whitelegge, Dr., B.A., C.B.	H.M. Chief Inspector of Factories.
5, 6	35–53	Redgrave, Mr. J. A.	Superintending Inspector of Factories, Birmingham.
7	53–63	Dodgson, Mr. J.	H.M. Inspector of Factories.
8, 9	63–79	Anderson, Miss A. M.	H.M. Principal Lady Inspector of Factories.
9, 10	79–102	Squire, Miss R. E.	H.M. Lady Inspector of Factories.
11	102–112	Deane, Miss L. A. E.	H.M. Lady Inspector of Factories.
12	112–123	Paterson, Miss M.	H.M. Lady Inspector of Factories.
13	124–134	Owner, Mr. J.	H.M. Inspector of Factories.
14	134–144	Newlands, Mr. A.	H.M. Inspector of Factories.
15	144–155	Hall, Mr. H., I.S.O.	H.M. Inspector of Mines.
16	155–165	Stokes, Mr. A. H.	H.M. Inspector of Mines.
17	165–170	Duchess of Sutherland	Scottish Home Industries' Association.
	170	Cromwell, Mr. G. W.	„ „ „ „
18	170–174	Ward, Mr. P.	Draper, &c., of Dunkineely, Ireland.
	174–179	Edwards, Mr. T. O.	H.M. Inspector of Factories.
19, 20	180–195	Bell, Mr. R., M.P.	Amalgamated Society of Railway Servants.
20	195–202	Black, Miss C.	Women's Industrial Council.
21	202–210	Tuckwell, Miss G.	Women's Trades Union League.
22	210–218	Withey, Mr. H.	Amalgamated Union of Clothiers' Operatives.
23	219–226	Tuckwell, Miss. G. (recalled)	
	226–231	Sclaire, Mr. M.	Amalgamated Jewish Tailors, Machinists and Pressers' Trades Union, Leeds.
24	232–240	Drew, Mr. W. H.	Bradford Trades Council.
25	241–248	Shackleton, Mr. D. J., M.P	Northern Counties Amalgamated Weavers' Association.
26	248–255	Barnes, Mr. W.	Northumberland and Durham Miners' Permanent Relief Fund.
	256	Booth, Mr. G.	West Riding of Yorkshire Miners' Permanent Relief Fund.
	256–257	Owen, Mr. E.	Monmouthshire and South Wales Miners' Permanent Relief Fund.
	257–258	Geen, Mr. F.	North Staffordshire Miners' Permanent Relief Fund.
27	258–267	Turner, Mr. B.	President of the General Union of Weavers and Textile Workers.
28	268–276	Barran, Mr. R., M.P.	John Barran & Sons, Limited, Manufacturing Tailors, Leeds.
29	277–283	Devine, Miss	Oldham Weavers' Association.
	283–290	Greenall, Mr. T.	Lancashire and Cheshire Miners' Federation.
30	290–294	Ferens, Mr. T. R., M.P.	Messrs. Reckitt & Sons, Limited, Starch and Blue Manufacturers, Hull and London.
	294–298	Walkden, Mr. E.	Wigan and District Miners' Permanent Relief Society.
31	299–308	Twist, Mr. H.	Lancashire and Cheshire Miners' Federation.
32	309–316	Cadbury, Mr. E.	Messrs. Cadbury Brothers, Ltd., Cocoa and Chocolate Manufacturers, Bournville, Birmingham.
33	317–320	Wasley, Mr. J.	Deputy Chief Constable of Worcestershire.
	320–324	Davis, Mr. A. J.	Worcestershire Farmers' Association.

Number of Days' Evidence.	Pages.	Name of Witness.	Position or Society Represented.
	324–329	Parkes, Mr. T. W. - -	Worcestershire Chamber of Agriculture.
34	329–338	Bund, Mr. J. W. W. - -	Chairman of Worcestershire Quarter Sessions, Standing Joint Committee, and County Council.
	338–340	Buckner, Mr. N. - - -	East London Government Branch of the Amalgamated Society of Tailors and Tailoresses.
35	340–357	Ellis, Mr. T. R. - - -	Mining Association of Great Britain.
36	358–367	Harrison, Sir F. - - -	General Manager, London and North Western Railway.
	367–370	Aspinall, Mr. J. A. F. -	General Manager, Lancashire and Yorkshire Railway.
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(B)—LIST OF WITNESSES IN ALPHABETICAL ORDER.

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		Withey, Mr. H. - - - -	210–218

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A Subject Index to the Evidence will be found at the end of Vol. III.
The Appendices to the Evidence and a Précis of the Evidence of each Witness will be found in Vol. IV.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

TRUCK COMMITTEE.

FIRST DAY.

Wednesday, 2nd May, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland, (*Chairman*).

EDWARD A. BROTHERTON, Esq., M.P.
FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq., of the Home Office.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.

THOMAS EDWARD BETTANY, Esq. (*Secretary*).

Mr. H. H. S. CUNYNGHAME, C.B., Legal Assistant Under-Secretary of State, at the Home Office, was called; and examined.

Mr. H. H. S. Cunynghame, C.B.

2 May 1906.

By the Chairman.

1. Will you please state what is your position with regard to the subject remitted to this Committee?—Truck is one of the subjects dealt with by my department, and I have had to do with it during the whole time since I came to the Home Office in 1893.

2. I understand you have for the purposes of this Committee, and also at other times, gone into the whole question of the development of the law of Truck, both by statute and under case law. I gather you have kept a watch upon that development?—Yes, I have had to write memoranda on it from time to time, some of which have been published in Parliament and used in various other ways.

3. We have been furnished as members of this Committee with what is described as an official copy of a memorandum on the Truck Acts. Is that your production? Yes. I helped in it; in fact, I may be considered mainly responsible for it.

4. I refer to the document dated Home Office, March 31st, 1898?—Yes. There was an idea of having penny pamphlets upon difficult branches of the law, and I think the idea was a good one.

5. I suppose this pamphlet or memorandum was intended for the instruction of both employers and employed, by giving them a kind of bird's eye view of their rights and obligations under the various Acts?—Yes.

6. We are rather anxious to get, with your skilled help, some narrative of the development of the legislation upon this subject, as a foundation upon which we can proceed in making any recommendations to the Home Secretary. But I fancy there is hardly much use in going much into the historical aspects of the matter anterior to the Act of 1831?—The first Truck Act of which we have any record is dated 1464. It is the 4 Edward IV., chapter 1. It describes how, previously in the occupation of cloth-making, the workers have been driven to take part of their wage in girdles and other articles. The Act deals with that evil, and in one of its clauses requires the giving of the true weights of the materials made up. This shows that such matters were in dispute, even at that early time. Truck on the one hand, and the true weights of materials given out, were the subjects of legislation as early as 1464. There are about twenty subsequent Acts with which I need not burden the Committee, but I could furnish you with a list of them, if you like, down to the Act of 1831. They mostly follow one another with greater and greater precision.

7. Have you materials at hand now for giving such a list?—Yes, I can furnish such a list.

4 Edward IV.	c. 1, Truck (Clothmaking).
8 Eliz.	c. 7, „ (Shrewsbury drapers).
14 „	c. 12, „ „ „
1 Anne	c. 18, „ (Woollen, linen, fustian, iron).
9 „	c. 30, „ „ „ „
10 „	c. 16, „ (Clothiers, etc.).
1 Geo. I.	c. 15, „ „
12 „	c. 34, „ (Woollen).
13 Geo. II.	c. 8, Truck (Gloves, boots, etc.).
22 „	c. 27, „ (Woollen, silk, etc.).
29 „	c. 33, Penalties.
30 „	c. 12, „ Amending.
9 Geo. III.	c. 37, Poor.
19 „	c. 49, Truck (Lace).
57 „	c. 115, „ (Steel and cutlery).
57 „	c. 122, „ (Colliers).
1 & 2 Will. IV.	c. 37, „
5 & 6 Vic.	c. 99, Mines.
23 & 24 Vic.	c. 151, „
33 & 34 „	c. 30, Wages attachment).
35 & 36 „	c. 76, Coal mines.
35 & 36 „	c. 77, Metalliferous mines.
37 & 38 „	c. 48, Hosiery.
38 & 39 „	c. 90, Employers and workmen.
46 & 47 „	c. 31, Wages in public houses.
50 & 51 „	c. 48, Truck.
50 & 51 „	c. 58, Coal mines.

Many of these Acts have, of course, been repealed.

Many of these Acts repeat over and over again the same thing. One of these Acts, dated 1714 (George I.), sets forth that all and every person in any way employed or concerned in the said woollen manufacture (to which most of these Acts relate) shall be paid for all work done, and shall not in lieu of payment in money have imposed

II—411. 1500—Wt. 2227. 12/08. Wy. & S. 4791*r*.

Mr. H. H. S. Cunynghame, C.B.

2 May 1906.

upon them or delivered to them any sort of goods or wares in lieu of payment for such work. That is the operative part of that Act. There is another Act, dated 1725 (12 of George I.), and it is in that Act that so far as I know the word "Truck" first appeared.

8. Can you tell us what is the context which introduces that word?—It provides that payments for labour shall not be made "either in goods or by way of Truck," or in any other manner than in money as aforesaid, contrary to the true intent and meaning of the Act, etc.

By Mr. Maddison.

9. Can you tell us what is the exact meaning of the word "Truck"?—I think it means to exchange, but I have not pursued the point closely.

By Mr. Ramsay Macdonald.

We have a Scotch expression "Trock," which means "Dealings."

By the Chairman.

11. The Scotch expression is to "Troke." The English equivalent for the word I think is to traffic. They may be etymologically connected in that way?—What was being aimed at, was to prevent an exchange of labour for goods.

12. One point which occurs to my mind upon reading in full the passage you have quoted, is that it deals specifically with the exchange of goods and then deals with Truck as if that were something different?—It was apparently intended to prevent employers paying for labour in goods, or exchanging goods for other goods made by the workman.

13. I think the last Act you refer to was that of 1725. What is the next step?—I think we may now go at once to the Act of 1831, which repealed and replaced all previous legislation on the subject. Perhaps the Committee would like me to take my own method of putting some of my points before them.

14. Yes, please give us your observations in the way that you think would be most helpful to the Committee?—It is this Act of 1831 that has from the beginning given rise to immense difficulties of interpretation. The points to which I should like to call attention are in the preamble and in sections, 2, 3, 4, 6, and 25. I will deal with these various sections. I think the members of the committee have a copy of the Truck Act of 1831 before them, and can follow what I am going to say. The preamble sets forth that it is necessary to prohibit the payment in certain trades of wages in goods or otherwise than in the coin of the realm. It therefore enacts that wages of artificers, etc., shall be made payable in the current coin of the realm only, and not otherwise, and that any contract under which the whole or part of that wages shall be made payable in any manner other than in the current coin as aforesaid, shall be declared illegal. That clearly forbids any contract to pay wages otherwise than in coin. Section 3 provides that the entire wages shall be paid in coin, and not otherwise. Section 4 provides that artificers may recover back wages not paid in coin. Section 6 provides that no employer of any artificer shall be entitled to maintain any action or suit in respect of goods, wares, or merchandise, sold or delivered to the artificer at any shop kept by the employer. Section 25 is important and it is one in connection with which great difficulties have arisen. It contains the definition of wages. In view of the difficulties which arose a Truck Commission was appointed in 1871, and that Commission made certain recommendations in which they find generally that something more was needed, but nothing seems to have been done until we come to the action of Mr. Bradlaugh and Mr. Crawford in 1887, ending in the Act of that year, which was in substance Mr. Bradlaugh's Bill. The Bill was a good deal mauled in committee and, as is the case with many other Bills, it came out in a somewhat different form from that in which it entered committee. It did some good, but it rather added to the confusion. I don't think it is at all a clear measure. It is a great pity that the old Act was not repealed and replaced by a fresh one well considered. In the provisions of the Act of 1831, as amended by that of 1887, it is provided that in all contracts for hiring, wages are to be made payable, and the entire wages are to be actually paid, in coin; that no contract is to be made as to how a workman shall lay out or expend his wages; that no workman is to be liable in debt for goods bought at any shop in which his employer is interested, and that no interest is to be charged on advances of wages. There are various exemptions. These Acts prohibit the making of Truck Contracts, or of payments or deductions in respect of them, and two remedies are provided, one being a penalty on the master and the other that the workman may recover in a civil action money illegally deducted. The fact that there are two remedies has given rise to some confusion, for the judges have held, and I think rightly held, that you may have a case where a penalty would be leviable and yet where the workman could not recover the money. The workman has never quite understood that. He has usually thought that if a workman brought a civil action he would get practically the same decision as if proceedings had been commenced against the master for the penalty. But when you come to the civil action, all sorts of other doctrines come in, as to whether there has been assent, etc. There have therefore arisen two branches, one consisting of cases that arose out of prosecutions, and another which arose out of actions brought by workmen. And a quotation applicable to the one was not always applicable to the other.

15. With regard to the prosecutions, the fines, of course, went into the exchequer?—Yes. In addition to what I have said, the very law differed. The Act has occasionally in its turn made a thing null and void, and other sections penalised the master. So you have to look minutely into the section, in order to discover what these unhappily drawn Acts provide. They were not consistent from first to last, and have in consequence given rise to much difficulty ever since. My next point is that the Acts do not interfere with wage contracts, but only with the mode of payment of wages. That may perhaps not be strictly true in one sense, for you cannot interfere with the mode of payment without to a certain extent interfering with the contract. The intention of the legislature, however, was not to raise wages by Act of Parliament, but to forbid certain modes of paying them, and that fact is necessary to be borne in mind when we come to deal with the cases. Again, what is forbidden is a deduction from wages or an illegal payment of wages, not a deduction made in order to arrive at wages. Therefore, it is legal to deduct charges for gas or materials supplied, from the nominal money wage, in order to arrive at the real wages. In that connection perhaps I had better deal at once with the case of *Chawner* v. *Cummins*, which arose in 1846, and the still more interesting case of *Archer* v. *James* and another. I recommend these cases, especially the latter, to the Committee. The judgments are so ingenious in their argument that it is almost a literary and intellectual gratification to read them.

By Mr. Ramsay Macdonald.

16. Are these included in the Parliamentary Blue-book?—Yes. Perhaps I had better go to the leading case—I think it is the leading case—upon the law of Truck, namely, *Archer* v. *James*. That case illustrates how easy it is for a layman or for an artisan to think that the law has laid down one thing, whereas when we come to read the judgments, it is clear that whatever Parliament intended to do it has done something else. The case here was one of set off. The plaintiff, an artificer, was employed by the defendants, manufacturers of hosiery goods at Nottingham, as a framework knitter, in making stocking heels out of wool supplied by the defendants. The defendants regulated the amount of work to be done by the quantity of wool which they gave out each week. The plaintiff worked in a room in their factory, with the defendants' frames and machines, he finding mainly the labour. The plaintiff was paid for his work weekly on the basis of 7d. per dozen heels, subject to about 3s. 9d. deduction per week for the use of the frames, machines, room, gas, etc. He sought to recover these deductions as a violation of the Truck Act. Were they illegal under these Acts? One would have said at first, roughly, that the deductions seemed to be contrary to the Act, several sections of which prohibited deductions from wages.

By the Chairman.

17. You are now referring to the 1831 Act?—Yes. The contention would be that the firm had no right under that Act to give him gas or the use of a frame in payment for his work. Justice Keating took that view,

and his arguments will be found upon page 29 of the Parliamentary Blue-book. He says, "The question in the present case seems shortly to be this; was any other thing than money had by the workman and given by the master as a recompense, reward, or remuneration for any labour done. In other words, were the benefits represented by the 3s. 9d., namely, the use of the frames, light, etc., given by the defendants to the plaintiff in exchange for and as part of the earnings of his labour or not? That they were in fact given by the master to the workman, and had by the workman from the master is as unquestionable as that they are not current coin and were not given for nothing. For what then were they given except for the labour of the workman? Clearly as it seems to me for nothing else. The workman had nothing else to give for them but his labour, and gave nothing else. I am, therefore, unable to perceive how it can be successfully contended that the plaintiff was not paid his wages as above defined otherwise than in money." In other words, Justice Keating treated as the wages the amount that was to be paid for the stocking heels without any deduction, but Baron Bramwell took an entirely different view.

18. Before you pass from that, may I remind you that Justice Keating pointed out that the 3s. 9d. per week was a fixed deduction, whereas the amount of labour rendered might be a variable quantity?—What I wanted to show was, now, the way in which Justice Bramwell answered Justice Keating, and Bramwell's view has been supported ever since. A reading of his judgment shakes one's confidence in the other view, and makes one feel that he was right. What Baron Bramwell says in effect is that the use of frames and the gas, etc., are not supplied as a reward of labour, but as a means of labour, which is a totally different thing, and that what the Act of 1831 was intended to forbid was the giving of goods, etc., as the reward of labour. If you give certain things as a means of labour, you may deduct them, and the cases seem to support that view.

19. To support Baron Bramwell's view?—Yes. And, speaking as a lawyer, I think it is the right view. What should have been forbidden was the deduction of anything from a named sum of money, in order to arrive at the wages, and in that form these deductions would have been impossible. I don't know that it would have been desired to go quite so far in those early days, when industry was only in the transition stage from working in private houses to working in factories, and when many things were supplied, sometimes by the workman and sometimes by the employer, which were charged for, or included in wages. The definition of wages in Section 25 as the reward of labour prevented the judge's saying that a sum of money deducted for gas, etc., was anything more than a deduction from a nominal sum in order to arrive at wages. If your Committee wish to recommend a change of law in that respect, care would have to be taken not to get on the wrong tack. If the legislature enacts that wages shall only be paid in coin, then fines and all sorts of things would be left legal, and might be deducted not as from wages, but in order to arrive at the wages. I do not think it possible for any lawyer looking at the section in question, and reading the case of *Archer* v. *James*, to do otherwise than come, perhaps reluctantly, to the conclusion that the decision of Baron Bramwell was right. The Act itself had destroyed the chance of preventing deductions of that character.

20. Does not most, if not the whole, of the difficulty, arise from the wording of the definition of wages in Section 25?—That is exactly what I think.

21. I refer especially to the expression, "or other thing" in that section. If something else than money was to be part of the wages, I don't see how it would be possible to resist the conclusion that, notwithstanding the provision of Section 3, which says that wages are to be paid in current coin, Section 25 permits the payment in current coin, plus some other thing?—That is perfectly true. If gas is one of those "other things" so might the stool be upon which he sits at his work. There would be no end to it, and an employer would not be able to supply anything to a workman.

22. I am not quite prepared to say after reading the clauses, but I would like your view upon it, whether the mind of Parliament was actually made up in 1831 to having wages paid in money alone. I refer especially to the definition in Section 25. No doubt we have developed a great deal in the ensuing seventy-five years?—I quite agree with your view. I don't think the mind of Parliament does appear to have been made quite up to that extent. I think the judges have always been nearly right in saying that primarily the Act of 1831 was directed against the payment of the reward of labour in the form of goods, and that it was not intended to go much beyond that. We have subsequently progressed very much.

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23. Without unduly interrupting your narrative, may I remind you that the frame rent question appears to have produced a special statute of its own, in 1874?—Yes, would you like me to deal with that now?

24. I think it would be convenient, as it comes in historically at this point?—The case of *Archer* v. *James* was preceded by the case of *Chawner* v. *Cummins* in 1846, and they both dealt with deductions for frame rent, and things of that sort, in the soft goods trade. The report of the Royal Commission in 1872, to which I have already alluded, contained a whole section upon the hosiery trade, and shocking cases were made out of extortion upon the part of some employers. It was shown, and we could go into the facts if necessary, that they were charging much too high a rent for these frames, that in some cases the rents in the course of a year or so paid the whole cost of the frames. Exceedingly unfair rents were deducted, and this caused a great agitation; ultimately the Hosiery Act of 1874 was passed and it is remarkable that only in this Act was it attempted to deal with deductions for materials and goods supplied by the master in order to enable the workmen to work.

25. In Section 1 of the Act of 1874 there seems to be dawning a somewhat firmer resolve on the part of Parliament as to payment of wages in coin alone. It prescribes that the earnings of labour shall be actually and positively made payable in the current coin of the realm, and not otherwise, without any deduction or stoppage save and except for bad or disputed workmanship. The words "actually and positively" are a rather peculiar expression to find used in an Act of Parliament?—With regard to that section, what I should like to say is this, that the man who drew it had apparently not got the case of *Archer* v. *James* thoroughly in his mind. He could not have appreciated it, or he would never have used the phrase about the full and entire amount of all wages, etc. He should have said the full and entire amount of the money contracted to be paid in order to arrive at the real wages. In the case of *Archer* v. *James* it was held that the reward of labour was only what the worker got after the deductions in question had been made. The draughtsman in this case seems to have been fond of piling up epithets which did not really strengthen his case. The words "actually and positively" do not seem to me to add anything to the effect of the provision.

26. The use of the word "nett" in the clause seems rather, does it not, to imply a positive prescription by Parliament that in that trade nothing is to be reckoned as wages except a nett sum of money?—I think that word is the best phrase in the whole section. The addition of such words as "without any deduction or stoppage of any description whatever" is rather a piling up of epithets and only confuses. Again, many of the words in the 7th Section defining wages are redundant.

27. A dilemma seems to be created when Section 7 defines wages as any money or other thing had or contracted to be paid. What does that "other thing" mean except goods?—That is among the difficulties which have more than anything else in this matter rather tied our hands all these years.

28. There may be a difficulty in equating Sections 7 and 1 of the Act of 1874, but it occurs to me that the strong language used in Section 1 shows that by that time Parliament did intend, "actually and positively," to quote its own phrase, to make nett wages the only real wages?—Yes, in the hosiery trade that is perfectly plain.

29. Perhaps by adopting the old-fashioned definition of wages Parliament in this case may have rather lapsed from its good intention, but that good intention

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seems to be clearly made out in the earlier portion of the Act, namely, that it was working up towards the idea of nett wages?—Yes. My next point on the general principle is this, that it is good legal payment of wages to pay them to another person at the workman's request although possibly such an act might constitute an agreement as to how wages are to be expended, and hence be illegal.

30. Have we now passed from the 1874 Act?—Yes, I am now dealing with the main Acts, which raise difficulties of a different description. If a workman sent his wife to get his wages and they were paid to her, that would be considered equivalent to a payment to the workman, but a point arises as to whether if the employer at the request of the workman pays the wages or any part of them to a shop where the workman owes money, not the employer's shop, would that be a legal payment to the workman. Would it be equivalent to a workman drawing a cheque upon his employer? There is no doubt that under the Truck Acts of 1831 that is a perfectly good payment. Payment could be pleaded in such a case on the ground that payment to anyone at my request is payment to me. If a workman agreed to belong to a benefit society and owed money to that society, and the employer at his request paid part of his money to that society in discharge of the debt and deducted it from his wages that would not be a true deduction from wages at all, but it would be a payment. It would be a payment made to his creditor at his request. Difficulties upon that point led to the case of *Hewlett* v. *Allen*, which is reported in page 56 of the Parliamentary Blue-book, and there is also another case which has only been decided about a month ago by the House of Lords. Perhaps I might deal at once with these cases in illustration. The case of *Hewlett* v. *Allen* began in 1892; the plaintiff was a confectionery worker and when she entered the service of the defendants she signed an agreement by which she bound herself to conform to all the rules and regulations of the firm. One of the rules was that all the employées were to become members of the Sick and Accident Club, and the rules of the club provided for a weekly subscription to the club funds proportionate to the wages of each contributor. A deduction was accordingly made each week from the plaintiff's wages and paid over to the fund. On leaving the defendant's service the plaintiff sued to recover the amount of such deduction except so much as represented her contribution for medicine or medical attendance. The club was called "The Amicable Griffins' Sick and Benefit Society." In the County Court judgment was entered for the plaintiff, but the Divisional Court reversed this judgment and directed judgment to be entered for the defendant, whereupon the plaintiff appealed. The case is an interesting one and raises a point which the legislature apparently did not contemplate being met by the Act. What the employers did was when a sum of money became due from the plaintiff to that sick club they paid out to the club on her account at her request. It was not a sick club in which they were pecuniarily interested. Now comes the delicate point: had the Truck Act been violated? In one respect it appears that it certainly had, because here was an agreement as to the manner in which wages should be laid out and expended, but although that might have given rise to a prosecution, this was an action by the plaintiff to recover back the money, and to such an action as that the plea of payment would be a good answer. Therefore, although the employers had broken the Truck Act and rendered themselves liable to a prosecution or to punishment under the criminal section of the Act, yet when the woman sought to recover the money they were able to plead payment, as they had paid the money at her request and by her authority to the person to whom she owed it. Every penny of her wages had been paid, partly to her and partly to the society.

31. Is your view confirmed by the Judges that there was a breach of the Truck Act on its other side?—The various Judges both above and below, differed in their judgments and reasoning. It is one of the most confusing cases, and although I cannot reconcile the various judgments, I have endeavoured to give what I believe to be the gist of the matter.

32. I appreciate the importance of the point, and I understand your view of *Hewlett* v. *Allen* is that on account of the contract that the plaintiff entered into she could not successfully recover money which had been paid away on her account and at her request to this Sick Benefit Fund?—Yes, to those to whom she owed the money and who could have sued her for it. A plea of set-off would not have sufficed, but a plea of payment was a good plea, just as if she had sent her husband with her authority to get her wages.

33. On the other hand you incline to the view that notwithstanding there was a contravention of the Truck Act?—Yes.

34. In what respect?—Because she and her employers had agreed as to the manner in which the wages should be laid out and expended, which is one of the things forbidden under the Act.

35. Does it mean that she had no right to complain of what had been done by her own request?—I do not think we can go quite so far as that. It is not everything done at the request of a woman in contravention of the Truck Act that will prevent her recovering. I think as the Act is drawn it was impossible to say that the payment to the Amicable Griffin Society was not a payment, and consequently every penny that the plaintiff had earned had been actually paid in coin.

By Mrs. Tennant.

36. You say that she owed the money and that therefore payment can be pleaded, but can it be said that she owed it under a contract declared by one of the sections to be illegal?—The contract between her and the Amicable Griffin Society was not illegal. If I agree with you that you shall spend some of your wages in a certain shop and if that contract is a breach of the Truck Acts, it is not the contract that you make with the shop itself that is the breach; the Amicable Griffin could have sued for the money. The difficulty was that if the Amicable Griffin had attached that money in the employer's hands, the employer would have had no defence, although they might have sued her to recover judgment for that money. I have endeavoured to gather the gist of the matter from the judgment of Lord Justice Bowen, but I must invite the Chairman to read the case for himself and he will correct me if I am mistaken.

By the Chairman.

37. I see that Justice Bowen read the judgment of Lord Esher and himself. It was apparently a joint judgment?—Yes. The case came before Mr. Justice Day in the Court below, and then in the Court of Appeal it came before Justice Bowen and Lord Esher, who agreed. The case afterwards went to the House of Lords, where judgments were read by Lord Herschell, Lord Watson, Lord Morris, and Lord Shand. It is excedingly difficult to reconcile all these judgments with one another. What the whole really amounts to seems to be this; that whilst it might have been illegal for that agreement to be made, yet in this particular case it was impossible to treat the payment to the Amicable Griffins, who were creditors of the plaintiff, as otherwise than a payment to her.

38. Is your view confirmed by the sentence in Lord Watson's judgment, in which he says that the case must be disposed of on the same footing as if each contribution had been advanced by the defendants under express authority from the appellant?—Exactly. In contrast with that I may next refer you to the case of *Williams* v. *North's Navigation Colliery*, which began in April, 1904. The facts in that case were very simple. It had been decided by a magistrate's court under the Employers and Workmen Act that a certain sum of money was due from the workman to the employer by way of damage for breaches of contract, and the employers set that off against wages. They said, "Here is a certain sum in cash due from the workman to us and we owe him a certain amount of wages. Why may we not deduct the one from the other?" The workman denied their right to deduct that sum. The Court below held that the employer was wrong and gave decision for the workman. That decision was not maintained at the next stage, but when the case went to the House of Lords it was ruled that there was a difference between this case and that of *Hewlett* v. *Allen*. A set-off was held to be quite a different thing from a plea of payment. The man must be paid his wages, and the deduction of something on account of a perfectly valid decision as to what he owed was not a payment to him. The Appeal Court held that the employers had no right to set off against wages payable to the workman any sum of money due

from the workman, although they might have had a right to pay the money to another person at the request of the workman. That is an important decision according to the workman's view of Truck, because it shows clearly that no deductions may be made from wages. Presently, when I come to deal with fines, we will see what would have been the effect, perhaps, if that case had been decided earlier. The question of fines, to my mind, is one of the most difficult of all. When you say to a man, "I will pay you £1 a week, but if you do something I will fine you," is his wages £1 a week minus the fine, or is it £1 a week with the fine deducted? Let me put it in that way——

39. Before you approach that point I would like to put this to you. In *Hewlett* v. *Allen* it was part of the facts of the case—apart from the law altogether, a very important part of the facts—that the payments that had been made to that Sick Benevolent Fund were payments of a quasi-compulsory nature, because it was substantially a condition of the man having employment that those payments would be permissible, in fact, that the workman would join the fund. I do not suppose that that in any way affected—I can hardly imagine how it would affect—the judgment of the legal situation? —I think that a number of the judges felt that they were being compelled to a decision which was not at all in accordance with what Parliament intended. Everybody felt that it certainly was not intended that these workmen should be practically compelled to join the Amicable Griffins.

40. Will you let me put my point to you in another way? It depended, as we have concluded, substantially on the doctrine that by the law of agency these men had been in a situation equal to paying away by express instructions a certain amount. Would it have made any difference, in your judgment, to the case of *Hewlett* v. *Allen* if effect had been given to this consideration: that there could be no express instructions, no proper doctrine of agency, because the conditions of employment initially rendered the person who was supposed to give the instructions, absolutely helpless?—I do not remember that that point was taken. It is a very good one. I quite see the point you mean.

41. I am dealing with it, of course, on what we might call the political or general aspect?—You mean that the employers were not to be heard to say that they had received such instructions, they were stopped from saying that they had received such instructions, because such instructions would be in pursuance of an illegal agreement. I think that would have been a capital argument.

42. From the political point of view, the point of view that we are more particularly anxious about, you will observe that the doctrine of agency can hardly be said in full terms to apply to a case where the condition of employment is such that the worker is absolutely precluded from giving such instructions, because it is a condition of getting into the employment that such instructions are supposed to be illegal?—I quite see the point. It is most difficult to make good sense of the whole of those different decisions—to harmonise them. I think your point is an excellent one.

43. I wanted to have that point put before my colleagues on the Committee, because we may have to consider, at a subsequent stage, whether we can interfere with or rectify a position which, on the argument I have stated, seems somewhat abnormal?—We shall all implore you, I am sure, to recommend some such alteration of the law as will render it impossible ever to raise such an argument as that. I am sure that the keynote of the whole thing is, the payment of wages, and what you will have to do is to consider carefully what is meant by the payment of "wages" throughout the whole of these Acts.

44. I should like you once more to let me put this situation to you. The workman approaches the employer and asks for employment. The law of the land is that the employer must pay wages in full. But the workman cannot get employment from that employer except under conditions in which, *ab ante*, as the lawyers would put it, a certain deduction has already been made from the wages which are to be received, namely, the deduction which is set up by the contribution to a sick benevolent fund. Do you think that that is in accordance with the policy of the law. Is it not the policy of the law to leave both parties free, at the start of the contract, to agree to certain deductions from the payments to be made?—I am not altogether sure of that. I think there are indications throughout these Acts, and notably in the Hosiery Act, that, in a hesitating way, the law intended to say that these two parties were not on quite an equal footing in contracting, and intended to give some protection—I purposely do not say benefit—but some protection to the workman against some form of inequitable or ill-understood agreement. I think the law did intend to go beyond its usual scope and to do that; but, because the draughtsmen of these Acts never seem to have made up their minds what it was they did intend to do, over and above simply leaving it to the law of contract, this confusion has arisen. They had a vague notion that something was to be done, and they did it, I think, in a very imperfect and halting way.

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45. We are much obliged to you for elucidating that point. Now, will you proceed?—Then, my fifth point is that the workman's right to recover back money illegally deducted is not necessarily co-extensive with the liability of the employer to a fine for the improper deduction. The civil and criminal remedies stand on a somewhat different footing. That has been sufficiently illustrated by the case of *Hewlett* v. *Allen*, if I have interpreted it rightly. Then, the last proposition I put forward is, that an employer has not, as against wages, the usual right of set-off which belongs in general to debtors. That is decided by the case of *Williams* v. *North's Navigation Collieries*. He must pay the wages, without deduction in full; he has got no right of set-off. Then, the next point I will deal with is, Are fines legal under the Truck Acts? That point actively arose when I was here, and it was the most distracting point you could imagine. The question may be looked at from one of two points of view. Suppose, for instance, you had a fine of 2d. for being late; to be perfectly moderate, and so as to raise no question of exaggeration, suppose there is a fine of 1d. for being late; suppose that everybody concedes that that is a reasonable fine; of course, many people contend that fines are in essence unreasonable—but that is another matter; suppose it is conceded that a fine of 1d. for being late is reasonable and fair, and it is agreed to by both parties; then came the question; Is that legal under the Truck Acts? In *Archer* v. *James* it was laid down that you could only arrive at wages after making certain deductions for gas; could you say the same thing about fines; when a woman had contracted to work for 7s. 6d. a week with a fine of 1d. if she was late, what was her wage; what was the reward of her labour contracted to be paid? You could look at it from two points of view. You could say, the reward of her labour was to be 7s. 6d.; on the arising of a certain event she was to become liable to pay something to her employer which he might legally deduct or set off. Or from the other point of view you might say, No; the true wage is 7s. 6d., and anything that is properly deductible by way of fine is not something that has been earned at all; it is not part of the wage; it is not part of the reward of her labour, so that the true wage would not be 7s. 6d., but would be 7s. 6d. less the 1d., for that is all she was to get if she was late. This point, I may say, distracted our minds here, and the more so because there were no very clear cases on the matter. We unearthed a case that had never been reported in the books, but of which the Treasury had had a shorthand writer's note taken, and you will find it printed in my memorandum. It is the case of *Redgrave* v. *Kelly*, in 1889. There Mr. Justice Mathews, in a well-reasoned judgment, laid it down explicitly that fines were legal. However, one does not feel so satisfied with that judgment as one does with some of the others. I am inclined to think that if an employer agrees with a workman that 7s. 6d. a week is to be paid and that there are to be certain fines, the true wage is 7s. 6d., and not 7s. 6d. minus the fines. But, whatever may be our view of the cases, I implore the Committee to recommend such changes in the law as will make any question of that sort quite impossible to be raised. It again emphasises the necessity of in these Acts defining what is meant by "wages." The more the Committee go into this matter they will find that to be the *crux* and the main difficulty of the whole question.

46. In *Redgrave* v. *Kelly*, I observe that it was practically an *ex parte* argument; there was no contradiction?—

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Quite so; it is not a very satisfactory case from that point of view. Then I have referred you to the case of *Willis* v. *Thorp*, in 1875. That was a case under the Hosiery Act. I do not think I need trouble the Committee by referring to that case now; I am dealing with main principles; but it is another illustration of the inefficient draughting of these Acts. Then there is the case of *Squire* v. *Bayer*, I want to mention that, because it seems to me that that was a case of a most cruel and improper fine. It seems that during the dinner-hour some of the work girls danced, and they were fined for doing an act tending to damage the employers. The judges held that the fine was legal, because the magistrates below had held that this dancing had created some dust, which it was not proved had injured, but which it was said might have injured, the fabrics, and therefore it was an act contrary to good order, and an act in respect of which a fine might be levied. I put that forward as illustrating a case of a thoroughly bad fine. Why, in the plantations the masters are delighted to have their negroes dancing to the tambourine. These unfortunate girls were enjoying a little dancing, probably a very good thing for them and for their efficiency as workers; and, whatever might be the law, I call it most heartless to impose a fine for such a thing as that. I should certainly urge on the Committee that a fine of that sort should be rendered impossible in future.

47. May I point out to you that in *Squire* v. *Bayer* the rule which was held to have been invaded was of a very vague and general description. It was to the following effect: "All workers shall observe good order and decorum while in the factory." What happened was that one of the young women played on a harp and another danced to the tune?—Yes. I think it was a "Jew's harp," with a comb and piece of paper.

48. A fine was imposed in consequence, and ultimately it was affirmed that the whole of that transaction was legal?—Yes. We have had a number of other cases of fines, which will be explained to you in detail by the inspectors who will be called before you. Then, the next point I have down is, deductions for spoiled or negligent work. This again is a very difficult point indeed. Suppose a case of a mere non-payment of wages that have not been earned because the work has not been properly done; where does that end, and where does a true fine properly begin. A girl enters into a contract with an employer to make 100 rosettes at so much a rosette. It is provided that if she spoils a rosette a deduction shall be made in respect of that from her wages. You can almost treat that as a non-payment of what has not been earned. Suppose she is employed to make 100 rosettes; she makes 99, and spoils one: she has never really earned the remainder. I do think the deductions for spoiled work come very near indeed to non-earned wages. But the moment that such deductions go beyond the value of the actual wages not earned—if for instance you begin to make the deduction for the spoiling of one out of 100 rosettes bigger than the mere deduction of the one-hundredth part of the wages for the 100 rosettes—then you are on different ground altogether. You are coming to something in the nature of damages—perhaps perfectly proper damages, but still, damages to be recovered by the employer against the workman. Therefore in dealing with deductions for spoiled work, one has to bear in mind, I think, always, the difference between a deduction which merely represents money not earned, and something which goes beyond that, and is in reality damages to the employer for insufficient work. But then it may be said, suppose the workwoman does not make the hundredth rosette, what damages has the employer got? The answer would be—however small a thing it may seem—"There has been my capital lying idle, and I am entitled to something for that." Of course, we are dealing now with very small points, but I am simply bringing out as well as I can the theoretical differences. It has always been an immense difficulty in our department here to distinguish in one's mind between that which was in reality a non-payment for work not done (which of course it is very difficult to oppose being put on) and something in the nature of a claim for damages by the employer. When you come to the latter, I think it should always be regulated. I do not think that employers should be allowed simply to deduct anything they please for alleged damages done to themselves, but great care should be taken properly to circumscribe their rights in that respect. Now, sir, I am in a position to come to the Act of 1896. That Act was prepared when I was here, and I had some share in the preparation of it. It deals with three distinctly different things First, it deals with materials provided by the master for the workman for his work. You will notice that the draughtsman of the Act of 1896 took care to keep *Archer* v. *James* in mind.

49. In what way?—It says in Section 3—"(1) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman"—you will observe that the word "wages" is not used there—"or for any payment by the employer to the workman for or in respect of the use or supply of materials, tools or machines, standing room, light, heat, or for or in respect of any other thing, to be done or provided by the employer in relation to the work or labour of the workman." When that was drawn, *Archer* v. *James* was distinctly had in mind. You will notice that it is "any deduction from the sum contracted to be paid by the employer to the workman"; those words were carefully used, and the word "wages" was not used. An endeavour was made to provide that in every single case of the character of that which arose in *Archer* v. *James*, in the case of any deduction made from the nominal wages of the workman, there should be proper notice, and the deduction should not exceed the true value to the employer, and should be a fair and reasonable charge. You will see that in the first section there is the provision, "An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman, for or in respect of any fine." There again, you have an endeavour to meet *Archer* v. *James*; I do not know whether it does it, but I think it does. It has been held that, whatever way you choose to read the word "wages" into the Act of 1831, fines must comply with these requirements. Whether fines ought to be done away with altogether is another matter, which I will deal with presently.

50. The Act of 1896 then substituted for the confused term "wages" the phrase "the sum contracted to be paid by the employer to the workman."?—Yes. I am not sure that that is a solution of the matter, and that you will not find something wrong in the definition; still, it is better than "wages."

51. Anyhow, one sees the mind of Parliament?—Exactly; and I can answer for it that it was intended that the doctrine in *Archer* v. *James* should not be allowed to neutralise the benefit of these clauses. I should like to say this at once; the Act of 1896 was undoubtedly a great benefit to the working classes, particularly to the women, but I should very much have preferred to have a clean sweep of the old Acts, and a new statute altogether. Then, the next point is, deductions or payments in respect of damaged goods. The words in Section 2 are: "An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for in respect of bad or negligent work or injury to the materials or other property of the employer." We have not had much difficulty in the courts on the wording of these sections. The real difficulty we have had is, the difficulty of getting the magistrates always to see that fines may be oppressive and deductions unfair having regard to the low wages of operatives. We have had case after case upon that. On the whole, I think the Act has stood water pretty well. Of course, it is not for me to go into the reasons which motived the action of the Government in those days in preferring to leave the phraseology of "deductions or payments in respect of fines," "deductions or payments in respect of damaged goods," and "deductions or payments in respect of materials"; I cannot criticise or suggest why they did it; but, admitting that fines were necessary (upon which I shall have something to say presently) this was an attempt, at all events, to make them certain, and to provide that they should be reasonable. I think there are further restrictions that are needed, and those I will deal with later.

52. The two main restrictions in these sections which are fronted always, in each subsection, by the word "unless," are first that they are to be in writing, and secondly, that they are to be reasonable?—Yes; that is the gist of the whole Act, put into two or three words.

SECOND DAY.

Friday, 4th May, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.

THOMAS EDWARD BETTANY, Esq. (*Secretary*).

Mr. H. H. S. CUNYNGHAME, C.B. was recalled; and further examined.

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By the Chairman.

53. What point were you on at the close of last meeting?—I was on the last page but one of my proof, nearly at the bottom—down to the end of No. 6, and I was going on to the seventh heading. But if you will allow me before going on with that I would like to say one word about two points that were raised by Mrs. Tennant and by yourself about *Hewlett* v. *Allen*. I do not want to go into it at any length, but only to say these two things. The question of the illegality of the contract is to be found dealt with in Lord Bowen's judgment, and he finds that as between the Amicable Griffins and the woman the contract was perfectly legal. The other point seems to me a very important one, and it was this, as I understand it, that it would not be right to allow the employers to take and urge an illegal contract made by themselves by way of deducting from her wages money that they had paid improperly in consequence of an improper contract with her. The only answer that on reflection I can see to that is this: I submit it to your better judgment, whether it is not very much like a gaming contract, in which neither side can recover. They could not recover against her because they would have to plead an illegal contract, but in this case she was the plaintiff, and she was, it seems to me, somewhat in the position of a person endeavouring to recover money paid in pursuance of a gaming contract, and she would be unable to get it back. So that they were both in a quandary.

54. I know that crosses one's mind naturally as the kind of argument to be used in a Court of Law about it, but I must be allowed to say before we go any further that it is rather a serious way to put it, because it emphasises upon the one hand the total illegality of the contract, and I wish to say further that it is far from satisfying my mind that it would be a sound method of treating the subject. However, the point does not seem to have been dealt with, and I only casually allude to it, because you have been good enough to address yourself to it?—It must be remembered, too, that in that case some of the judges held that the contract itself was not against the policy of the Acts. That is a principle which, with great respect to them, I can hardly agree with, for reasons which I will give in a minute when I come to Section 23. But, first, I would say a few words as to the persons to whom the Act applies. I am not going to labour that, but it clearly applies only to manual labourers, whatever they are. It is only persons who work with their hands and not with their heads. A great many cases arose, and about ten, I think, have been decided on that point. I do not know how far it will be considered important to go into these cases. They run very fine. I will give an instance. Take the case of a 'bus conductor. Is a 'bus conductor a man who works with hand or head? It puzzled the judges a good deal too. They said at any rate as he did not lift people in and out of the omnibus he must be regarded as a money taker or clerk, whereas the driver, who did work with his hands—pulling the reins—would be a labourer, so that you get to the condition of things in which if you have a Truck Act you will have to apply it for the benefit of the driver and not the conductor, both working on the same omnibus. The above example merely illustrates the fact that it may be necessary for the Committee to consider how far the definition of the people to whom the Act applies requires consideration. I will not deal more with those cases, because I should only weary you with it, but they illustrate the struggles the judges have had to try and find out the proper application of the Act.

55. Would it be convenient for you to interpolate into your evidence at this stage a reference to those cases by name?—Yes, I could do that quite easily.* On the other hand there is another question which is much more important about the persons to whom the Act applies, and that is out-workers. The original Act contemplated the Act only applying where there was a relation of employer to workmen. That is, I take it, in the sense in which the person employing could be said to be a master, as it were. Then the question arose there about a person taking home work to be done. Can the man who gives it out be said to be his master, as it were, or is not he rather in the nature of a sort of purchaser? Inasmuch as you could not say that it was a personal contract, that is to say, when you gave out work that the person to whom you gave it out must with his own hands perform it, but that he was at liberty to get it done by his son or uncle or aunt, or a stranger for that matter, the judges decided that it must be held that that state of things did not constitute such an employment as was contemplated by the Act. Consequently, from the very beginning the Act was held not to be applicable to out-workers. That was endeavoured to be remedied by the Act of 1887, Section 10, but so restricted was the drafting of Section 10 that it did not remedy the evil. It only provided for cases where goods were sold, which would mean cases where property passed.

By Mr. Ramsay Macdonald.

56. Might we have the section?—It is Section 10 of the Act of 1887. You will see that the principle of dealing with out-workers was quite recognised by the law. There is no doubt about the desire to do it, but they did not do it effectively.

By the Chairman.

57. You are referring to the earlier portion of the section?—That is it.

58. That reads: "Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding"?—Yes. That would not apply where you did not get a buying. There must be the buying there; that is to say, there must be a transference of property. The consequence is that if you only give out work to be done you cannot be said to buy your own property back; the article is yours. It is quite true that if you only provide the wool, and he makes it into stockings, it may be just

* The most important of these cases are:—*Morgan* v. *London General Omnibus Company*, 12 Q.B.D. 201 and 13 Q.B.D. 832; *Cook* v. *North Metropolitan Tramways Company*, 18 Q.B.D. 683; *Hunt* v. *Great Northern Railway Company*, 2 Q.B. 189, deciding that an Omnibus Conductor, a Tramcar Driver, and a Goods Guard respectively are not "workmen" within the meaning of the Act.

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possible the contract may be one of purchase, but I call attention merely to the probable limited effect of that section at all events.

59. By the use of the word "buying," that is ?—Yes, by the use of the word "buying." It seems to me an unfortunate word to have used there if you meant to include all out-workers.

60. I quite agree ?—I am only entitled to say that though those opinions which I give on the Truck Act are my personal ones, I know I am justified in saying that it is certainly considered here to be very desirable to clear up that difficulty and to apply the Act to out-workers. Your Lordship is aware of the case of *Squire* v. *The Midland Lace Company*, which really put an end nearly to out-workers as coming under the Act. I will not go into that case further unless your Lordship wishes. It simply decided that where work was given out to be done, the relation of employer to employed did not exist. It is a very curious thing that one important case on that point was not cited before the Court. It is one case that they ought to have cited. I do not know what to say with regard to it. It may be doubted whether that is quite good law, but whether it is good law or not it ought to be cleared up, I think. I should have ventured to think that out-workers were included in the Act. I do not know that I need go into that case at greater length.

61. Have any cases reached the House of Lords on the out-workers question ?—Nothing of more authority than that. That case went to the Court of Appeal on that point, and that is the last one.

By Mr. Delevingne.

62. That went only to the High Court ?—That went only to the High Court, but at all events we endeavoured to apply it. We made a final attempt to apply it to out-workers and we failed.

By the Chairman.

63. Would it be convenient for you if I just asked you this question. Although the first part of Section 10 clearly applies to the situation of articles being made by a worker for someone else in his or her (the worker's) own home, has a result of the application of the judges' minds to that section been so to work upon the term "buying articles" as practically to evacuate the sense of the statute altogether ?—What I think may be put is this, that previous cases have decided that the Act of 1831 did not apply to contracts or to contractors. Then the question would arise, did Section 10 make any difference—had it cured the evil ? I am inclined to think it had not, except in the case strictly of buying.

64. But now you see that just brings out the point of my question. Is there any doubt in your mind when you look at the earlier portion of Section 10 that at all events the mind of Parliament was addressed to the question of endeavouring to find a remedy for the case of the out-workers ?—Clearly. It seems to me clear that it was intended that it should apply.

65. Has the legal construction been found to be such as to make it necessary that we must conclude to the best of our judgment what must have been the mind of Parliament? —I think so certainly, but I want to say this, that I do not know that you can clearly come to a conclusion on the decisions of the judges. It seems that in the original Act the word "employer" was not happy in its application, and the judges were in great difficulties.

66. I am fully alive in all I say to the difficulties which would necessarily arise in a judicial construction of the Act. The only thing is as to the view you put. I want to be satisfied in my own mind that the effect of the decisions has been such as upon the whole to convince us that substantially the intention of Parliament has not been carried out on account of the language which Parliament employed ?—Yes, I think that is so, and the way of putting it is this: Look at the Mill Act. When you look at that Act and read through it you will see the very case of the wool people to whom the work was given out. In those days it was the normal way of carrying on an industry, and from history it is to be concluded, I think, that it was intended by the legislature to be so applied that when a man was not a mere vendor, but was in any sense a workman, he could be protected. Then the next point I had in my mind, and which I hope to deal with, was the bonus system. That is a very interesting and delicate point of law which has just been fought out in Ireland. We failed on that. There were some girls who were employed to work in a factory for wages. There again the question arose as to what the "wages" were in the case. They were to get after the rate of 10s. a week if they were punctual, but only after the rate of 8s. a week if they were once unpunctual. Here then the question arose, was the wage 8s. a week for work and 2s. for being punctual, or 10s. a week, and not get the 2s. if they were not punctual. The court dealt at once with the whole question of wages, and I will read the judgments presently. The whole question of what was wages was raised. The facts were that a girl was late one morning. She was locked out for a few hours. She lost a proportion of her wages, because the wages were to run proportionately to the time employed. If you worked half a week it was half wages. It was not a lump sum, but a running sum. The amount of wages deducted represented the time she was locked out, namely, 4d. But when it came to paying her they gave her 8s. minus 4d., and took the whole 2s. off. You may assume for the purposes of our argument here that the Act of 1896 so far as it could be complied with was at once complied with. A point arose on that, but assuming that they had given notice and done everything necessary under the Act of 1896, the question arises does this arrangement amount to an agreement for a fine ? There is no doubt in common sense everybody sees it must be a fine surely, because you may call a thing a bonus if you like, but you cannot ride a coach and six through the whole of the Act of 1896 simply by calling things bonuses. There are two ways of looking at it. The most skilful way of putting the argument would be to say there were two sums due, both of them wages. You must maintain they were both wages, because they were the reward of labour. You did not give the sums for nothing. According to this view the wages consisted of two things, 8s. for a week's work, or a proportionately less sum for an incomplete week, and then, in addition to that, 2s. more of wages on condition of your never being late. The employers would then say, "We pay 8s. and keep back 2s. Why ? Not because the 2s. is a deduction from wages, but because the employées have earned the 8s. but have not earned the 2s."

By the Chairman.

67. You are referring to the argument, I gather ?—I am referring to the argument. The above is I think what the employers might have argued, but what was argued before the Irish magistrates was that the 2s. was not wages, and the magistrates took that view. I submit it is erroneous. If the 2s. is not wages I should like to know what it is. I think on that point they will be overridden. I hope they will, because it is perfectly plain it is a clear evasion of the Act. If you are allowed to do that, instead of saying your wages are 7s. 6d. a week, and for being late we will fine you 2d., you will be allowed to say your wages shall be 7s. 4d. with a bonus of 2d. if you are in time. But I cannot believe that the courts ever will allow a juggle with words to take place, because case after case has decided that you cannot, by calling a thing something in a court of justice, make it what it is not. If I were conveying real property to a person I could not, by calling it a lease, make it other than a freehold.

68. You would say, I suppose, in a case like that, supposing there had been no bargain at all and the worker had done his duty, he ought to be paid, and if he did the bargained wage would have been 10s. ?—Yes, certainly, and it was shown to the magistrates that the average wage of the district was about 9s. 6d.

69. But take it that no bargain was made about deductions or bonus or anything, but that the bargain is just that persons shall do their duty and that they did their duty and got 10s. ; is not all this bonus arrangement equivalent to this, that if you do not do your duty we will take 2s. off you ?—I think so.

70. I mean there is nothing more in it than that, apparently ?—I think not.

71. That seems to me to be the whole thing in a nutshell ?—The appeal will be heard in a Superior Court in Dublin. We do not know exactly how the magistrates have drawn the case, and owing to the peculiarity of the definition of wages which I have endeavoured to draw attention to the argument will turn in a way a good deal on the way it is handled. I mention that case merely to say that I think it is to be hoped that your Committee will

recommend such steps as effectually in your judgment will put an end to any cases of that sort. They are very tiresome for the Department to have to administer. It has given us, of course, a great deal of trouble. The case was argued extremely well by the lady inspector.

Then, my Lord, the next point is exceptions under Section 23 of the Act of 1831. There are just a few words that I think ought to be said about those exceptions. It was intended by the Act to allow certain payments in goods or kind to the workmen, and those were set out in Section 23, and it is very curious to see how wide those exceptions were. For instance, tools are mentioned in them; but *Archer* v. *James* decided that tools are not within the Act at all; but if not within the Act at all, how could they require exemption in Section 23? It is things of that sort that make me think that the draftsmen of these Acts intended to go no further than the Act itself carried them, because if *Archer* v. *James* is right, and the mere deduction for something done for the workman to enable him to work is not within the Act you need not then take the trouble to except it under Section 23. It is that Section 23 that has been one of the great troubles, because we consider it is contradictory to some of the previous sections. The whole section to my thinking is a mass of contradictions and difficulties. If you will allow me to go into some of them I can show the sort of muddles there are in it. There is, for instance, an audit provided; but it does not say who is to audit or what is to be done if the auditor determines they have been improperly made.

72. That is not under Section 23, is it?—No. There is an audit under the Act of 1887, I think. It was patched up by the Act of 1887. The audit was put into that Act. But the proviso of the Act goes on to say: "Provided always that such stoppage or deduction shall not exceed the real and true value of such fuel materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer."

73. Will you take Section 23 of the Act of 1831 in your hand, and just give us the points. You can give them as briefly as you like, but you might just give the points on which you say confusion has been imported into the law?—In the first place what strikes me is that the things selected out here are very arbitrary; for instance it says: "Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer or agent of any such employer, from supplying or contracting to supply any such artificer any medicine or medical attendance." That is narrow. Supposing you went to a home of rest to be cured, that would be medical attendance no doubt, but is lodging there medicine or medical attendance?

74. That is one point?—Then what is fuel, is it coal or wood? It was put in of course to protect the collier's right to get his coal, because it would be very much resented if that were taken away from him. "Fuel" is a very vague term. Then it was asked in one case whether gas was fuel or was to be included in materials, tools or implements to be by such artificer employed in his trade or occupation. By "In his trade or occupation" do they mean in a trade or occupation in which he is employed? I suppose it is so. But, again, by the words, materials, tools, or implements it is intended to cover everything, and why does not it cover *Archer* v. *James*? The words are very wide, at all events. Then it says: "If such artificers be employed in mining." So that it only applies to *Archer* v. *James* as applied to mining. Then it says, "Any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade or occupation." That seems very narrow. I wonder if a gas engineer were to employ in his trade engines, whether the gas consumed and which belonged to him, would be exempted. They have begun to tinker, if I might use that expression, with small points, and the consequence is that this looks very much like a section that they had put in in Committee to try and protect various small things through the Acts. But it would be far better in a case of this sort, I am sure, if power had been given to a Secretary of State to make such exemptions (after hearing the parties) as were necessary from time to time. It taxes the wit of man to anticipate a whole lot of small exceptions.

75. I am rather anxious to hear you on the next point, namely, on the supply of victuals dressed or prepared under the roof of any such employer?—That is wider and more clear. "Nor from making or contracting to make any stoppage or deduction from the wages of any such artificer, for or in respect of any such rent." Then there is the point about letting the premises to him. Of course that has protected to a large extent the living-in system, but whether it also protects and is intended to allow a bed or the preparation of a bed, which is not exactly a lease, I do not know. It is not a lease. You let the place to a lodger, but by a licence simply. You allow him to sleep in your premises but he can hardly be said to be a tenant, and he is hardly a lodger. He pays no rent, but he sleeps upon the place; and they only put "victuals dressed or prepared" in the Act, and then they say: "under the roof." We have even had doubts upon that. Where a dining-room is provided in a factory it is the roof of the employer; but provided it is outside you could not allow it, because it is not the roof of the employer. That phrase seems to me a very unnecessary one to introduce. If the victuals are allowed to be prepared and dressed, it does not matter whose roof they are actually consumed under. The question is whether it is fair for them to be allowed to be supplied by the employer to the workmen. Then the section says: "And there consumed by such artificer." According to that it does not apply to a sandwich.

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76. That is an enumeration which shews that you cannot make deductions for everything?—That for rent is a necessary deduction to allow where the workmen are living in the cottages of the employer. It is an important point in connection with mines. Then it says: "For or in respect of." I am inclined to think the words, "for or in respect of" are very confusing—it is such surplusage. It says: "Or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals dressed and prepared under the roof of any such employer; or for or in respect of any money advanced to such artificer for any such purpose as aforesaid." Then comes the really valuable thing at the end, which says, provided it shall not exceed the real and true value, which is a hint on which they acted in the Act of 1896 in restricting all these things to the real and true value. It would be silly to be unduly severe on this, only I know that constantly the interpretation of this section has given considerable difficulty. We never knew what we could really do or not do under it, and I hope whatever exceptions are made they will be expressed by the draftsman in more uncompromising and plain language, and I take the opportunity to say that it would be worth your while to consider how far some power should be given to add to or modify them, because with an Act of Parliament it is passed and there is an end of it. A great difficulty arises, and there is no mode of remedying it till Parliament meets again, and then you have to bring in a Bill, whereas if a little point arose, if you could trust some competent person to deal with it it would be all put right at once.

77. Only one word on that section. What do you say to leaving it to be determined in a court of law as to what the real and true value is? Workpeople in humble circumstances have a shrewd suspicion perhaps that they are paying far more for fuel or material or for food than the real and true value, and how is the remedy applied? How do they get over that state of mind? Is it only by having a law case about it?—The way it works out in practice with us is that the inspector takes up the case under the Act of 1896. I think the inspectors will tell you that under the Act of 1896 immense reductions have been made. The lady inspectors will tell you more about that. Then I come to the difficulties that still exist. The first great defect I think of the present condition of things is that the local authorities throughout the country have not taken up the case of truck in shops sufficiently. You see the Act of 1896 provides that so far as the truck is regulated by that Act in factories the inspectors will take it up and in spite of adverse circumstances and some difficulties I think a very good record can be shewn by the inspectors of their exertions. The number of cases on that point by no means represents of course the evil put down. For one person who has fought the Home Office

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hundreds have given way, so that there has been undoubtedly in factories and workshops very considerable truck reductions, but when you come to shops I am afraid a totally different picture must be presented. I am not in the least saying that that is necessarily the fault of the local bodies, but I do not think they consider the duties which are cast upon them under the Acts, as far as I can make out. Take the London County Council. Speaking subject to correction, I do not think they have made any attempt to administer the Truck Act at all, and if they were asked why, I cannot say what they would say, but I think the answer would be that they have rights of entrance for various matters into people's houses, and that if they began to administer the whole body of the law of England and put everybody right for everything they were doing wrong they would become too inquisitorial, and the thing would be really quite impossible. So they have restricted their action to cases in which they were directly directed, that is, expressly directed, by the legislature to take up the thing and intervene. That is what I believe the view of the London County Council would be.

78. I should like to have your view about this, because your reference to the London County Council shews that the Act may have been unconsciously impeded in its operation from a lack of co-operation by that very powerful body. Could you lay your finger upon the clause or clauses in the Statute which you say they might have made operative with public advantage?—It is very difficult for me to say they might have done so. I am very much inclined to think that the view is sound that a local authority cannot be held to have been invited by the legislature to do anything or carry out an Act which it is not expressly directed to carry out.

79. I know that is the difficulty?—For instance, they would overlap the police and every authority in the country if they began saying that their officers must intervene wherever they found an illegality of any kind whatever. It would be a tremendous thing, when you come to think of it. They have restricted their action to the things they were directed to do. I do not gather from any of the Acts that the local authority has been actually directed to look to shops.

80. But excuse my pressing the point. I want to elucidate it, and I ask, could you put your finger upon any statute or any provision of any statute which gives them an option to interpose with beneficial effect?—If they had prosecuted or taken up a case of truck in that way I do not see that the magistrate could have very well refused to hear it.

81. Upon that, to bring it out, and because I am so glad to have the advantage of you being here, I may say the point I want to know is this: assume they had instituted such a proceeding as would or probably might be considered desirable, do you not think it might have been open to the defendant in such a case to plead that the prosecutor had no title?—I hardly think so. I think that it would be very difficult to plead that. It is a very delicate point. To make them hear it is the real object. There is no duty on them. The magistrate could hear them, but it would be rather an appeal to his discretion as to whether the whole thing was misplaced and vexatious. But I do not know that a magistrate would hold that it was vexatious or improper to be tried if it was a prosecution conducted on behalf of a great public body, like the London County Council, and when nobody else whose duty it was would intervene, and with a shop committee who were inspecting the shops with regard to seats and other things I greatly doubt whether the magistrates would refuse to hear them. I am inclined to think they would hear them.

82. In London how have such cases been tried—at whose instance?—Not at all. We cannot do it. We are only bound to do it for factories and workshops and the London County Council do not do it, and therefore it is not done at all.

83. But the pinch of the matter in one's mind of course is this, in factories and workshops you have a *locus standi*, as it were, to interpose?—Yes, the Home Office have.

84. Then when you come to shops nobody has, not even the London County Council, I gather, such a *locus standi*?—No. Mr. Delevingne has the Act before him, and he will tell me how it is, but I do not gather that there is anything in that Act of 1896 imposing it upon the local authority.

By Mr. Delevingne.

85. I think it is left to anybody to prosecute?—Yes. I do not remember anything definitely assigning the duty to a particular body. Of course it has not been a point for us strictly, because we were concerned with our own administration, but I can find nothing in that Act which casts a duty upon the local authority to prosecute in the case of shops, in the same way that it casts it upon us in the cases of workshops and factories.

By the Chairman.

86. But I think my colleagues on the Committee and I would be very glad to have some view upon this alternative. On the assumption which we wish to make for convenience sake, that it is requisite in the public interest that there should be some supervision of this sort in shops, as well as in factories and workshops, and on the assumption, further, that that supervision could be most effectively exercised by a power to institute a prosecution, is not the only alternative before us either to extend to shops *en bloc* the provisions with regard to factories and workshops, or, on the other hand, to give if it were to be done at all to some local authority like the London County Council an imperative power under the Statute?—Yes, I should certainly agree. One of those two courses seems to be the only course reasonably open.

87. I mean on the assumption that we are on at present that there is a large wrong to be remedied, and a wrong perpetrated on a class who are not very well able to help themselves?—Yes. I think the only other thing I can think of would be to give the police the power, but I do not think it is at all a subject for bringing the policeman in. It would confuse the whole thing. I am only taking that, as your Lordship referred to the various things that could be done, and I merely mention it to exclude it. I think it would be altogether undesirable.

88. The police would be excluded in any sense from this inquisitorial duty, and it is desirable that in any case it should be exercised in the least harsh method?—I think so. It is better not to mix this up with the law against thieves and scoundrels.

By Mr. Maddison.

89. Which of the two do you think would be the better plan, leaving it to the Home Office, or to give the local authority power, because that is very important for our guidance?—There you have raised a very wide question. At present the duty of looking after industry is divided between the Home Office and the local authority. There are certain things we do, and there are certain things they do. As long as that division exists, I think that for shops it would be decidedly preferable that the local authority should do it. They deal with shop hours. They have shop inspectors. They inspect shops already for other purposes, and they would prove, I think, the most efficient. If it is a question of which is the most tremendously efficient instrument, I do not know that I need answer that, but I am inclined to think, if you ask me candidly, that our inspectors carry out the law more rigidly, and get it put into force more effectively than any other body that I know of—but that may be a departmental prepossession. That is a wide question, but unquestionably as things stand, I think the local authority would be quite the proper body to do it.

90. I should like to ask you whether you think that the sort of inspector that is employed by the local authority would be equal to what is a more complicated matter, I should think, than they have to deal with in shops now?—No I think not. The difficulties they have in regard to nuisances and structure are very great at present. I should not anticipate that they would not be able to get proper officers to assist them. They would want more assistance than they have to carry it through, and probably special inspectors to deal with it, and I do not think they ought to have any difficulty in getting most effective men and women to do it for them.

By the Chairman.

91. Would you consider this case apart from London, which naturally attracts the mind outside. Take smaller localities only, in which large shopkeepers are pretty considerable men in the locality. They are men of substance and influence in the locality, and does it not occur to you that the operation of the local authority might almost unconsciously be hampered in the inspection of shops if the officials conducting that inspection were officials merely of the local authority in a place in which the suspected person was a man of influence?—I would say that in some localities those considerations might undoubtedly prevail, but in other localities the very contrary conditions would perhaps prevail, and the fact that it was a local authority under the observation of the local people would cause the Act to be enforced with more vigour than otherwise. If you want it rigidly and completely enforced, I think a central authority like ours would be the most effective instrument to have this power put in our hands, but to dislocate the present arrangement of division between us, the Home Office and the Local Authority would give rise to considerable difficulties. It would necessitate having vastly larger numbers of inspectors. It would duplicate inspections to a certain extent because they have got inspectors of shops themselves already, and I think it would be more expensive, and I do not think there has been I must say that dereliction of duty on the part of the local authorities on anything like a large scale which might justify one in distrusting them. I think it is better to give them control at all events to see how they will use it.

By Mr. Maddison.

92. I am very much averse to increasing inspectors, but I think you said there would have to be fresh inspectors, and that was rather my point?—In any case that is so, but we should want a larger additional staff to do it, I think, than the local authority would want to do it, because they have got, or ought to have inspectors of shops already. Though they have not in many cases appointed them, they ought to have their shop inspectors ready to do the work. The London County Council could do this work with but a small addition to the staff that they already possess, and I have no reason whatever to suggest, or think, that they would not be perfectly willing to do it if they thought it was their duty to do it. I believe they would be quite willing.

By the Chairman.

93. Or have any legal enactment putting that upon them?—Yes. I wish to say that so far from wishing to impute any blame to them at all in the matter, I think they have thought for public reasons they were not meant to do it.

Then the next point is food. That is as to amendments which might be brought into the present law. In the first place with regard to food, lodging and clothing, and other articles, I am inclined to think that the restrictions in the old Act of 1831 and the Act of 1887 have in some respect probably gone too far. I mean I can conceive cases in which it is very advantageous indeed for the workman to be assisted and to get his goods from the employer. I might mention two or three cases, for instance, in a moment, which are illustrations showing what I mean. Supposing you had a fish shop; nobody would say that it was a bad thing on certain nights for the owner of the fishshop to hand over the fish that would be spoiled, because they have not eaten it, to the employees. It might be done as a regular system. It would be a part of their wages, but they would get a bit of fish in that way for about one halfpenny that was worth a shilling, perhaps, and it is very hard that they should not be allowed to do so, provided you can be sure that no tyranny is being exercised over them to spend their wages in that way. Again, in regard to agricultural servants' they are already exempted from the Act. I am not sure that they ought to be exempted all round as they are as to fines and everything. When you come to servants in agriculture, I may say I know a number of landlords, for instance, who give milk to the children—a most excessively valuable thing. To do away with that would be, I think, quite fatal. With regard to even a gardener, who gets his garden produce free from the employer, whatever is over from the house—he gets potatoes and cabbages and so on, and that is a very valuable source of income to him. Again, the coal miner gets his fuel. That is protected under the Act already, and I have seen also cases in which temperance drinks have been provided in some of the large dining halls that exist. For instance, in the case of railway companies, one has seen enormous dining halls for accommodating a thousand men at a time—enormous places. And in those places they have some temperance drinks. They heat their food there, and it prevents the men going out to the public-houses and spending their money. They have newspapers, and even in some cases men are paid to read the paper to them, and I believe the journal is not selected by the management, as far as I know. It is a very happy system and the men seem quite content with it and value it very much. There is no suggestion of any tyranny or compulsion in the matter, and I think, generally speaking, that there are a very large number of cases in which the giving as a regular understood thing of some advantage of that sort to the workman is a benefit, and it would be rather a pity to have it disturbed. But on the other hand there is no question that especially in the past this giving of food and lodging and clothes had been the subject of the greatest abuses, and might be made so again if great care were not taken.

94. In such case does it occur to you that there might again without there being any loss, be a convenient appeal, so to speak, to be made to an inspector?—That raises a very important point. We have rather deprecated giving too large a power of arbitrary decision to our inspectors or even taking it for ourselves. It is a very difficult thing to advocate. If an inspector says, "I think you ought to be permitted to allow such and such a food," say in one part of England, and in another part of England, acting quite *bonâ fide* another inspector takes a different view, then you get two contrary decisions. It is true you might refer them to the Home Department, but then the Home Department could only hold an inquiry and form a judgment as best it could, and perhaps a wrong one, so far as I know, but I am inclined to think, I must honestly say, probably a right one in the end. But the decision of these points brings an enormous deal of labour up here, and if it could be done properly with proper directions by the magistrates I do not see why it should not be so. Then if you lay down what the law is to be, and allow the magistrate to do it, you might say that it must be shown that the thing provided was at least equal to the full wage and that the burden of proof must be on the person allowed to do it to show that what he was giving was more than the full wages deducted directly or indirectly for it.

95. It is right to disclose to you at once the bent of our mind. It is rather against compelling people who are so differently constituted to appeal to the magistrate. One would like to see the law as it were automatically operating for the protection of both parties. I do not say an inspector, but is there any kind of method that would permit the good system to go on, and the bad system to be stopped upon examination? One is fishing in one's own mind for some method of doing that apart from the laborious method of having law cases about it?—Firstly, what I would say with regard to that is that whatever tribunal or body the Government or the Legislature were to entrust with the power of doing that would like some very explicit principles laid down for its guidance. What is it that the statute does wish should be given to the men and what not given to the men? You would not like to say simply that wages may be paid in kind whenever such and such a tribunal thinks it is desirable. To give such a wide power as that to the tribunal would be to cast it into the air, as it were. It would be much better if Parliament could pretty well define the sort of thing it wanted.

96. Now you have come to the point. Can you fire a shot, even if it be only into the air, in the meantime? We should be very glad to know what you would say?—I am not going to give cases on this point, but you ought to decide on the living-in system. I think you ought to come to a conclusion as to how far the living-in system is desirable, and to say what restrictions should be placed on it. Certain classes of domestic servants would continue in any case under the living-in-system, but let

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us know at all events how far other employees such as shop-assistants ought to be under the living-in system.

97. But the point I am putting is in a manner totally dissociated from that. It is the question of food and clothes and lodging, which is apart from that altogether ?—The food and lodging I was treating of.

98. Take food alone. You gave various illustrations about fish shops and railway men being supplied with refreshments and so on, but that is apart from the question ?—I will at once say we have had no complaints, I think I am right in saying, of harm being done by the supplying of food by the employer to an operative except in the case of drink. I remember one case in which the Act was put in force against a farmer who gave some cider to his haymakers, but I am told that the action was instigated by a neighbouring publican who wanted them to come to his public-house, because it interfered with his custom. But that is not a very satisfactory case if I am right in that. What I want to know is this: does an evil exist now ? Unions and other associations for protecting the men are far more powerful than they used to be, and the Truck Act in the past has undoubtedly had the effect of stopping that old system of paying, and great care must be taken to see that it does not become an abuse again. It is a good deal a question for the men. I should like to see any man who complained of payment in goods. I confess I have generally met men who said it was an advantage to them, as a rule.

99. No doubt we may have to address ourselves to various considerations upon that matter, but I wanted to know whether you could give us any line which would effectively protect the workers against the bad system and yet not compel the employers or workers to be driven into a Court of Law to have it determined ?—I can only suggest that it should be forbidden except in cases where full value was given to the men, and it was plain that the men desired it. If that was done I do not know of any evils that would arise, but I would invite you to try and find that out. The mere fact that complaint has not been made to the Home Office, which is, after all, my horizon, does not imply that there may not be evils. But on the other hand, for instance, in Germany at the mines of the Great Westphalian centres, the employers, who are there federated into enormous syndicates, buy truck loads of potatoes and food, and it is distributed to the men. Whether they pay for it in cash or not I am not quite sure. It might be interesting to inquire, but it is quite certainly a fact that they do assist the men in getting food wholesale at a very cheap rate.

By Mr. Ramsay Macdonald.

100. Might I put this to you: employing the illustration which you gave about the fish and using it as a type. You said, as I understood, that if food were given, the only condition which we need specify very carefully would be that value is given. But if, for instance, fish were given to the value of 1s. ordinary market value, the workman having it could not be charged, say, 15d. for it ?—Yes, and I wish that there should be no compulsion, direct or indirect.

101. But how would you secure the workman against compulsion ? We know, as a matter of fact, as you said very truly in connection with another point, the other day, they might rely upon contract, and I think that is so ?—In the poorer trades that is so, but in the richer trades the men are quite able to take care of themselves.

102. But it is in the poorer trades where it would be valuable ?—Yes.

103. Then also on the point of compulsion—because you might help us with your experience if you would—does not it put a premium, again to use the fish illustration, upon the man who wants fish for the week-end ? There are a good many men who would like fish for the week-end. The value is not merely the monetary value but also the psychological value, as I would call it. Men do not want fish perhaps, and the fishmonger who employs them naturally wants to dispose of his remnants on Saturday night, and consequently there is then the other compulsion of the unwilling purchaser and the extremely willing seller ?—Quite true; and you must always remember that the employee having received his wages might if the act were altered, be allowed to buy fish from his employer's shop at such a discount that nobody else could rival him. The whole object of it is that being with the employer he is going to get his fish very cheap indeed, and it is desirable that there should be nothing to prevent his doing that.

104. At any rate the point I should like to bring before you is this, that if there is any value in your suggestion from the point of view of the workman, what is to hold the employer from paying his workman the full wages and giving the full contract price for his labour, and then selling, as an after effect, this fish or surplus produce ?—I think there is nothing except that where it is done as a regular thing there is a tendency to slip into a kind of deduction. I will give you an instance of what I mean. In the Midlands when you go round these factories that you find there is one thing that strikes you, as it struck me most, was the ill-fed condition of the girls employed. I saw it in one after the other. I I saw it in factory after factory that I was in, and I asked why was this—what is it they eat, and the most appalling illustration was given to me of the food that those girls have in the middle of the day. At one particular factory I asked a great deal about it and I saw the wife of the managing director of the factory who had taken a great interest in it. The factory people had provided a dining room and they had got a cook, and I went and saw the whole thing. They had got a kitchen, where most excellent soup and meat was made at very reasonable prices indeed. One could see that there was really good, and very nutritious soup made, and meat, and they could have it for 1½d. and 2d. The meals were made exceedingly cheap, but when one asked out of 600 girls how many took it, the number given was thirteen, and the remainder went to the pastrycooks and ate food that was not good for them, and not sufficiently nutritious. They were not acquainted with what we now know of the science of food. The rest of them spent their money on bonnets and things of that kind. I do not blame them for that, because that is done, after all, a good deal to attract our sex. You will not prevent that. It is impossible to blame them for it at all. They wish to render themselves attractive, and I think that is a very good thing so far. I think they are unjustly blamed if they are blamed. But such a system as that was decidedly to be encouraged. That lady, who had done a lot of work, was most kindly, and indeed to do anything to put an end to that system would be a very great pity.

By the Chairman.

105. I fancy we shall have evidence from inspectors about matters of fact in regard to that ?—I think so. You can get much better evidence from them than I can give you as to these details.

By Mr. Cawley.

106. As to people giving provision in the nature of truck, could it be dealt with by giving notice to some authority; what do you say to some authority having to do with that ?—I believe that we should be then overwhelmed with a mass of notices, and we should first have to decide whether the notices were to be taken notice of by us. We should then have the inspector going into the question, and if we then once began questioning into the value of fish and the food and the vegetables that composed the soup and so on, we should have a tremendous task before us I am afraid. We should have to do so, and we should not shirk any work. I am sure Mrs. Tennant knows we should do it.

By Mrs. Tennant.

107. I want to put this to you: you speak of the facilities for getting cheap fish which an employee in a fish shop has; of his being able to get his fish at a cheaper rate than a member of the ordinary public. But as a member of the ordinary public he could generally buy fish, just before the shop closes, at an infinitesimal cost. In fact fish is then oftn given away: so his facilities as a member of the ordinary public are almost enough ?—Of course if the workmen could be compelled to buy food the power to oblige them to dine at the employer's restaurant might be very tyrannically used. But I confess I should like to have deducted a penny from every one of these girls' wages every day and give them about sixpenny worth of good soup and meat.

The employer would in this way get very much better work done and the work girls would be a great deal better and more healthy in the end. But I admit that one could not insist on their being fed in this way.

By the Chairman.

108. Of course you know we are to advise the legislature with regard to the matter ?—Of course, and I do not suggest that as practical legislation; on the other hand I should not like to see too great difficulties thrown in the way of things that may benefit these girls.

By Mrs. Tennant.

109. Your illustration refers rather to the case of a big employer who provides cooked food than to the fishmonger ?—I think I am answered completely as to the fish employer. I think it would be better to let the employer pay his people and let them handle the cash. But it makes it rather pedantic to require an employee to receive 5s., say, and then take 1½d. out of his pocket and pay it back, and to make it an offence against the Act that he should receive, say, 4s. 9d. instead of paying back 3d.

110. Except that he may not want to spend the 3d. at all ?—He is sometimes practically compelled, if it is done at the same place.

111. But he might not want to buy fish at all, or whatever the produce sold by the employer might be ?—But the mere fact of handing the employee 5s. in silver and requiring him to hand you 1½d. at the same desk is not such a thing as to suggest an offence against the Act. The fact of getting the 5s. enables him to put it into his pocket, and he can refund it if he likes. But still the difference is a very fine one, and it is in that way that truck first grew up to a great extent, by that being done. First they got into deducting money, and then giving tickets.

By the Chairman.

112. The next point you have in your notes is about fines ?—Yes, my Lord. Under the Act of 1896. fines were allowed to remain. There are a few cases in which certainly it seems to me that fines are necessary still to be allowed. I will give an instance of this kind. What are you to do with the young lad of about nineteen who repeatedly takes matches or tobacco down a mine ? Of course you can summon him before a magistrate, but supposing that his colliery is up in a valley say in Wales, the fireman or whoever is superintending him has to take the lad down to the magistrate and the day is spent by the fireman and the lad there before the magistrate while the case is heard, and the wages of the two men are lost, or at least one is paid by the employer, but the lad loses his day's work and is either fined or not fined, and then goes back again. It would be desirable, and the men feel that too, to have some rather summary and rapid method of settling the offences committed by young fellows in cases like that where it is so important that the act complained of should not be done. That is the strongest case I can think of of fines.

113. Do you mean you cite that case as a case in which fines might be continued with advantage ?—I will put it in this way, my Lord. It is very difficult to decide that in that case fines ought to be done away with.

114. I am sorry that instance has been selected from this point of view. Is not there this to be said, that if you permit the dangerous operation of taking matches down a mine or lights or anything of that kind, to be settled by a convenient method of fines, you would thereby do away with a great measure of protection under the Mining Acts against explosions. We know, unhappily, a very great deal of disaster is wrought by that very practice to which you refer, and even from the point of view of public interest, does it not occur to your mind that it would be rather a dangerous thing to make a highly dangerous operation a kind of thing that could be settled by a private arrangement ?—There is that to be said with regard to that particular instance that I have taken; but there are a number of other smaller things which a boy ought not to do, which can hardly perhaps be said to be as dangerous as taking matches down a mine, but which perhaps better illustrate my point. I mean, I can conceive special rules made in the mine which provide that in that case no fines should be inflicted, but that it should be necessary with regard to that pit to take the boy to the magistrate. We should deal with all that; but when you come to smaller points, and when you come to such things as putting a chock under a truck so that it should not run anybody down, that is a different thing. You might say to a lad that he should put chock every time; but a stupid boy does not do it, and is it worth while taking him with a man right away to the magistrate ? The men are all with you in fining him. There is not a single complaint in regard to that. They will all say, "The young rascal, a good thing too"; and if the fine was placed to a common enjoyment fund there would be the greatest good nature about it, because they would say, "You young rascal, you have injured us, and now be good enough to pay a shilling towards our entertainment fund," and in that case there would be the greatest pressure put upon them to make them do nothing dangerous. On the other hand the first doubt in my mind as to the necessity of fines was suggested by Sir Frederick Harrison himself, one of the most distinguished and well-known railway managers in the kingdom in evidence given by him on the Royal Commission on Accidents to Railway Servants in the year 1899. The subject was a good deal gone into of how far fines were good as stopping dangerous practices on the part of railway servants, and with your permission I will read you what he says about fines. He was asked at question 6160: "Something has been suggested in examination here as to fines. Will you tell the Commission what is your opinion about fining railway servants ?—(A) I have a very strong feeling, and the officers of the London and North Western have generally the same, that fines of small amount which generally used to be the custom to inflict on railway servants for breaches of rules, is a very objectionable and a very irritating kind of punishment to the men; and when the question of fines was brought up by the amendment of the Truck Act passed some three years ago"—that was the 1896 Act—" or recently, we considered again as we had often considered, the question of whether we were wise in going on fining the men small amounts such as a shilling and half a crown, and five shillings, and we came to the conclusion that the best course for us to take in the interest of the men and in the interest of discipline would be to discontinue those fines altogether. We did it deliberately and after a great deal of consideration with the conviction in our mind that that mode of punishment created a social difficulty between the man and his family." Then he proceeds to say that the man did not bring home all his earnings and that that vexed his wife. I must say that I think the reasons are rather insufficient that he gives for that course being taken; but, as a fact, I think I am right in saying that nine tenths of the whole of the railway service of this country is done without any fining at all. The amount of fining is very small on railways and they seem to think they can get on without it; but, on the other hand, some of the men (and I think Mr. Richard Bell himself among them), are doubtful whether it is not better if you could get a perfectly fair way of fining, to have small fines. In the case of young men who have to be drilled into taking care it is perhaps better to fine them rather than suspend them. Suspending them gives them opportunity for loafing for a week or so and takes them to the public house, and they come back after several days rather the worse for it, and their wives and children suffer. On the other hand, there is the opinion of Sir F. Harrison and I felt bound to call your attention to it.

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By the Chairman.

115. You do attach great importance to Sir Frederick Harrison's statement ?—Yes. The question of fines in regard to railway servants has many points that might occupy your attention. There you have got a case of very dangerous employment, next in that respect to the case of seamen, and one of the most dangerous in the country. Shunting is almost as dangerous as mining, and yet you have railway managers saying they deliberately discontinued fines.

By Mr. Ramsay Macdonald.

116. I should like to put this to you. Whilst it is true you have got no fining in the sense of transferring wages from the men's pockets to the masters' pocket you have got fining in the shape of suspensions ?—Yes, that is perfectly true; but then no Truck Act has attempted

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to say that if a man prove a bad workman he is not to be discharged or suspended.

117. You have got the screw upon them?—You have got a much more powerful screw, and I am inclined to think in some cases a too-powerful screw.

By Mr. Maddison.

118. It is not shown by Sir Frederick Harrison that he does abandon fines because he thinks he has got a greatly more effective instrument than that of fines. In the case of the North Western Railway the policy pursued with regard to suspensions is really very bad, and an inconvenient system I know, because the men actually lose two or three days' pay?—Yes; you will find evidence as to this. I have, I think, marked all the passages here, and I will leave the book to you unless you wish me to go through it.

By Mr. Cawley.

119. Does that come within the scope of our inquiry?

By the Chairman.

120. I suspect we shall have to face that not because it is specifically remitted to us but because it is apparently the only available alternative, if fines are done away with.

By the Witness.

121. At all events, without going through all this I have marked a number of passages where some of the men, the employees, that is, have said that they upon the whole prefer a fining system.

By the Chairman.

122. I am very sorry to trouble you about this, but I am so anxious about it, and I attach such importance to your evidence, that I should like very much to have a reference to those passages?—Yes, and in addition I think I can give you a list of the parts of the evidence of the Royal Labour Commission that dealt with fines. If I could give you that list you would be able then to turn up very rapidly any passage out of the fourteen volumes about fines. I have got the list and have gone through it all myself (*See Appendix I.*).

123. I think then the next thing is materials?—But one word first on fines. In the first place, I think, that fines ought to be reasonable. Next I am rather doubtful as to how far you ought to allow fines except where the Act contemplates danger to the safety of others. There is a very strong line of demarcation between fines for acts that involve no danger, and acts that may involve grave danger to fellow workmen. Upon that I do not want to give too positive an opinion. I have not heard all the evidence you will hear, and I do not want to be very positive. Thirdly, I think that the proceeds of the fines ought not in any case to be pocketed by the master. That is, I think, a thing that irritates the men. It produces a feeling of unfairness. I do not believe the employer in the least desires it, but it makes the employer judge in his own case. And it does more than that, it makes him pocket the fine that he inflicts, and I believe it is far better to say that in every case the proceeds of the fine should be applied to the benefit of the men. I should not mind it being applied to a treat, and it would make the men who were subject to the fine laugh at each other. A man who had to contribute to it would be laughed at by the others, and a young fellow would take care not to do it again.

124. The only thing that seems to be opposed to that is this, that in the case of fines for spoiled work injustice might be done?—I do not call that a fine. That is damages, and that is a different thing altogether. I will deal with that in a minute.

125. In such a case there would be spoiled work and the loss falling on one party and the fine going to the other party?—Yes. Then I have seen codes of fines, in shops mostly. I think we have pretty well weeded out that weed in factories. I have seen 100 different fines, and each one of them could not be said to be unfair, but the code as a whole was most tyrannous, and regard ought to be had to the number of them as well as the fairness of them. Fines for being late stand on a different footing. In some trades if a girl is late it does no harm to the factory. In the many factories in the potteries there are a number of girls engaged in painting, and there is a big room covered with desks and a few brushes and colours about, and the girls come when they like. They work at piecework and a larger number are employed than would be necessary if all worked full time. They attend to their families at home. Some are there for six or five hours or even less, and it is a very convenient plan, and they earn what they can and there is no harm done to the employer, and it does not harm themselves if they come late. But there are other cases where more deduction of wages for the time the girl was absent would be insufficient; cases in which the absence of the girl might derange the work of others, and upset the work of the factory.

By Mr. Maddison.

126. On that point about a girl being late, do you see any very great advantage in admitting that principle amongst girls—I mean, though it is quite true they cause more loss than the mere deduction of the amount of the fines, does it not open the door very widely to the system of fining which in my experience is amongst the worst?—If you did not allow them to fine a girl for being late, and the girl were late more than once or twice, they would say: "We cannot fine you, but we can reduce your rate of pay, your wages are 6s. 6d. this week, but they will be 5s. 6d. the next week." They would reduce the wages. They would say: "You are a late worker and one who is unpunctual, and therefore worth less."

127. That may mean only three minutes after which the factory door closes?—That raises the question of whether so small a lateness as that is detrimental to the factory.

128. But my point is that in many cases they do not keep the door open the first hour. If you are not there at six it closes till seven or closes till eight, and you cannot come in at a quarter past six?—I am not defending the reasonableness of the fine, but I am discussing whether it should be absolutely forbidden.

129. Assuming it was desirable to abolish fines, do not you think those cases are such that they would open the door to the worst cases?—In Ireland, where they fined a girl 2s. it was a very bad case, and we shall certainly proceed to appeal on it.

By Mr. Cawley.

130. If all the fines went, as you think they ought to do, to some fund for the workpeople, and not into the employer's pocket, would not that do away with three-fourths of the ill effects of fining?—It would do away with a good deal, but there is always one danger left. In some places near London where sweating is carried on fines are used as a mode of graduating wages. An employer gets a girl at 6s. a week, but does not intend to pay her that. He knows that he is going to inflict fines to a very considerable amount, and therefore, the girl has a nominal wage of 6s. a week but in reality it varies from 5s. 9d. to 4s. in the worst cases, The worst ones get the least and the best ones the most. It would be better that the wages should be reduced openly and not under cover of fines. The employers ought to say: "You are not worth more than 4s. and we shall not give you more than 4s."; but they hold out 5s. 6d. and then reduce it by the amount of the fines.

131. Should the amount of the fine bear any relation to the wage earned in the case of the fine being paid to a common fund?—If you do not have a rule that fines shall be reasonable and if you leave them unregulated you might have a whole system of graduating wages, and I should deplore that. The mere fact of putting them into a common fund alone would not be sufficient to do away with all the evils.

132. I do not quite see your point about graduating wages, because it would not be then a matter between the employed and the employer. The employer would have to pay the wages?—I might say that giving me leave as an employer to fine unlimitedly without any restriction at all, and only with the condition that the fine I shall inflict shall be pooled amongst the workmen, and I could use that method to make a graduated system of wages in that way. I could say that I would give you 5s. a week, and one will get 6s. and another 4s. under that system. I should have 200 events upon which a fine could be inflicted. If you are not so deft as another there would be a fine—if you do not do anything in a

particular way, then a fine, if you do not paint this cup very beautifully, then a fine, and so on, and I should have a graduated system of wages extremely uncertain, but one entirely under my control, and it is for that reason that I value the provision which says no fine at all shall be inflicted unless it is reasonable. I may be wrong, but that is the way I look at it.

133. But you have put rather a far-fetched illustration, have you not ?—If you had seen the list of fines that I have seen you would not say so. It is not the good employer but the bad employer that one has to deal with. Then I should like to add that fines should not exceed a fixed proportion of wages. I believe that would be very valuable. That is only existing, so far as I know, in one trade, namely, the laundries of London. I remember we had the laundry employers of London here, and Mr. Delevingne will remember it, and we had the lady inspectors, and had a tremendous discussion on fines, and when we came to examine it we said: "If you put in force a complicated set of fines for not goffering a piece of lace properly and for a great number of similar small faults you will take away a great proportion of the wages of these people." They said: "We do not want to do that." So we proposed that they should agree that no fine or fines inflicted on any one employée should exceed an aggregate of 2d. or 3d. a week, and they took it willingly, and they have carried that out with perfect harmony ever since. It is not a bad rule, because it ensures that you cannot fine more than a certain amount, and beyond that amount you must dismiss or have another mode of punishment.

134. What is the percentage ?—2d. a week.

By Mr. Delevingne.

135. It was not reckoned as a percentage ?—No, it was 2d. a week in that case.

By the Chairman.

136. Then is that all you are going to favour us with about fines, or is there any other point on that to be dealt with before you proceed to the next point ?—The only other point would be the great difficulty of the deductions in respect of materials. I should like you to hear what the inspectors say on that point. The present rule has not worked badly as to not exceeding the true value, and as to proper notices being put up. In some cases you will be obliged still, I think, to allow materials to be provided by the employers, but that, I think, is done much too much at present, For instance, in coal mines the men insist on providing their own gunpowder or other explosive, and they send a little girl with a tin can in the morning to buy it at the grocers. It is a bad system, and it ought to be put an end to. In connection with the use of explosives in order to do away with that system employers in the better mines are providing explosives which they charge to the men. The men are encouraged thereby to fire as few shots as possible, which is what is wanted. Provision of materials by the employer could not be done away with without having the whole mining world, men and all, in opposition, and it will have to be very carefully inquired into in regard to mines before doing away with the provision of material altogether.

By the Chairman.

137. Then we come to our old friend—deductions for bad work.

By Mr. Cawley.

138. I should have liked, as to the particular system of fining for being late, to hear what you say as to how it affects piece workers. That has not been mentioned up to now.

By the Chairman.

139. I think when the inspectors come that will be a very proper point to deal with. I hope you will keep it very fully in view when the inspectors come, because they have the details of each particular trade.

By the Witness.

140. Then, sir, as to the deductions for bad work, here are one or two very curious cases as to that. For instance, a girl spoiled a pair of trousers. The trousers, we will suppose, would have been worth 5s. selling price, and her spoiling them made them worth 4s. 6d. Her employers gave her the trousers and said: Now we shall deduct 5s. for them, and you may sell them for 4s. 6d., if you can. We prosecuted successfully, because we said that is a payment in goods—that is wages paid by a pair of trousers. Even if they tried to get out of that argument by saying that the amount of five shillings deducted was a fine, we could reply that in that case the fine exceeded the damage done, which is contrary to the Act of 1896. In either case, therefore, the Act had been broken. But after all, some deductions for bad work must be allowed, but under strict restrictions. We attempted to deal with that in the Act of 1896, and I think the clause there has worked fairly well. I do not think there has been so much hardship under it. The men's deductions for bad work are now generally tolerably reasonable. But I should like you to hear what the inspectors say on that.

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By the Chairman.

141. Then there is "special employments" ?—I think I have said what I have got to say on that.

142. We are very much indebted to you for what you have said—or have you anything further to say ?—I would only say that I hope the Acts may be re-drafted. I should like to see all the Acts swept away, and a re-drafting of all the Acts.

143. Rather than any incorporating ?—Rather than any incorporating. I would have a re-drafting of them from the beginning, and correct errors.

144. It would be a very difficult piece of work, you will acknowledge ?—It will be difficult.

By Mr. Ramsay Macdonald.

145. There is only one point, and it is as to the deductions for wages for charitable purposes. Those deductions do not go into the pockets of the employers, but are transferred in the first instance to a society like the Hospital Saturday Society. They are received and retained by that society week by week, and then paid over by them to the hospital or hospitals, and the process of deduction is this: There is a meeting of the workpeople in any particular factory held and a resolution is passed. Generally the employer or the managing director, or the leading foreman, is in the chair, and a resolution is passed that this meeting decide that week by week a penny shall be deducted from the wages of those workpeople and the wages will have to be paid to them less that penny ?—A penny deducted from those who have agreed to the resolution, do you mean, or from everybody.

146. From everybody. Then as the weeks go by the wages are paid less this penny. This penny is handed over in the way I have described. Whether you are willing or not you have that deduction made the rule of the factory—the unwritten rule or custom of the factory is that this deduction shall be made. I should like your opinion upon that ?—Unless it is within the exception of Section 23 of the Act I doubt whether it is legal at all in the first place. It is *Hewlett* v. *Allen* again, and illegal. If it be asked whether it is a good thing to continue, I may say I do not like these compulsory belongings to societies enforced by deductions from wages. I am a very strong advocate for persuading people to join these societies in every way you can, but I do not like compulsion.

By Mr. Cawley.

147. But it is not a society that Mr. Macdonald speaks of.

By Mr. Ramsay Macdonald.

148. No, the use of the expression "society" turned my mind to a similar case ?—Why should I be compelled to hand part of my wages earned at the Home Office to the Charing Cross Hospital ? I do not know why I should.

149. Take the case of the Miners' Provident Society ?—I am in favour of it being done then, but I am not quite sure how far it is better to compel it or to leave it to the feeling of the men. I have a faith in the growth among the working classes of feelings of providence.

150. But you know this also, that if the money is not intercepted at the moment it is being paid over to the men, it will never be got at all ?—There are two things to be considered here. First, the compelling of the man to contract, and putting pressure upon him to contract to pay, and then the mode of payment. I do not mind

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so the mere deduction, provided it is done perfectly freely. It is the forcing of him which is the point; even compulsions to thrift may be a good thing with good employers, but it is liable to abuse.

151. You have not made up your mind about it, have you?—I think it is against it; it comes within Section 23, and I am not at all for making it legal.

By Mr. Maddison.

152. In the case that Mr. Macdonald mentions the employer gets no benefit at all?—No, I quite agree, but as part of a State system if it were made a law that everybody should insure I should welcome it extremely.

By Mr. Cawley.

153. But in this case that Mr. Macdonald puts there is no compulsion about it, I understand. I know of cases in which it is done, and any man can decline to do it at any moment?—But why should the employer step in to do something philanthropic, and compel the men to do it?

By Mr. Maddison.

154. He does it on behalf of the men?—But I am not sure how far that is a good thing.

155. It is a fact that in the North of England you will get a strong committee of the men who will ask the employer to allow the deduction to be made, and the fact that it is done in a mechanical manner makes it compulsion?—It is compulsion by the men really, then.

156. There is no doubt about it.

By Mr. Ramsay Macdonald.

157. It is using the employer as an instrument of compulsion?—Then it is a question whether it is not bad.

158. In its original form it may be paid by the men, but in its ultimate form it is by the men by the use of the employer as an instrument of compulsion?—I do not object to the deduction in the least, provided the payment is really thoroughly desirable. I instanced that of the fish shop the other day.

By the Chairman.

159. I know that, but Mr. Macdonald's point is rather this, that you adhere to the view that it is illegal?—I think it seems to be so, except in the cases provided for under Section 23.

160. The difficulty that arises in our mind is this: Assuming it is a good thing, and it is done at the instance of the employees as a body, then is it not a very awkward state of the law that if that good thing done at the instance of the people who know best what their own interest is, is done through the medium of the employer, the employer should be in the position of committing an illegality in order to do the good thing?—I quite see that, and I have answered Mr. Macdonald, I believe, to that effect—that if the thing is thoroughly desirable there seems to be no harm in the mere deduction; on the contrary, it may be advantageous. I have never felt the mere deduction to be in itself a harm, but if you permit it you must be very careful that the power is not used for something very undesirable.

161. We are all extremely with you on that, but our difficulty arises rather from this, that we do not like the continuing of the method which would make that illegal which on its merits is not only legal, but a most beneficial operation?—Yes, I can quite sympathise with that.

162. In effect in providing for that state of matters we must take care not to fall into other pitfalls?—Yes.

By Mr. Maddison.

163. I understood you to say you do not have any complaints about this matter from any part of the country on behalf of the men?—That is the compulsion of joining benefit societies, but that is a different thing.

164. But for a hospital, say?—I do not recollect any.

By Mr. Delevingne.

165. I do not recollect any, either, but I should like to ask whether there is anything illegal in this payment being made to a benefit fund?—Unless it comes within Section 23.

166. But is it not covered by the doctrine of *Hewlett* v. *Allen* that it is a request to pay made by the workmen to the employer?—But there may be a contract that she should belong to the Amicable Griffins.

By Mr. Ramsay Macdonald.

167. I want to put two points on that. First of all the individual employee as a matter of fact has made no contract with a hospital Saturday fund (I am assuming my first case now) to pay money to it. No contract can possibly be made, because it is a voluntary contribution week by week, which can be stopped without notice and without involving any obligation. The second point has been taken already by Mr. Cunynghame, I think, that although the contract between the subscriber, A, and the benefit society, B, may be perfectly legal, yet that C, the employer, should pay the subscription and deduct it from the wages is illegal, and although A cannot claim against C, yet nevertheless C can be prosecuted or the payment.

By Mr. Delevingne.

168. But I do not understand that there is any contract between the employee and the employer that he should contribute to the relief fund. It is only on request that the employer shall pay over a part of his wages, but not in pursuance of any contract at all, only to a relief fund?—That would be legal if there is no contract, but I was assuming that there was an understanding or that which amounted to a contract, as in the case of *Hewlett* v. *Allen*.

By Mr. Cawley.

169. What does take place in my own case is that the secretary of the Hospital Saturday fund writes to the employer and asks him whether he will allow him to hold a meeting at the mill or works and put the case of the hospitals before the men, and then ask the men whether they will allow so much a week to be deducted from their wages and sent in a lump sum at the end of the year to them. The man comes down, generally some pretty eloquent man, and puts the case of the hospitals before the men. The foreman is there, perhaps, and then the foreman puts the resolution, and the men at the meeting in many cases unanimously decide that so much a week shall be deducted from their wages. But there may be other men come into the works afterwards that have never had anything to do with it, and although there is no compulsion still the money is deducted?—That is quite legal, but it is very easy to slide into an agreement between the employer and the men that it shall be done, and then it would be illegal. You are on the fringe there.

By Mr. Delevingne.

170. On the point that came up as to the inspection of shops, shops of course are not the only trades under the Truck Acts which are not at present covered by the Home Office inspection?—No.

171. And in those trades which are not covered by the Home Office inspection no duty is placed on any authority to prosecute?—No.

172. But as a matter of fact under the English law it is the case that anybody may prosecute for breach of statute, at any rate, in a matter of public interest, unless expressly prevented by some clause in the statute?—Yes.

173. In some trades outside the Home Office inspection cases are taken up sometimes by the police?—Yes, such as the cider case.

174. Or by the Shop Assistants' Association?—Yes.

175. So that it is not a question merely of shops. It is the whole question of the enforcement of the Truck Acts in the trades not at present covered by the Home Office inspection?—Yes, that is so, certainly. The worst evils exist in shops so far as I know.

By Mr. Ramsay Macdonald.

176. There is one point that arises as to this with regard to the latest case the Shop Assistants' Association took up. I think there was some point of law raised which limited very materially their powers to act in such cases for their members.

By the Chairman.

177. From our Scotch point of view such questions solve themselves always, because we have the system of public prosecution there?—Yes. But I think the real solution is that every court has a discretion to treat

a matter brought before it by anybody that it considers has no interest whatever in the matter, as a vexatious proceeding, and that is the origin of the idea of not allowing proceedings to be recklessly brought.

By Mr. Cawley.

178. Will this come under our purview? In some parts of England farms are let with four or five cottages included in the tenancy. The farmers have those cottages and they pay the men so much a week, perhaps 11s. or 12s. a week, and a cottage, and in the cases where there are large farms including four or five farms, the farmer is often very tyrannical in this matter. Is the letting of a cottage as part of the wage in any way to come before us?

By the Chairman.

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179. We have to come to some determination about that as a Committee, but I wish to point out to you that in regard to the whole series of existing Truck Acts agriculture as such is excluded from the operations of the Act.

By Mr. Cawley.

180. They have no trade union.

By the Chairman.

181. I quite see it may be very well worth our investigation.

By Mr. Cawley.

182. It seems to me that people who have no society to protect themselves should be considered.

THIRD DAY.

Wednesday, 9th May, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord-Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Dr. B. ARTHUR WHITELEGGE, C.B., His Majesty's Chief Inspector of Factories, was called; and examined.

By the Chairman.

Dr. B. A. Whitelegge, C.B.

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183. How long have you been in the service of the Home Office?—Since 1896.

184. So we may take it that your experience covers entirely and almost precisely the situation of matters as altered by the statute of that year?—Yes. I had practically no experience of the matter prior to the operation of the 1896 Act; that Act followed very shortly on my appointment.

185. Now we desire to hear from you in your own way any statement you may have to make with regard to the powers of the factory inspectors under the Truck Acts?—These powers arise under two sections, namely, Section 13 of the Act of 1887, which gave to the factory inspectors the duty of inspection under the Truck Act in factories and workshops and the powers that they have for the enforcement of the Factory Act.

186. Did you say Section 13 of the Act of 1887?—Yes, Section 13, Sub-section 2. That was extended under Section 10 of the 1896 Act so as to include laundries and outwork.

187. Outwork?—Yes, home workers.

188. Will you please describe the field that you cover, taking all your statutory powers; what we want to know as laymen, so to speak—putting ourselves in that category:—is what is the actual field of your inspecting operations?—Practically factories, workshops and laundries. Our position as regards out-workers has been very materially modified by recent decisions, and it is only rarely, in consequence of these decisions, that we have any powers.

189. You do not include mines within that field?—No, mines do not come under the factory department, and I have no official knowledge of them. The Truck Acts, so far as we administer them, do not relate to docks or warehouses, which nevertheless for certain purposes of the Factory Act are under our inspection. There is a further exception under an order of the Secretary of State which excludes from the operation of the 1896 Act cotton-weaving in Lancashire, Cheshire, Derbyshire, and the West Riding of Yorkshire. Otherwise we are concerned with the administration of the Truck Acts in all factories and all workshops, subject to one further reservation, namely that certain factories and workshops which are closely allied with mines are under the supervision of the mines inspectors who are constituted inspectors of factories for that purpose.

190. Is there anyone in connection with the department of mining inspection who holds a position exactly corresponding to your own position within the sphere of factory inspection?—There is no chief inspector of mines.

191. Then I assume that for information under that head we must go to the mining district inspectors?—I believe so; but I presume there is record in the Home Office of questions of importance referred by the mines inspectors.

192. But there is no officer of equivalent rank to your own in the department of the inspection of mines?—No.

193. Perhaps you can now tell us something with regard to the number of works and operatives affected?—Including factories, workshops and laundries we are concerned with the inspection of some 250,000 places in the United Kingdom of which 8,000 are textile factories—I am giving round numbers—94,000 non-textile factories, 141,000 workshops and 7,000 laundries. The number of persons employed in these places is approximately 1,030,000 in textile factories, 3,120,000 in non-textile factories, 750,000 in workshops, and 92,000 in laundries, making a total of about 5,000,000. That, however, is incomplete as regards what we call men workshops, in which none but male adults over eighteen are employed, for of these works we have not the same accurate particulars.

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194. What is the reason of that?—Their position in regard to the Factory Act is different; the occupiers are not called upon to give returns of employment.

195. What are the points under this statute which differentiate men's workshops?—In men's workshops there are no protected persons, (women, young persons, or children), the hours of employment are not regulated in any way, and the occupiers are not required to furnish returns of employment unless specially directed by the Secretary of State. Many are small workshops which change from time to time, and it is difficult to keep the same accurate record with regard to them that we attempt to keep with regard to factories and workshops generally.

196. Can you give us a reference to the point in this statute which refers to these men's workshops?—There is a section in the Act referring to them.

197. Are you referring to the Act of 1887 or of 1896?—I am referring to Section 157 of the Factory Act of 1901.

198. Perhaps you had better read that section?—It is as follows:—"The following provisions of this Act shall not apply to men's workshops, that is to say, workshops conducted on the system of not employing any women, young persons or child therein: (1) the sections in Part 1 relating to temperature, thermometers, means of ventilation, drainage of floors, sanitary conveniences, opening of doors, powers to make orders as to dangerous machinery. (2) Part 2 and Part 3. (3) The sections in Part 4 relating to fans and to lavatories and meals. (4) Part 7. (5) The sections of Part 8 relating to the affixing of abstracts and notices and the keeping of a general register, and the first sub-section of the section relating to periodical returns."

199. Assuming that the ambit of your observations was extended to these excluded workshops that you have referred to, what would be, to the best of your knowledge or judgment, the number that would have to be added to the total of 5,000,000 that you have already quoted?—I can only give a very rough estimate, but perhaps the number would be about 200,000 or 300,000.

200. May we take it, roughly speaking, that about a quarter of a million additional would be brought under inspection if these restrictive provisions were removed?—Yes.

201. In dealing with the number of works and operatives you did not mention shops?—They do not come under the Factory Department. I have no knowledge as regards shops except in those cases where shops and workshops are substantially one and the same.

202. If they were one and the same and were brought under the supervision of the Home Office what do you think would be about the number of operatives that would in that case have to be added to your total?—I am afraid I can give no estimate; I have no data.

203. Would you put it about three-quarters of a million?—Yes, I should think it would be fully that.

204. Of course I understand that the estimate must be largely conjectural, but at all events they would be a substantial addition to the duties of your department if shops in general were added?—Yes, a very substantial addition indeed.

205. Probably amounting to about one-fifth or one-sixth of the whole?—Yes, and with this further consideration—that in shops the average number employed would probably be small compared with the average number employed in workshops, and especially in factories; so that the number of places to be visited would be very largely increased out of proportion to the number of workers.

206. I follow your point. You think the cases would be extremely rare in which shops would run up to a total of over fifty or 100 employees?—Yes, I presume they would be rare.

207. Whereas such cases would not be at all with regard to workshops in general?—They are quite common in factories and even in workshops.

208. In order to carry out your work under the various statutes of course you have a staff under you?—Yes.

209. Will you please give us an account of the staff by whom the statutes are administered?—The staff has been increased repeatedly and largely since I first took charge of it in 1896. At present it includes in all 155 of whom thirty-six are assistants.

210. Kindly give us a description of the hierarchy or different grades, beginning with yourself?—There is directly under me a deputy chief inspector and there is also at the Central Office a medical inspector, a superintending inspector of dangerous trades and an electrical inspector. Then the whole of the United Kingdom is parcelled out into five divisions, each with a superintending inspector. In the five divisions there are districts, 47 in all, each with a district inspector, and in many cases with junior inspectors and assistants acting under him. There are likewise special departments; one of these is that of the lady inspectors, who, with one exception, have not formulated district duties, but are at liberty to inspect anywhere throughout the United Kingdom. Another separate staff, which, however, is not directly concerned with the Truck Acts, is that of the inspector of textile particulars.

211. Particulars?—Yes, particulars of piece-work wages.

212. What is the exception you refer to in the case of the lady inspectors?—One of the lady inspectors is responsible as a district inspector for laundries and milliners' and dressmakers' workshops and factories in a defined portion of West London.

213. I presume the lady inspectors are in ordinary course transferred from one district to another, and that that will be done under your supervision and guidance?—I made an important omission. There is a principal lady inspector, under whose supervision the whole of the lady inspectors act. The principal lady inspector is the superintending inspector for her branch.

214. You mentioned the assistant inspectors?—There are thirty-six inspectors' assistants, whose duties have hitherto been confined to visiting in workshops, and there they give attention to questions of truck, in the same way as the inspectors do throughout.

215. You have stated that the staff has been increased; have you any opinion to offer with regard to the present size of the staff and its adequacy to the duties laid upon it?—I don't think there is any finality; it all depends upon the standard of inspection. The staff at present is about equal to a once a year inspection of all the places that come under our supervision. If that number is increased, or new duties are imposed, clearly more staff is required. In considering the amount of inspection, it is not sufficient to look only to the number of places which is steadily increasing year by year, even apart from extension by legislation, but more and more is being entrusted to the inspectors with every order made by the Secretary of State, and especially by every code of regulations and special rules for dangerous trades. Every new code amounts, so far as concerns the work put upon the inspectors, really to a new Act.

216. I presume new orders issued by the Secretary of State are sent to each member of your staff?—Yes.

217. Have you any system under which the staff finds itself in possession of all the statutes and codes up to date?—The statutes are always supplied to the staff and orders in the same way, both in draft and in their final form. I have for many years issued a monthly circular to the staff, supplemented by special instructions when necessary. The whole of the important alterations during the year and the whole of the orders appear in the annual report, which is sent to the whole staff.

218. You made one remark which rather struck me, namely, that the staff appears at present to be adequate to one yearly inspection; but, assume legislation which would involve a more frequent appeal to the inspectorate, and assume this Committee to have certain opinions (for instance, with regard to the subject of truck), that it might without separate legislation be thought desirable to call in the inspectors as a convienient working staff to examine particular cases of complaint, would that involve a large addition to the duties of the staff?—That is done already to a large extent. The inspectors are constantly applied to in such matters upon complaints from the operatives, and questions arise from their own inspection. Truck is one of the points to which they direct their attention. They are quite commonly consulted by employers who desire to frame a list of fines and deductions in accordance with the Act.

219. I had in mind more particularly one of the special points of the reference to this Committee, namely, the subject of living in. Assume that upon that subject we were to suggest a further draft upon the valuable services of your inspectors, would the staff have in consequence to be increased ?—My answer would rather depend upon what sort of supervision the Committee had in view. If it were a supervision of sanitary details, air space, etc., the duty would carry the inspectors a good deal outside their present field, and would, I might suggest, belong rather to the local authorities. It is difficult to form an estimate of the amount of work that might thus arise; but simply to keep a watch upon notices and deductions on the truck side of the question, where living in is connected with factories and workshops, would be opening up a comparatively limited field.

220. I presume that the one visit a year that you mention is not paid with regularity and invariably, but that you were striking an average as to the frequency with which the services of inspectors are available ?—Yes, that is so. Where special legislation applies to a particular class of factories and workshop, for example under regulations for dangerous trades, or the sections relating to humid textile factories, we aim at a much more frequent inspection, perhaps a quarterly one; an inspector in not able to limit his inspection of one factory to the average share of that factory; he may have to go again and again on account of accidents, or complaints of irregularities.

221. You had, I think, reached the point of explaining what your staff were supplied with in the way of materials apprising them of the state of the law. Did you not yourself prepare a memorandum on truck ?—It was prepared by the legal adviser of the Home Office, and forms the basis of the action of the inspectors.

222. Do you refer to the penny pamphlet ?—There is also a larger one.

223. Perhaps you could furnish us with copies ?—I will do so with pleasure, but the only copy I have at the moment is marked with figures and notes of my own.

224. If you happen to have prints, you might forward a sufficient number of copies to Mr. Bettany, in order that each member of the Committee might have one ?—Yes, in addition to the two memoranda to which reference has been made, we have added to the abstract of the Factory Act (which must be affixed in factories and workshops) a note as to truck, of which I have copies here. May I explain that in consequence of the exemption of cotton weaving in Lancashire and the adjoining counties, it was necessary to differentiate. The note added as to truck is brief, and only attempts to put forward in simple language the more important points. The affixing of an abstract is in compliance with the Factory Acts but there is no requirement of the same kind as to the Truck Acts, and one of the points I wish to suggest to the Committee is whether it should not be obligatory in some way or other

225. Perhaps you would give that suggestion greater definiteness—assuming that your own suggestion were carried into effect, what would be the precise form you would suggest ?—I would suggest that just in the same way as the Factory Act requires a summary of its provisions to be affixed in prescribed terms in every factory and workshop, so in the same way the Truck Acts which apply to the same factories and workshops should be summarised in simple prescribed terms, and exhibited for the information of the persons employed. The Truck Acts themselves are not easily accessible, and not always perfectly clear in their meaning. The explanatory Truck note which has been appended to the Factory Act Abstract may possibly be *ultra vires*, but we have had no complaint. The abstract I suggest would go more into detail. As regards the cotton weaving industry in Lancashire, Cheshire, etc., we had to distinguish, and that was done by means of a gummed slip which is substituted in the case of cotton cloth factories in those counties.

226. Are we to understand that your department as such institutes or suggests the institution of prosecutions ?—As a last resource.

227. I think that is a valuable way of putting it; what in the ordinary course precedes that ?—We endeavour as regards the Truck Acts, and also the Factory Act, to secure compliance with the law. In many cases all that is required is a clear understanding of the law on the part of persons upon whom the duty rests, the employers more particularly. As a rule, we are able by instructions and explanations to secure that compliance. We do not prosecute unless we think that the observance of the Act would be furthered by prosecution. We are content when we can secure the remedy. That line was especially necessary when the 1896 Act was passed; it was a new conception not only to the inspectors but to the employers and workpeople. It was misunderstood by the workpeople as legalising fines, which it did not.

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228. Do you mean that it was understood as if the Act legalised fines ?—Yes, it was so understood by the workpeople, and that I think explains in great measure the demand for the exemptions of the cotton cloth factories in the four counties I have named. It was misunderstood also by the employers; it was a new duty cast upon them, and many of them proceeded at once to draw up long lists of penalties, often with not the least intention of inflicting them. As regards the inspectors, it carried them into new technicalities with which they had not been concerned before, technicalities of different industries, trade customs, methods of payment, deductions, etc., so that even more than under other new Acts their work in the first few years of this Act was very largely educational. I venture to submit to the Committee that the results have been of enormous benefit in checking abuses under the first three sections of the Act. The prosecutions represent only those cases—a minority and comparatively few—in which the remedy was not secured by other means.

229. Such means as you have described ?—Yes.

230. Now, with regard to the prosecutions ?—I have prepared two tables for the information of the Committee, copies of which are in the hands of members. One of them is a summary of prosecutions during the years 1888 to 1905—following upon the powers given by the 1887 Act to inspectors to enforce the earlier Truck Acts. The Committee will see from the table that a very great change took place from 1897 onwards—that is, after the passing of the 1896 Act. The number of cases we lost is considerable, and much larger than the proportion under the Factory Acts, but that, I think, is only natural, because the Truck Acts, so far at least as the cases we take into Court are concerned, deal largely with matters of opinion as to whether a given charge does or does not come under a more or less vague definition included in the notice, whether it is reasonable in all the circumstances of the case, and what circumstances should be taken into account. It is only natural to expect that we should lose a number of such cases: prosecutions under the Factory Act are more concerned with plain matters of fact and well-established precedents. There is another consideration that should be borne in mind on looking to the results of Truck prosecutions. Owing to the difficulties attending the present form of the Truck Acts, we sometimes have recourse to alternative informations. An offence may be legally attacked under either one of two Acts or sections according to the view taken by the court. In some instances, but not oftener than we can help, we lay alternative informations, and in event of obtaining conviction under the first we withdraw the second, explaining the circumstances to the court.

231. Is the second information included within your statistics ?—Yes, as an information not sustained. It goes to swell the total of cases dismissed.

232. Would it be convenient to illustrate that point as to alternative informations ?—In the case of compulsory sale of damaged goods, a matter to which we attach importance, we might lay an information under either the 1831 or the 1896 Acts. In some cases we have been advised that it is desirable to attack it by information under both Acts.

233. What would be the special charge under the Act of 1831 ?—Making a contract as to the way in which the wages should be laid out.

234. And under the other Act, the Act of 1896 ?—As a deduction for damaged goods.

235. Still, the general result appears to be that in these cases you have had convictions in rather more than one half ?—Yes. I have examined the matter somewhat

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closely. I was struck at the time with the number of cases we lost in 1904. I found that three or four of them were of the kind to which I have referred, alternative informations. Some were cases withdrawn in order to lay an amended information on the suggestion of the court. Two or three cases turned on the outworkers' question which led to a decision in the case of *Squire* v. *Midland Lace Co.*, so that the number of real failures is not quite so large as at first might appear. The Committee will observe that in 1905 the result was far more satisfactory, as out of thirty-eight cases we obtained thirty-four convictions.

236. Yes, and I observe that in 1900, 1901 and 1902, you were fairly successful ?—Yes.

237. Can you give me any idea by way of illustration with regard to the cases dismissed in 1904, what proportion of them were dismissed on grounds of procedure ?—I will have inquiries made and send you the result.

238. Have you any record of the prosecutions under the Factory Act ?—I have not got out a separate table on the subject, but the materials are ready to hand, as they are published in the annual report.

239. If it is convenient, perhaps you would let us have a statement for the same year showing the equivalent cases under the Factory Act. And that could be printed in the appendix as it may turn out to have relevancy with regard to certain aspects of our inquiry ?—Quite so, I can furnish the information. I had prepared another table, it is, however, hardly ready yet to submit to the Committee, as by a misunderstanding it is only brought up to the 31st August, 1905.

240. What is the bearing of it ?—It is an analysis of the prosecutions distinguishing the section under which they were taken.

241. Personally, I should attach importance to that table, but would you mind having a separate column showing where the dismissals were upon methods of procedure or after trial, as I want to ascertain how many of the prosecutions actually brought to trial failed ?—I shall make a note of that. Under the 1831 Act, we laid sixty-five informations; under the 1896 Act we laid fifty-nine informations under Section 1, 101 under Section 2, and 126 under Section 3. Under Section 6 there were three. There were 20 other cases.

242. Do you find that as the result of persecution under specific sections of the Act a deterrent effect is produced ?—Yes. Even when prosecutions have failed we have found beneficial results to follow. That was so, for instance, in the Donegal cases. In another at Bristol, where we took action as to fines and unreasonable deductions, we lost again, but there was great improvement in the local practice owing to the light thrown on the abuses. May I say this, as bearing on what has been done with regard to prosecutions. It is a very common practice for the employers to come to the inspectors—and in matters of difficulty that means that the questions are referred to the Central Office—asking advice as to lists of fines and deductions under the 1896 Act. The position of the inspectors is rather difficult, because, although it is a reasonable part of their duty to give advice and assistance to both parties, this is really an *ex parte* application, and they have to be very guarded in expressing any approval. Our practice is to refuse to express approval of any code of fines whatever; but, to call attention to anything that seems to us on a careful examination to be open to objection, and then to say with regard to the rest that it will be the duty of the inspector, in the event of complaint or apparent abuse or grievance arising, to re-examine the notices; so that he cannot give any approval. But it is a great advantage to have truck notices sent to us, not only so that the inspector may have a general view of the truck practice and the truck conditions in a given industry or a given locality, but also that he may have from the outset an opportunity of calling the attention of the employer—who is often quite ready to receive advice—to the more obvious objections to his draft notice.

243. When you are consulted by employers, not exactly in order to have you ratify their action, but at all events to give advice with regard to it, have you ever carried out in practice the idea of calling the employees together; I suppose you have not ?—Probably the inspectors have consulted the operatives, and in the case of a doubt they would certainly, but the points that arise on the notice itself are usually of a semi-legal kind. If an inspector found it necessary in order to form an opinion about a given item turning upon trade customs, he would no doubt consult the operatives; but I cannot say how far or how often that has been done. The vast majority of appeals to the inspector I hear nothing of; it is the cases of difficulty that come to me. I may mention one case in particular, that of the Federation of Laundry Employers. They approached Miss Anderson, the principal lady inspector, with a long list of notices. Representatives of the employers came by arrangement and saw Mr. Cunynghame and myself and the lady inspector. We had a long discussion; they were absolutely reasonable and the result was that a code which we cannot take exception to as being unreasonable was fixed upon, and it is now generally used in London laundries. One or two important precedents were introduced; one was a maximum total amount of fines for a particular kind of offence; another was the exclusion of non-truck matters from the truck notice; neither of which, of course, is obligatory under the Act.

244. I have asked you as to the general effect of these prosecutions; but apart from prosecutions, or along with prosecutions, the general fact of your inspection remains between employers and employed ?—Just so.

245. Now, what has been the result of those Acts of Parliament so worked ?—A very great improvement indeed. I am confident that we have checked the worst abuses and more especially with the aid of the 1896 Act.

246. What are the conditions of the 1896 Act that seem to have given effectiveness to your work ?—Under each of the first three sections a very large quantity of extremely valuable work has been done by the inspectors, and now it is exceptional to find the unreasonable fines and deductions, or the long codes, or the frequency of fining, that was somewhat common at one time.

247. There have been some instances brought before this Committee already about very long codes, including, I think, in one case about eighty different items, with an addendum at the close, to say that anything not included in the preceding seventy-nine items should be subject to another fine, or something of that sort. Have you any observation to make upon that. I gather that that is very unusual ?—It always was, I think, very unusual to have a code of such a length, but I think I may say that in factories and workshops, at all events, there are none in existence now.

248. The case I am referring to was a shop case ?—I understand that there are long lists in shops, but I have no official knowledge of them.

249. Now that it has been brought to your notice, have you any suggestion to make; does it not appear to you that that *prima facie* seems to suggest that similar remedial action should be taken ?—Yes, by some authority.

250. By the State and its inspectors or by some authority ?—By some authority; I do not know that I should say the State necessarily; there are district authorities and county authorities.

251. I mean by some authority extraneous to employers or employed, and with compulsion behind it ?—Surely. I understand that shops are inspected already under the Shop Hours Act, and it would not seem difficult to provide for this matter also being taken in hand.

252. Just see that I do not mislead you in any way about that, because it is rather important. The existence of those long catalogues of fines substantially you may say could not have occurred under your field of operations ?—It could occur certainly.

253. It has not, in point of fact, occurred ?—I am speaking without the detailed knowledge that the inspectors who are in actual touch with factories and workshops would have, but we have so often obtained improvement of codes that were unreasonable in length, as well as codes that were unreasonable in other respects, that I am confident that any remaining unreasonably long lists would have been heard of.

254. In fact, if it be an abuse, the abuse would be at any rate largely eliminated ?—Largely eliminated. Of course there may be surviving instances; perhaps I put it too broadly.

255. Now we have got to the subject of fines. Will you give us your views as to that ?—I have referred to one difficulty already; that the truck notice (and this concerns, of course, fines and deductions of all kinds coming under the 1896 Act) is not necessarily free from other matter; there may be rules of discipline, or announcements that workers will be dismissed for certain offences, which are not truck notices. It makes it much simpler, and it is a common practice now to keep the truck notices apart from non-truck matters.

256. Will you explain that ?—The occupier can put up any notice he pleases. As long as anything else he chooses to say has added to it any notice that he is required by the 1896 Truck Act to give, that is a good notice but it is not a convenient method for the workers or for the inspectors. It would add to clearness very much if the notice which the 1896 Act requires did not contain any other matter. The employer is not required to give notice under that Act, for example, for what offences he will dismiss, he is not required to say when wages will be paid, or what notice is required to terminate the employment; but those matters often appear mixed up with truck questions, Then I would draw the attention of the Committee to the intention of the Legislature as expressed in Section 1. The section says, "The contract shall specify the acts or omissions in respect of which the fine has been imposed, and the amount of the fine, or the particulars from which that amount may be ascertained." That of course should be the aim; it is only reasonable that the worker should know what fines he is exposed to and for what offences. In practice it is extremely difficult to attain that definition even approximately.

257. What is the exact section you are referring to ?—Section 1, Sub-section 1 (*b*), of the Act of 1896. The intention is that the workman shall be able to know precisely how much he is going to be fined and for what offence. It is hardly practicable to enumerate all the offences and degrees of offence quite as specifically as this seems to suggest, to assign a single fine which is proper for all of them. There have been attempts to meet this by stating that the fine shall not exceed a certain maximum sum. We are told by the legal advisers of the Home Office that that is not sufficient—that the fine ought to be definite in relation to a particular offence, and that a maximum limit does not convey the information to which the worker is entitled

258. Have you any other observation to make ?—We find that it is difficult to insist on the precision of the statement of the offence and of the amount of the fine which the sub-section seems to require.

259. May I suggest that a great difficulty may have been created by the legal decisions contravening or appearing at all events to contravene sub-section (1) (*b*) of Section 1 in this particular; that the contract specifies the acts or omissions in respect of which the fine may be imposed, and yet, notwithstanding that, the decisions have given operative effect to extremely vague indetermined omissions; a fine is imposed quite vaguely, practically for any breach of the rules ?—That is the difficulty that I have in mind.

260. Take the Bristol case, which happened some time ago, in which Lord Alverstone gave judgment sustaining the Court of First Instance, or rather refusing to quash the judgment. The fine, as I recollect the case, was in respect of a breach of decorum in the establishment. The case I am referring to is the case of *Squire* v. *Bayer*. That was specialised only in this; that one girl played a Jew's harp and the other danced. The only thing against these girls was a breach of order and decorum in respect of that. Now I put it to you plainly: do you think that "all workers shall observe good order and decorum" satisfies the words of the Act of Parliament which particularly prescribes that the contract shall specify "the acts or omissions in respect of which the fine may be imposed" ?—It appears to me singularly lacking in definition, and it was that particular case that I had in mind. It does not appear to me, speaking as a non-legal official, that such a notice does adequately specify the acts or omissions and the amount of the fine incurred. If fines are allowed it appears to me to be hardly practicable in a great number of instances to give such precision as the sub-section contemplates.

261. If they are allowed as a system at all ?—If they are allowed as a system. To give absolute precision in the definition of offence there would have had to be mentioned the use of the Jew's harp, and the dancing; and such detail is hardly practicable.

262. I want your view upon that. There is no hardship in fact in it if you take into account this: that the employer has always his remedy of keeping due order and decorum by selecting workers who keep due order and dispensing with the services of those who are obnoxious in that particular. The remedy or discipline in the selection of proper servants is always behind all these Acts of Parliament ?—Certainly.

263. Do you think that discipline is improved by the permission of fines for anything so vague as that of which *Squire* v. *Bayer* is an instance ?—Certainly not, though I am not in a position to express any opinion as to what fines should be allowed. This certainly appears to me to err in the sense of vagueness and indefiniteness.

264. I think that is probably as far as we can go ?—Yes. Many employers get on without any fines at all.

265. It would be extremely valuable if you could crystallize that in any kind of figures or any well-grounded conjecture as to the number of cases ?—That would be difficult. If you take evidence from the inspectors they may possibly be able to give an approximate figure for some locality or some industry; but we have no official returns of the kind. That, again, is one of the suggestions that I thought of bringing before the Committee. Then, it is specified that the fine must be in respect of something causing injury to the employer.

266. Injury or hindrance ?—Quite so; I was using the term in a general sense. It carries us rather far in some instances. We have had examples of this kind; an operative has been found employed at illegal hours, the employer has been summoned and fined for it, and has then fined the operative. It is true that the employer suffered loss through the operative working at illegal hours, and it may well be that the operative was really in fault, but it certainly seems to be rather straining the section beyond what was probably contemplated at first to make the conviction of the employer a subject of fine upon the operative.

267. Apart from the detection of the offence, it would have resulted in a profit to the employer as well as to the operative ?—Yes, but in many of these cases the employment at illegal hours is against the wish of the occupier. A further difficulty arises in determining what is fair and reasonable. Take the case of a fine for unpunctuality or for non-attendance. In some works the doors are locked immediately after the appointed minute; sometimes a worker arriving a minute or two late is locked out for a considerable time. It is very difficult to say in those instances whether the fine ought to have relation to the few minutes that the worker was late first of all or to the length of time during which he was precluded by the occupier, not by his own will, from working.

268. May I ask you, upon that head, have you been put to establishing affirmatively in prosecutions the fairness and reasonableness of it ?—Practically we have to show that.

269. The law provides no means at present of affording an *ex facie* test of fairness or reasonableness—say in the opinion of an inspector or anything like that ?—No, except that in some portions of the 1896 Act it is specified that the fine shall not exceed the loss to the employer. That does not apply to fines; it applies to deductions of other kinds. That is the only attempt in that direction under the 1896 Act.

270. That, of course, places you in the position of proving your case negatively, that is to say, you must prove that it is not fair and not reasonable. Have you, notwithstanding that, been able to succeed in many instances ?—Yes.

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271. May I ask you how? I suppose you put the inspector into the box?—Yes, and if necessary we put the operative into the box too; but not if we think we can prove the case without doing so, because it may place the operative in an invidious position with regard to his employer, and may lead to dismissal.

272. No doubt you find the County Court judges and those who try these cases attach considerable weight to the opinions of your inspectors in these matters?—Yes, fortunately. Then, what may be a reasonable fine for one operative would not be a reasonable fine for another. There is no suggestion in the Act itself as to any relation to wages.

273. On the contrary the Act seems to be content with having regard to all the circumstances of the case?—Just so. In some codes—I have mentioned one example—we have a maximum amount of fine for a particular offence; although under that particular clause there may be a number of fines arising in the course of a week, the maximium in that case was 4d. a week for one group of fines. In some of the pottery factories, where we have a portentous list of fines, there is a limit of one-twentieth of the wages inserted at the instance of the inspectors; it would help us very materially if the Act defined some maximum proportion to wages as one of the criteria of reasonableness.

274. Is your mind so far made up upon that as to enable you to recommend it to be done?—I would certainly suggest it for the consideration of the Committee. There are precedents for it. I am not in a position to say how far such an arrangement would lend itself to every industry; but I have not in mind any practical difficulty that need arise in fixing some sort of maximum.

275. Now will you go to the next point?—Often fines if they are at all heavy (and this applies also to deductions) are paid by instalments extending over several weeks, sometimes months. It is not clear—at least we understand it not to be quite clear—whether the particulars that the Act of 1896 requires the employer to furnish each time a deduction or payment is made must be given with every instalment. If not the operative cannot be expected to keep elaborate accounts and the system lends itself to evasion and unfairness. I would suggest that it is worth consideration whether, in the event of a fine or deduction being levied by instalments, each instalment should be coupled with a statement of particulars.

276. Do you happen to have any particulars as to the length of time that the instalments cover?—The lady inspectors will be able to give the Committee examples of instalments extending over many months.

277. The general policy of law would seem to be to make the fine a given penalty for a particular offence and to have it over and done with?—Yes, but as a matter of fact the fine is often paid by instalments. Attempts have been made to deduct from the wages of one operative fines or charges incurred by another. Attempts have been made, for example, to deduct a fine incurred by A from the wages of another member of A's family. I do not think there is any real difficulty with regard to that. We always challenge it, and I do not remember that we have had any practical difficulty.

278. That is a sort of corporate criminal responsibility?—Just so. I have already spoken of the lists being unreasonable in length. Fines may also be oppressive by frequency. If it turns out on investigation that fines have been inflicted constantly, then we examine more closely their reasonableness, and the truck notice, and the administration generally. In this matter the registers of fines are of very great value to the inspectors; we have as a guide a record of every fine inflicted under Section 1 of the Act of 1896. We have not any such registers of deductions for damage to goods or for materials supplied. I am not in a position to say that such registers could always and without undue inconvenience be kept under Section 2 and Section 3, as well as under Section 1; at the same time I want to suggest for the consideration of the Committee as a matter for further evidence whether the way may not be open for some change of that kind.

279. Is it by statute that these fines are catalogued?—The duty is placed upon the employer by Section 6, Sub-Section 3 of the Act of 1896; but that applies to fines only.

280. Then there is that mechanism existing at present?—Yes, and, if an employer chooses to carry on his business on lines of fines and deductions which other employers do not find necessary, I hardly think that he is entitled to much sympathy if he is called upon to do a little more book-keeping. Then, in many works the fines go to some sort of fund for the benefit of the workmen, not to the employers. My own opinion is that that is a wise and reasonable arrangement.

281. I am anxious to have your view about that. Let us take the case of fines for damaged goods, with the regulations that no profit shall be made to the employer, but that he is to be recouped, as we say in Scotland, for his damage, and no more. In such a case, would you still put the fines to a fund for the benefit of the workpeople?—I was thinking of fines in the sense of Section 1; charges for damaged materials would come under Section 2. There the employer may have to be recouped for some definite loss, but under Section 1 it is almost impossible to say what the employer's loss is. Suppose a worker is five minutes or half an hour late, it is not merely the profit on the work that the worker would have done in that five minutes or half an hour; his absence may dislocate the whole of the employer's arrangements; it may lose him a customer; it may interfere with the employment of other people as well as the absent workman.

282. On the whole do you think that the continuance of a fine—even though it was ultimately devoted to the workmen themselves—would of itself be a better protector to the employer?—Probably if one had a far wider knowledge of the whole of the trades of the country than I can claim from personal observation, one would be able to point to instances in which fines are on the whole beneficial and proper for the maintenance of discipline. I do not like fines in general, but if there are to be fines it seems to me that they ought to be used only as a means of discipline; and the impression on the workers and others would be much better if it were understood that the fines did not go to the profit of the employer, but went to some fund for the benefit of the workpeople.

283. I suppose you have no hesitation in condemning any system of fines which produces the result of profit to the employer?—I should say it is extremely wrong. Fines in general are, after all, only an alternative to dismissal or suspension or lowering of wages, and I do not see how any Act, truck or otherwise, could interfere with the freedom of the employer to use those other means if he is deterred from fining. It is a matter of general policy; there may be cases, and I understand that there are cases in mines, where fines are thought by operatives and inspectors, as well as employers, to be preferable to dismissal or suspension.

284. And in railway cases too?—Yes. Those, of course, are outside my official field.

285. Now, I see that you have a reference to certain complications as to fines for damaged goods where the work passes through various hands?—Yes; that is passing to Sub-section 2.

286. Will you just explain that?—In some factories the system is for workers to be employed in gangs or sets—not necessarily under a sub-contractor, but often under a foreman or a leader. In other cases the work passes through the hands of several different operatives dealing with different stages after it has been given out and before it is returned to be examined. We often have complaints of fines for some damage sustained in the course of this circuit, and it is very difficult for the person fined or for the inspector investigating it, or, in fact for anybody, to make sure who is really responsible. If, for example, a textile fabric after passing through several hands is found to be soiled, it may be difficult to bring home the fine to the right person.

287. In such a case as you figure are the wages received individually?—They may be, in the particular case I am thinking of they would be; in other cases they are paid out through the leader and distributed.

288. In the case of mines, as we know, the ganger of the team gets according to the coal taken from that face, and is paid a particular sum for the recovery of that coal, with an arrangement for distribution amongst his confrères. In such a case as that, of course, the difficulty would hardly arise, because it would be a deduction amongst themselves ?—Yes, and they would probably adjust it amongst themselves.

289. But you must of course know that that system of joint payment by results does not always operate, although in point of fact there has been joint effort to produce ?—Quite so.

290. Have you any suggestion to make with regard to that ?—I am pointing out a difficulty that we have met with administratively. I do not see any way round it. I think it is a weakness inherent in the system of fines when the work passes from hand to hand.

291. Now you come to the subject of the compulsory purchase of damaged goods ?—Yes. That is a point to which we attach a great deal of importance. We have one binding case to guide us, the case of *Smith* v. *Walton*. So far we have succeeded in enforcing the view that the compulsory purchase of damaged goods is bad in law. It is an offence which arises with tolerable frequency. It is one of the points in which an abstract of the Truck Acts would be serviceable.

292. I am rather surprised to hear, although, of course, I must take it from you, about the frequency of this system of making deductions of damaged goods ?—The frequency, I am happy to think, is rather of the past now, but we have had to attack it in a very considerable number of cases.

293. Under Section 2, you are still confronted with the same difficulty as you have in Sub-section (*c*), namely, that the amount is to be determined as "fair and reasonable" ?—Yes, and that is very difficult, because here the loss to the employer comes in. A doubt has been raised in the Home Office, where the practical effect of suggesting the loss to the employer as one limit, may not be really to encourage charging up to that loss—to regard it as the one and only needful factor in the matter. It appears to me important to retain it, but it would be better if it were made clear that it is only one, and not the only criterion.

294. The statute gives no authority for saying that you must take the loss as the measure: the statute only states the maximum ?—That is perfectly true. I only mention the doubt as having arisen. Personally, I do not share in it. Determination of the loss to the employer is practically impossible for the operative, and is very difficult for the inspector. It becomes rather easier under the next section, which deals with the material supplied, but here it is very difficult to say what the loss to the employer would be: he might, for example, lose a customer.

295. Still, on the other hand, we have to keep in view what your evidence seems to suggest with regard to Sub-section 1, that there should be a maximum of a similar kind put in here ?—You mean having regard to the earnings of the operative ?

296. Yes ?—Quite so. It applies equally here. If an employer chooses to employ, let us say, children or unskilled hands, or casual hands, at low wages, he must expect more risk of damage to goods as a consequence of the system upon which he works.

297. In fact, the damage rather arises from something inherent in the system ?—That would be so in the case I am putting. On the other hand, I do not think it would be at all reasonable to say that an employer should pay for bad work what he has contracted to pay for good work. That is one of the underlying difficulties. There are such things as carelessness and wilful damage.

298. I wish to put it to you whether such a case as carelessness and wilful damage would not be protected by the ordinary rules of contract between man and man ?—It is so protected, and as far as we know adequately, in many works. I do not know enough, and I do not think that any single individual knows enough of all the branches of manufacture in the country to say that there are no circumstances in which the best working system might not entail some sort of deductions for damaged goods but certainly it is found unnecessary by a good many firms, and I think it rests with employers to show why it is necessary in any particular case.

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299. I am thinking of cases in which this method of enforcing discipline is not necessary on account of the intelligence of both parties, where you have an intelligent class of workmen and an intelligent employer—with good sense on either side to know that for decent wages decent work must be given, and that failing that they must part. Is that not in fact in your experience a good system ?—Certainly a good system, and certainly the best system, but I cannot go so far as to say that there are no circumstances in which deductions within the scope of Section 2 may not be a reasonable method.

300. I was putting that question to you not as expressing my own view, but in order to elucidate—what no doubt will be a matter of scrutiny afterwards—our views upon the whole question of the total and absolute extinction of fines and deductions, leaving parties to their ultimate remedies on the lines I have suggested. I do not suggest for a moment that that is my own mind, but at all events all you can say is that you think in principle it is sound, and according to your experience it has been largely successful ?—I cannot speak to the scale. In many works they manage without deductions of any kind. It is the ideal system undoubtedly, but I cannot claim to know enough of all the details of all the industries of the country to say where and how an absolute prohibition of fines and deductions would pinch.

301. Now under Section 3 we get to the subject of deductions in respect of materials ?—The question of fairness and reasonableness arises here, and I want to point out again with regard to this section, as well as with regard to Section 2, the difficulty that there is in determining even that one point of the cost to the employer. Take, for example, the charge for the supply of power; the cost to the employer may include fuel wages, capital charges, depreciation, and all the rest of it. It is impossible for the workman, who has not access to the employer's books, to find out what the real cost to the employer is, and it is very difficult for the inspector; although I am bound to say that we have found the employers generally ready to give us every information, and we have been able to come to some conclusion There is a precedent for something more in Section 97 of the Act of 1887, which provides for a statement of account and for an audit. Whether it be always practicable or not I am not in a position to say. I understand that in many instances it has not been enforced. At all events it deserves consideration, because it does put on the employer some of the burden of proof that you mentioned just now with regard to another section. If, however, there is to be an audit I do not see why the two auditors should be both appointed by the workmen. Then there is a further precedent in the Hosiery Act of 1874, which forbids deductions for frame rents.

302. Is there a provision in that Act about the audit ?—I meant to suggest this as a precedent of a different kind.

303. Before we pass from this, may I ask is there any class of witness who will give us information as to how the audit works; would your inspectors be able to give us that ?—Surely, but I cannot at the moment mention any particular inspector who would have information on that point.

304. On the matter of principle, suppose we were to recommend that the fines and deductions should be always rendered effective for workmen's purposes, then the claim for audit would seem to arise, would it not ?—For some statement of account and audit. At all events it deserves consideration. There may be difficulties that I cannot foresee, not having detailed knowledge of all the trades of the country. The words of Section 9 are these: "Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance or tools," then there is to be an audit. It appears to be at all events *prima facie* feasible in the case of deductions of this kind in which the employer should be able to strike a balance.

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305. Then you were going to the Act of 1874 ?—Yes. that was on a different point. Certain deductions of the kind, with which Section 3, 1896, is concerned, are forbidden in respect of the hosiery trade by the Act of 1874, although they are allowed in other trades. The deductions actually made under Section 3 are very various. There are deductions for tools and materials used, machinery, lighting, and even for assistance in work. But I wish to refer more especially to the deductions for duties which the Act makes obligatory on the employer—deductions for cleansing of premises, medical examination, and so on.

306. Have you a deduction under the statute for cleanliness and medical examination ?—They may be covered by Section 3. In a considerable number of cases deductions are made for cleaning premises, in some cases for cleaning latrines.

307. Under the phrase "something done or provided by the employer in relation to the work" ?—Yes ; and we understand that a deduction of that kind is not illegal, and that we cannot challenge it. The broad principle, it appears to me, should be that if the Factory Act, or other Act, puts a plain duty upon an employer, he ought not to recoup himself at the expense of the workman. The things done or provided by the employer in relation to the work may be held to include the provision of sanitary accommodation, lavatories, mess-rooms ; the employer could charge, I imagine, for any of those things, but I suggest that it is unreasonable that he should do so where the duty is imposed upon him.

308. Among other things which he is entitled to charge for is standing room ?—Yes, that is expressly mentioned. Deductions of that kind imply an indirect and not very desirable way of arriving at the true wage.

309. Would you allow me to put this point to you? Under Section 1 of the Act of 1896 there are deductions allowed in respect of fines, and under Section 2 in respect of damaged goods. Those two sections cover the cases where the employer has done everything on his part, but what he has done has been undone by irregularity or impropriety on the part of the workmen. Is not Section 3 differentiated from that by this, that Section 3 contemplates the case in which deductions can be made in respect of no irregularity and no impropriety at all ?—Quite so.

310. I wish to follow that up by putting this. Does it not occur to you that with reference to the whole scope of Section 3, Parliament might be well advised to interpose, to say that in such a case the wage struck shall be a net wage, and that all those deductions in respect of accommodation, the use and supply of materials, and so on, must be taken into account in fixing the net wage ? I take standing room as an instance. Suppose 2d. a day is charged to standing room ; would it not be a far better arrangement to prohibit such a deduction, and to let the employer or workmen fix their net wage, that is to say, the wage less that charge ?—I think it would be a far better arrangement. But while that may be clear in respect of standing room and many other things, there may, on the other hand, be things to be done or provided by the occupier which he may with advantage do and provide, and for which a deduction may be reasonable.

311. Let me limit my question in this way. Let us deal with anything in the nature of a fixed charge. I will take standing room to begin with ; that is clearly a fixed charge ; lighting is clearly a fixed charge ; heating is clearly a fixed charge. Those are all debit items in the employer's account which he can reckon beforehand as part of the on-cost of the working of his workshop ; therefore, so far as he is concerned, does it occur to you that there is any difficulty with reference to those fixed items of charge, a net wage being struck ?—No difficulty occurs to me.

312. Your difficulty, naturally enough, and one's own difficulty, arises rather with regard to the supply of materials or tools ?—Yes.

313. In which the workmen's habits may interpose a variable element ; one good workman may require fewer tools and less on-cost in that sense, and even less material, than a bad workman would ?—Quite so ; he would make less waste.

314. But with regard to the invariable element which I call the fixed offset, or standing charge of the business, does it occur to you that there is any difficulty in striking a net wage and letting the parties know exactly how they stand ?—I see no difficulty except a possible difficulty in definition of fixed charges.

315. I suggest to you that at all events, progress would be made if we took out all the fixed charges on the face of this Section 3, such as light, heat, standing room, and so on ?—Yes. "Materials, tools, or machines, standing room, light, heat" ; and others might be added for the purpose of exclusion.

316. On the category that I suggested to you—which just occurred to my mind—namely, category of fixed and ascertainable charge ?—Yes.

317. That of itself would be a considerable improvement in the situation, would it not ?—Yes. I understand the suggestion would not apply to the whole of the items specified in Section 3.

318. Not necessarily ; of course the Committee will judge of that ; but at all events we seem to be agreed that we might make a satisfactory inroad into that section ?—Yes.

319. You have mentioned cleanliness ; would you mind enumerating the other statutory duties of the employers ; or may I suggest to you a phrase of this kind, that the clause of Section 3 of the Act of 1896, which permits a deduction for anything to be done or provided by the employer in relation to the work or labour, should at all events be conditioned by this : "Provided that such thing done or provided be not already a statutory obligation" ?—I quite agree. That is the suggestion that I wished to convey.

320. Then there is something about mess-rooms ?—Some of the regulations and special rules in places where poisonous substances are used require the employer to make provision for mess-rooms. As this is a statutory duty of the employer, there ought to be no deduction made. Where it is provided by the employer as a purely voluntary concession for the convenience of the workman, the position is different. It may be a very great convenience to the workpeople to have a mess-room, cooking facilities, food, hot water, especially to workpeople living at a distance. There are many instances of that kind. We do not interfere as long as we find that there is no grievance arising, and no complaint is made, and that the charge in no case exceeds the cost to the employer. But complications arise as to the charge to persons who do not use the mess-rooms. Some employers have said "we cannot undertake elaborate book-keeping in order to distinguish the people who do and do not use the mess-room." But, as a matter of fact, the charge is made generally only to the persons who use the accommodation. Then with regard to deductions for medical attendance, hospital subscriptions, clubs, and so on, we are advised that these are outside Section 3. They may be beneficial and desirable. By arrangement deductions are often made for those purposes from the wages of the workpeople, and at the request of the workpeople. It does not appear to me that any hardship can arise as long as it is not a condition of employment, and as long as the individual workman has made written application to the employer to stop the amount from his wages. I foresee difficulties if an application from a body of workmen as a whole were to govern deductions from individual workmen. Take the case of a hospital subscription or a friendly society subscription ; an individual workman may have made some other arrangement of his own, and he should not be called upon to pay twice over. I do not know if the Committee have had before them the Shop Clubs Act, which lays down a number of conditions governing deductions of this kind in the places to which it applies. These, I think, deserve consideration in connection with the general question as applied to factories and workshops. I do not know that I need detain the Committee by going into detail,

321. The Legislature appears to have considered the whole question of the workman not being compelled to join a club, and so on ?—Yes.

322. Would you suggest that that should be extended generally ?—I suggest that it is a matter deserving consideration. It appears to me to embody a useful principle.

By Mr. Delevingne.

323. Does it not apply already to factories and workshops ?—It is not administered by the inspectors. There is one other point which has a bearing on the question of deductions for things done or provided by the employer. Until 1901 the employer was entitled to recover from the child or its parents a proportion of the fee paid to the certifying surgeon for a certificate of fitness. That was cancelled by the Act of 1901. This is a step in the direction of disallowing charges for duties which are obligatory upon the employer. We have had other examples of deductions still further afield. Probably the Committee have already had particulars of the case of *Owner* v. *Hooper*, in which the employer made a charge for the cost of insuring against his liabilities under the Compensation Act.

By the Chairman.

324. Does not that occur to you as falling within the kind of generic term that I used just now ?—Certainly; it is a typical instance of an improper charge.

325. It is improper in this sense also, from a practicable point of view, that it is a calculable and fixed charge which should be reckoned as part of the working on cost of the business ?—Yes. In the case in point, it was calculable, but the employer derived a profit from it in addition to recouping himself. One final word upon Section 3. Some employers require their operatives to wear a distinctive dress. They may be compelled to do so under special rules and regulations; that case is covered by what has been already said; but there are other cases in which the employer requires it on the ground of neatness or cleanliness—for instance, in dealing with food supplies—and there is something to be said in favour of it. But when the employer proceeds to charge the employee for it, some possibility of hardship at all events does arise. In some instances, again, the operatives have to bring their own overalls, so that no truck question arises at all, but still the same sort of hardship may come in.

326. Then you have a reference to the subject of discount ?—Discount, I thought, was a point that ought to be brought to the attention of the Committee: you will probably wish to have evidence from the inspectors, who are more immediately in touch with it. Take, for example, the Sheffield trades. The wages and deductions are fixed for a number of different items at a standard rate varied from time to time by a "discount" agreed between the employer and the workman according to the state of trade. I only mention this because it further complicates an already complicated system of arriving at wages. I understand discount to be outside the reach of the Truck Acts, and I do not suggest that any substantial injustice arises under it.

327. Are those organised trades that you refer to ?—Many of them.

328. Do those organised trades accept the situation ?—I understand so, and I am afraid that the Committee will find that the organised trades will have an objection to any change which would even nominally lower their rate of wages. I mean, a net wage might appear to them a lowering of wages.

329. That is rather a curious result, is it not, because it comes to this in effect: that the standard rate of wages is nominal, and the facts do not operate at all ?—No doubt. I cannot say what the discount is at the present time.

330. But take the figure (which is not unreasonable) of 5 per cent.: that means that a man is supposed to be earning £1, which is the standard rate of wages, but in point of fact he himself and his master know that he is only getting 19s. ?—Quite so, equally with the fixed deduction that we have already discussed, such as deductions for light, heat, power, standing room, and what not.

331. At all events, the matter of discounts is a matter in which both parties are on a level and have their eyes quite open to the transaction ?—Quite so, and I do not suggest that substantial injustice arises, but it is a complication of the system of calculating wages. Then, allied with that, may I just mention the bonus system; probably Mr. Cunynghame has already dealt with it. In some trades, in addition to the wages ordinarily paid, there is an agreement—not usually in writing—that a bonus shall be paid—an additional wage, so to speak—in consideration of rapid work, good work, punctuality of attendance, and so forth.

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332. I think we have had that dealt with pretty fully by Mr. Cunynghame ?—Then I need not dwell upon it. The practical point of importance to us is this, that if an employer is at liberty to escape from the provisions of the Truck Act with regard to fines by simply calling a portion of the wages he pays a bonus, instead of calling it wages, then the effect of Section 1 of the Act of 1896 is very largely nullified. This is a point that we are at present attempting to establish by an appeal case in Ireland.

333. You are against the system, in fact ?—Surely.

334. If it is a fine, I fancy your view would be, let it be a fine according to the Statute regulating and providing what fines are permissible, but if it is anything more than that, it ought not, under the evasive name of a bonus, to be permitted at all ?—Precisely.

335. Before you come to your suggestions, there are two matters that we might try to get from you to-day: one is with reference to the living-in system, and the other with regard to out work ?—I have very little to say about the living-in system, but some of the inspectors, more especially the lady inspectors, will be able to give information about it in relation to factories and workshops. My own view is that it may be of great advantage to the persons employed, but it is clearly one which needs control, which control in all respects it is difficult for the inspectors to give. It is not only factories and workshops in the ordinary sense and shops that are in question. We have on the fringe of the Factory Act a great many institution premises, convent laundries and workshops, institution laundries and factories, and so on. The living-in system is often a more or less essential part of the system in such institutions. So that, whatever conclusion the Committee arrive at with regard to living-in generally, I suggest that it may be necessary to have special consideration for those places.

336. Then as to out-workers ?—We have always understood—at least until recently—that the out-workers were subject to the Truck Acts, and that clearly was the idea present to Parliament in 1896 when Section 10 expressely gave powers to the inspectors of factories to administer the Truck Acts so far as they related to out-workers. But in the year 1897, the Irish Courts held that the extension was not as wide as we thought.

337. Will you give us the reference to that case ?—*Squire* v. *Sweeney*. We were instructed to proceed on the assumption that the Truck Acts do apply to out-workers, at all events in England and Scotland, and we have gone upon that since, but now we are met with a decision in *Squire* v. *Midland Lace Company* which stays our hands altogether in that respect so far as regards the ordinary case of out-workers. It would not apply in cases where there was a personal contract by the worker; that, of course, is very rare. The position is the more to be regretted because we had had a considerable amount of success in securing improved treatment of out workers under the Truck Acts.

338. On what lines ?—We thought we had the ordinary powers of the Truck Acts at our back. There was an important inquiry in Donegal which the lady inspectors carried out in 1897 and 1899. It was true that we failed in our immediate attack, but it led to substantial improvement.

339. What was the business there ?—Work given out by the Belfast manufacturers to be hemmed and stitched by cottagers in Donegal; it was distributed by local agents, often by shopkeepers, who paid for it in tea and sugar and so on. In the Shetlands and in the Hebrides we have had extensive inquiries about truck among home-workers by one of the inspectors, Mr. Newlands, and I hope the Committee will have evidence from him. He found widespread prevalence of customs opposed to the spirit of the

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Truck Acts, and was able to secure better method in many instances. Then again, there is truck in the chain trade in the Black Country; one of the superintending inspectors, Mr. Redgrave, will speak to that. The lady inspectors can give evidence as to truck in glove making and "braiding." These are only examples of truck among out-workers. We have proceeded on the assumption that we could enforce the Truck Acts as regards home-work, and, acting on that assumption, we have succeeded in doing a great deal. Now, of course, we are theoretically powerless.

340. Does anything occur to your mind that would interfere with propriety or freedom, or any of those usual names that are employed in such questions, if you were to apply the Truck Act to out-workers ?—I can conceive no reasonable objection at all. It appears to me that the Truck Act is as essential for the out-workers as for the in-workers. Section 10, 1896, shows that it was meant for out-workers, and they are expressly mentioned in Section 116 of the Factory Act in connection with the closely allied question of particulars of piece-work wages.

FOURTH DAY.

Wednesday, 16th May, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Dr. B. ARTHUR WHITELEGGE, C.B., was re-called; and further examined.

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By the Chairman.

341. You might now continue your evidence, taking it up at the point you had reached when we last separated ?—Perhaps it would be convenient if at this point I handed in the amended tables which I prepared at your request. There are three tables, of which copies have been furnished for the use of the Committee (*see Appendix II.*).

342. Would you please distinguish what alterations you have made upon the tables produced at our last meeting ?—In the first table I have given year by year the number and result of prosecutions by the Factory Department under the Truck Acts from 1888 to 1905, and I have introduced a new column as requested, distinguishing cases which were withdrawn for Departmental reasons, or with a view to other proceedings; that is Column 8.

343. What is the second table ?—It is a detailed analysis of the same prosecutions according to the sections under which the informations were laid, and here again a column is introduced, distinguishing those which were withdrawn in view of other proceedings; that is Column 9, upon the two page table. In both tables the prosecutions are distinguished according to factory and workshop; the prosecutions in respect of outwork are included in the workshop totals.

344. That is of course naturally correct, because presumably outworkers are more in relation to workshops than to factories ?—Yes, but by no means exclusively so.

345. Can you give us any general idea of the average relations. What proportion would the outworkers connected with the workshops bear to the total ? Would they represent three-fourths of the total ?—I could not give an estimate. Many are not connected with either factories or workshops, except indirectly, the outwork being given by an intermediate agent or contractor.

346. Before you pass from these two tables, please look at the figures for 1904, upon the first of them. It would appear from Column 8 that nine cases were withdrawn in view of other proceedings, five for amendment, and four after conviction for some offence under another section ?—Yes.

347. In the case of the five withdrawn for amendment, was the libel amended and the prosecution followed up ?—So far as I remember prosecutions followed in three of these cases; in the other two, for reasons which I do not remember, the action was not carried further. Probably there had been substantial amendment, and it was not thought necessary to carry the cases further.

348. In the other cases there was a conviction, although under another section ?—Yes, these are examples of the alternative informations which I mentioned to the Committee at the last meeting.

349. The result is that instead of there being truly nine cases dismissed, that number was reduced to two on the merits ?—Yes.

350. That is to say, that four were had up and convicted for something else, and three were prosecuted after amendment of the libel, making a total of seven and leaving only two truly abandoned ?—Yes.

351. So we may take it from you as the result of your first table, that on the whole the Home Office prosecutions in the Factory Department have been very largely indeed successful ?—That is so, but not so largely successful as under the ordinary Factory Act, for reasons which I suggested at last week's meeting.

352. Such as ?—Such as the fact that we are dealing under the Truck Acts very largely with matters which are matters of opinion, and not (so much as under the Factory Act) with matters of fact.

353. In your second table there is a figure "9" with an asterisk attached to it. Is that our old friend of the former table ?—Precisely the same. May I add with regard to the second and larger table that I have distinguished, under the first three sections of the 1896 Act, those instances in which we attack the contract itself from those in which we attack a particular fine or deduction.

354. Yes, I follow that. Your first set of offences is making the contract ?—Yes.

355. I am not sure that this is made quite clear in the table, because you also deal with payments of wages other than in coin, and that was a contract, was it not ?—That was under the 1831 Act. I have only made the distinction in respect to the 1896 Act.

356. I think we are all indebted to you for these tables, and it occurs to me that it may perhaps be necessary when we hear some further evidence from other witnesses to recall you in order to illustrate some points which suggest lines of amendment in the law. Does anything occur to you by way of comment upon this table at the present time ?—I think not, except that I should like to point out to the Committee that not only have we succeeded in the great majority of the cases we have taken up, but the penalties have been substantial.

357. There are two points I am rather anxious about in this second table, namely, that by far and away the largest figures, and the most alarming apparently, under the 1896 Act, seem to be those where there are charges for damaged goods, not in pursuance of a proper contract. Is that not so ?—These are the largest figures.

358. You have there a total of sixty-one prosecutions out of which you obtained forty-six convictions ?—Yes.

359. Can you in popular language, apart from the sections of the statute, give an illustrative case bringing out what is the nature of that offence ?—The best illustration I can give is that it is compulsory purchase of damaged goods.

360. In what trade would that be carried on ?—The first instance that occurs to me is the clothing trade, where there have been more cases than in any other branch. Quite commonly in the earlier years of the 1896 Act, the worker who was supposed to have damaged a garment was compelled to purchase it, and the usual sequence was a raffle held among her fellow-workers, for it more especially affected women, and this we regarded as clearly an offence against the Truck Acts. We have succeeded in stopping that practice now wherever we have attacked it.

361. Still the narrative stops at the point I am anxious about, namely, it was apparently part of the bargain that if the goods were damaged the worker would have to take them. At what figure did she take them ? What was the substantial deduction from wages that ensued from that transaction ?—The Lady Inspectors will be able to give you many definite instances if necessary. What is present to my mind is that the workers were charged the wholesale price of the garment.

362. That was taken out of their wages ?—Yes.

363. She was thus put in possession of the balance of wages, plus the damaged article, and had to realise as much as she could get for that article ? Did the raffle usually realise anything like the wholesale price of the article ?—That I cannot say, but in some cases it certainly did.

364. What we are striving to get at is the ensuing loss to the worker; but of course the whole transaction is against the spirit of the Truck Acts ?—Surely. In many cases the garment in question was of no possible use to the workers upon whom it was forced. We had examples, for instance, in the manufacture of khaki clothing where girls were compelled to take damaged goods of that class which could be of no use to them.

365. Here is another rather alarming column, namely, charges for materials not in pursuance of a proper contract. I see you have there had no less than a total of ninety-nine prosecutions with regard to which you have obtained convictions in seventy-seven cases ?—Yes.

366. Can you there again illustrate in a concrete fashion what is meant by charging for materials not in pursuance of a proper contract; can you give us some instances which would make that luminous to us ?—One reason for the large number of prosecutions under this head is that we found it a convenient method of attacking an improper deduction of this kind to allege that it is not in pursuance of a proper contract. That leaves it open to us either to show that the particular deduction was unreasonable, or that the contract was bad. It gives us a wider field. Prosecutions have been taken in respect to very wide range of deductions. One example would be that of deductions for sewing cotton supplied to workers at a charge exceeding the cost to the employer.

367. Have you had such cases in practice ?—Yes.

368. Are these women's cases ?—Yes, but of course that is only one example out of many.

369. No doubt your assistants will be able to give us further particulars ?—Yes, any number of instances.

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370. A question has been suggested to me by one of our number in this connection. With reference to the proportion of dismissals relative to convictions, it is rather a striking figure, namely, ninety-nine prosecutions and seventy-seven convictions. You withdrew four cases, and eighteen are dismissed, not for formal reasons, but after discussion on the merits. Was that because you were anxious to have these cases thoroughly investigated and tried ?—That was the reason for which the prosecutions were taken.

371. Can you give me any idea as to where it was that you failed to convict ?—We may fail for many reasons; our witnesses may break down in cross-examination, and we may fail to satisfy the Court that having regard to all the circumstances of the case, the deduction is (our opinion notwithstanding) unreasonable and improper.

372. You are here dealing with the section of the statute which imports necessarily a question of opinion as to reasonableness ?—Yes.

373. And there judges may naturally differ ?—Yes.

374. They may accede to or differ from the view taken by your Department ?—Yes.

375. Some of these cases, however, such as you have referred to, viz., the deductions for sewing cotton, might be ascertainable, might they not, by a reference to current values ?—Yes. In other cases we should need to know what the actual cost to the employer is, the wholesale price, and what discount he gets.

376. And such an inquiry might naturally produce different results on different minds ?—Yes, certainly.

377. Still it comes to this, does it not, that you have had over 75 per cent. of convictions ?—Yes, more than 75 per cent.

378. Notwithstanding the vagueness of the charge, in the sense that reasonableness is a matter of opinion ? That is true, but of course the question as to what real reasonableness is affects our judgment as to the cases that it is proper to take into court.

379. That is, you necessarily form your opinion as a Department before you authorise prosecutions ?—Yes.

380. May I take it that these are real prosecutions in the sense that none of them are taken for the mere purpose of exposing a thing, but in order to obtain a conviction which you think should be obtained on the merits ?—Certainly, but it does weigh with us in deciding as to a prosecution whether an offence is common in the district or not. If we find deductions that we regard as illegal to be widely prevalent, we should attach some importance to the pressure which will be produced by knowledge that the offence has been attacked successfully in other factories and workshops.

381. Naturally enough you have in view the deterring effect ?—That is one point that weighs with us. The inspector has also to consider whether, in view of what has happened since the offence, it is necessary to prosecute. Such considerations must weigh with him to some extent in deciding upon what report he should make.

382. Will you explain what you mean in the second table by the phrase, "without due particulars ?"—Under Section 3 a charge for deduction has to be accompanied by particulars, and the employer sometimes fails to give these particulars.

383. There is also a third table ?—It is produced in compliance with your request made upon the last occasion for comparative particulars of prosecutions under the Factory Acts as distinguished from the Truck Acts. I am sorry I cannot make it more complete without very laborious research through bygone records; but I have given the main facts, and they are fairly complete from 1895 onwards. The number under the Factory Acts is, of course, far larger than the Truck prosecutions.

384. There is one striking figure here, namely, that out of 37,004 prosecutions you obtained 35,412 convictions and there were only 875 dismissals ?—Yes, only between 2 and 3 per cent. of dismissals.

385. So that out of every 100 cases you have had from ninety-seven to ninety-eight convictions ?—Yes.

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386. Who is it that manages these prosecutions. Am I right in assuming that the information is supplied in the first instance by the inspectors who cover the district ?—Yes.

387. Is that information then formulated by them in memorandum ?—Yes.

388. Are these memoranda then communicated to the solicitor or legal authorities at the Home Office ?—If the inspector thinks a prosecution is desirable he sends in a prosecution report ; that is considered by the superintending inspector under whose direction he acts, or by the principal lady inspector, and subject to their approval a prosecution can be instituted. If there is a doubt in the matter they refer it to me, and if necessary I refer it to the Secretary of State.

389. So that before the case reaches the arm of the law the matter has on its merits been very carefully and fully considered ?—Yes. I should perhaps mention here that the proceedings in court are nearly always undertaken by the inspectors themselves.

390. Do they appear in person and conduct the cases ?—Yes.

391. Do you find that in practice that is perfectly satisfactory ?—Yes, we do.

392. On the record it seems to be eminently so ?—We find it in general the most satisfactory plan ; the inspector being in constant touch with the Acts, becomes familiar with every detail that is likely to arise in discussion.

393. Suppose this Committee came to be of opinion that we might broaden, as it were, the scope of inspectorial duties—if that is a proper word—no doubt you would still think that the inspectors would conduct the prosecution in the same simple and effective way as before ?—Yes.

394. Any suggestions that you have made with regard to the amendment of the law are not suggestions which would in any way interfere with the smooth and swift administration of justice in this matter ?—Certainly not.

395. Of course it might involve an increase in the inspectorate if the duties were largely increased ?—I hope so.

396. I assume you don't hope for an increase of the duties, but if the duties were materially increased you would want a staff sufficient to cover the new duties. Is not that what it comes to ?—Yes.

397. Perhaps you would now resume at the point we had reached at the close of last meeting. I think we were on the subject of outworkers and you made an allusion to the Donegal case in which the Department thought it right to institute a prosecution, which, however, failed ?—Yes.

398. Does that suggest to you the expediency of an amendment of the law ?—I think it most important that the outworkers, the home workers, should have the same protection with regard to truck that the inworkers have, and I think that is all the more necessary in view of the large extension given by successive orders of the Secretary of State to the closely allied question of the particulars of piece-work wages which largely affect outworkers. The Particulars Clause has been extended to a number of industries by the orders of the Secertary of State. If these outworkers are entitled to particulars of their wages, it follows that they ought to have corresponding protection and particulars as regards any reduction from their wages, whether in the shape of fines or deductions for materials supplied or damaged goods.

399. That seems conclusive at first sight, but would you illustrate that by pointing out if you conveniently can one of the orders applicable to these workers. You could perhaps give us the page in Mrs. Tennant's book ? —Page 336. The first order in the list as given relates particularly to pen-making, and that hardly affects outworkers. The next refers to locks, latches and keys.

400. I see that reference is made to the outworkers ? —Since the Secretary of State has had power to extend the section in question to outworkers that has been done in all recent orders for any industry in which we can find there is any outwork at all.

401. So as to cover any possible cases ?—Yes. The third order in the book has reference to cables and chains, and the fourth to wholesale tailors, where the outworker element becomes important.

402. What is the passage referring to it ?—Sub-section b, of Section 1, bears upon it.

403. (*Chairman, reading*). "Such particulars of the work to be done by each worker as affect the amount of the wages payable to him shall be furnished to him at the time the work is given out to him." That is simple, and there does not seem to be much room for offence in that ?—The substantial words are at the beginning of the clause.

404. Prior to this order, or to orders like that, what was the state of matters ? Were these outworkers substantially not under the Truck Acts to all intents and purposes ?—In view of recent decisions they certainly were not protected by the Truck Acts.

405. Do you mean the Donegal decision ?—I refer more particularly to the later decision in the case of the Midland Lace Company. After the Donegal decision we were instructed by the legal advisers of the Home Office that the decision need not affect our action in Scotland and England. The position was regarded as extremely doubtful, and the decision in the Irish Court did not alter our practice, subject to any test case that might arise in Scotland and England. Now it turns out that the Truck Acts do not apply to outworkers in the United Kingdom, and it appears that the outworkers were not only then, at the time of the order, but remain now, without the protection of the Truck Acts.

406. May the Committee take it as clear even from the text of these later orders by the Secretary of State that in the opinion of the Home Department these outworkers ought to have a similar protection ?—Yes, I think that is clear.

407. And these orders have been issued, of course, under the assumption that it was within the powers of the Department to include such workers ?—Yes, for the purpose of "particulars of piece-work wages," but the Secretary of State could not modify their position with regard to truck except by such exemption as was made in the cotton-weaving industry in Lancashire.

408. Is there any objection in principle that occurs to your mind ?—None.

409. Or is there any objection in practice ? I suggest to you a possible objection in practice, namely, that the inspectors would have a larger area of inspection. Does that occur to you as of any practical importance ?—I was thinking of the question of necessity and propriety from the point of view of the workers. So far as inspection goes the task is certainly more difficult in relation to outworkers, but there is this consideration, that in visiting factories and workshops the inspectors are visiting places from which work is given out to out-workers, so that even without visiting these out-workers in their homes there would be some supervision.

410. And of course the financing of it is all done through the books of the firm at their headquarters ?—Yes.

411. Questions of wages, etc., and all the book-keeping stipulations and agreements are at the central office ?—The employers' books available for inspection at the factory or works would presumably include such details. but would not be equivalent to truck notices posted up as in the case of inworkers.

412. As some substitute for that would you require some written communication to the outworker ?—Yes.

413. Do you think that should be stipulated for ?—I do.

414. That where outworkers are employed a copy of the Bill should be furnished to such outworkers ?—Yes, certainly, if the Bill or notice concerns the outworkers. The working details of the Truck Acts as applied to outworkers would be very similar to the working details required by extensions of the particular orders. Speaking without reference to notes, my impression is that these apply now to the bulk of the outworkers.

415. What was the next point in your *précis* of evidence ?—The next point I have is with regard to suggested amendments.

416. Before you come to your own particular views upon that, I am anxious to get your opinion as to a suggestion made to the Committee that it would be of advantage if the whole of these Acts were overhauled, codified, and brought up to date?—Personally, I attach very great importance indeed to that. The Acts as they stand are cumbrous. They contain a great deal of unnecessary verbiage. I have a copy for my own use in which I have erased those portions not necessary for an inspector of factories to read, and quite half of the wording of the Acts has disappeared in that process. It is important in all Acts affecting operatives or large bodies of manufacturers and employers that the wording should be as clear as possible, and the present Truck Acts are far from complying with that requirement. At present there is no stipulation that any abstract or summary of the Truck Acts shall be affixed in factories or workshops, and with a view to a short summary of that kind, I think it is very important that the doubtful points in the Acts should be cleared up, and that this should be done upon the lines of a re-draft, avoiding the complexities that exist at present.

417. That would not necessarily be anything like equivalent in length to the whole of the Acts, because so much in them obliterates what precedes?—Yes.

418. In practice do you prepare a *precis* of Acts of Parliament for your inspectors?—Under the Factory Act an abstract of that Act is required to be affixed on the premises where the people are employed, and the Committee have before them a copy of such abstract. There are abstracts for factories and workshops; although a truck note is appended to the abstract now, it is not in any way obligatory.

419. Have you specific suggestions with regard to what should be in truck notices?—We have met with truck notices in which it was not stated that a deduction should be fair and reasonable and that it should not exceed the cost to the employer. We attach importance to these words appearing. We have contested the point in a number of instances, and in several of them we have obtained the insertion of words to the effect I have quoted.

420. After legal proceedings?—Often without, and in one case by legal proceedings.

421. You have a suggestion as to the prescribed terms for such truck notices?—The description of fines or deductions that would be allowed under the Act must, of course, be left to the drafting of the individual employer. We could hardly prescribe terms for that, but it would be possible to some extent to prescribe the outline terms, the skeleton terms, or the fixed part of the notice. I wanted to call the attention of the Committee to the practice that is adopted under the Factory Act in respect of special exceptions. Special exceptions with regard to hours of labour and other matters are allowed by the Factory Act on condition that a printed notice is affixed in the factory and a copy of it is sent to the inspector. It is left there (as under the truck notice that I was suggesting) for the employer to fill in details which fit his own factory, but the outline of it must be in the prescribed terms, settled once for all by the Secretary of State. The same notice bears a statement of the conditions with which he must comply in order to make his notice good.

422. Of course, all that system you would recommend to be continued to the full?—To be continued and extended to truck notices if possible. I suggest that for the consideration of the Committee. There is this advantage in the other part of the suggestion, that a copy should be sent to the inspector. It would give the inspector a general knowledge of the extent of truck operations in his district or in a particular industry, and it would give him the opportunity of recognising and challenging at the outset anything obviously improper. It would mean in many instances an explanation to the employer which would be sufficient to lead him to bring his notice into proper order. At the same time, I do not suggest for a moment that the inspector should be called upon to express any approval, on the contrary, the instructions to the inspectors are that they must not approve of any code of fines, because it will be their duty afterwards if any complaint arises or if they suspect any abuse, to attack either that notice or the deduction for the fine or charge made under it. Therefore, while I think it is important for the inspector to have copies of all truck notices, I do not think that he should be called upon to express any approval.

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423. In the case of any variation of truck notice a fresh intimation would, by statute according to your suggestion, have to be sent to the inspector?—That is my suggestion, following the precedent of the special exception notice under the Factory Act. When any change is made a notice is required to be fixed and a printed copy of that is provided for, which contains a slip which the employer must attach and send to the inspector.

424. Then we come back to our old trouble with regard to the word "reasonableness." Can you give us any more definite guide than just that word "reasonableness" itself. Assume, to begin with, that we have the cost to the employer as a sort of datum or standard; and assume that we have also reasonableness having regard to the cost to the employer; can you suggest anything further? I am rather anxious to get any suggestion from you that you can give us of language which would be more helpful?—I think it might be possible to arrive at some maximum proportion to wages so that a fine should become unreasonable if by repetition or magnitude it exceeded that proportion, or if concurrent fines for different offences exceeded that maximum. There are precedents for that in several truck notices now in force.

425. I think the percentage suggested was something about 5 per cent.?—Mr. Redgrave, from whom I hope the Committee will have evidence, has suggested that for a particular kind of deductions the aggregate should not exceed one-twentieth of the wages. Some employers have taken that suggestion from him and inserted it in their truck notice. I believe the lady inspectors may be able to give other instances. I need not refer again, I suppose, to the difficulty that there is with regard to "reasonableness" as turning upon the cost to the employer. It involves knowledge which the employer himself alone may possess, and we are met with this difficulty sometimes; a charge appears to be unreasonable because it is in excess of the probable cost to the occupier; if we ask the occupier for a sort of balance sheet showing exactly what he has received and what he has paid, we are asking him to give information incriminating himself under the Truck Act. It is true that the employer usually gives us the information; and as a rule we are able to secure a remedy; but if he refused it, as he would be entitled to do, we could hardly press it.

426. On the ground that he would be incriminating himself?—Yes.

427. It would be considered reasonable that a certain proportion of standing charge should be reckoned up which cannot be ascertainable by actual figures as to the cost of material?—Quite so.

428. And that is where you are groping in the dark to some extent?—We may often be in the dark. As a rule we can form an estimate usually with the assistance of information given by the employer.

429. Then there is a suggestion which struck my mind when I read your proof as to whether the Legislature would be helped by any enactment as to the burden of proof on this question of reasonableness. I would like to hear your view about that?—I referred last week to the precedent there is under the Hosiery Act, and probably the Committee will have evidence about that. It appears to me that if a charge to the operative involves considerations of this kind it ought to be open to the operative and to the inspector to obtain the necessary particulars. That substantially means putting the burden of proof upon the employer; that if an employer makes a charge he should be prepared to show that that charge does not exceed the cost to him.

430. I put it to you that on the general views of the case your inspectors might think that those charges were unreasonable; your suggestion is that they should have a power to make inquiries and to require answers to specific questions?—To require certain particulars to be given.

431. And that those answers could be founded upon in any prosecution; do you go so far as that; I do not see why you should not?—Yes; and the precedent in the 1897 Act goes further—that the operatives also are

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to have those particulars, in the shape of a statement of account and audit. But whether that would work out simply in all the industries to which Truck Acts would apply I am hardly able to say.

432. There might be difficulties ?—There might be grave difficulties that do not occur to me in respect of a particular trade.

433. Will you explain this note about "the abolition of charges for compliance with statutory duties" ?—That is substantially a summary of one part of my evidence last week.

434. Might I put it in this way; that there should be no possible charge made by the employer for furnishing what the statute requires him to furnish ?—Precisely.

435. On the other hand, there should be no deduction made from the worker in respect of not being a good workman in the ordinary contractual sense, but only in respect of some specific delinquencies which he has committed. Do you assent to that ?—Yes.

436. We had the case put of a man getting 17s. 6d. a week wages, but if he exceeded a certain standard of work he was to get an additional 2s. 6d. a week. Do you approve of that system ?—No; and mainly because it is not clear how far that system leaves the workman the protection of the Truck Acts.

437. Then you have some references to "written particulars with each instalment of fines." Do you mind enlarging on that a little ?—Some employers, when fines or deductions are heavy, distribute the charges for them over several weeks or it may be months. It is not altogether clear whether the particulars of the charges as a whole are to be repeated on each occasion when a deduction is made. It that is not done the worker is left in doubt as to the state of the account, because there may be many deductions running concurrently.

438. I would like you to illustrate that by instances ?—If a worker is fined anything amounting to a week's wages or more it would be harsh apart from the merits of the fine itself to deduct the whole of it from one week or two weeks' wages. The employers sometimes deduct so much a week for a number of weeks or a number of weeks or months. They are obliged by the Truck Act to give particulars of the fine as a whole. It is not altogether clear, and I suggest to the Committee that it should be made clear, that the particulars should be given on each occasion when any charge is made even although it is only an instalment; that it ought not to be enough to give particulars of the particular fine or deduction as a whole, but the worker ought to have on each occasion when any deduction is made a statement showing the position.

439. Does your evidence with regard to a percentage of wages apply to deductions ?—It would apply to deductions for damaged goods, but whether it applies to material supplied rather depends on how that question is left. I am hardly prepared to say that if the Truck Act of the future allows deductions for goods supplied in pursuance of a clear contract it would be possible to fix any proportion that those deductions ought to bear to the real wages.

440. You can see for yourself that there is a good deal of the objectionable in the idea of this running on of fines and the overlapping probably of two or three sets of fines ?—Certainly.

441. The liberty of both parties is thus tremendously infringed ?—No doubt.

442. Now if you could apply the principle of specific percentage to the whole amount of those deductions for fines, that overlapping would largely disappear, because you would be always within at all events a fixed percentage ?—Yes, it would simplify the matter immensely, but the doubt I was expressing was with regard to the section of the 1896 Act, which deals with materials supplied. If that is allowed I do not quite see how it would be possible for the Act to say that the value of the goods supplied shall not exceed one-twentieth of the wages.

443. I follow that and assent to it as far as I see, except to this extent; that the Committee might feel themselves bound to make that exception, but that exception being made beyond that they might think it right to suggest to the Secretary of State a percentage for everything else. Would that meet your view ?—Entirely.

444. Do you think that that would inflict any real hardship on either the workman or the employer; that is what we want to get at ?—I can only speak of the cases that have come under my notice, and they are very considerable in number, I have no case in mind in which that would prove unworkable. There may be underlying difficulties which do not occur to me.

445. The 5 per cent. that we refer to might have to be considerably enlarged; it might have to go up to 20 per cent. of a total possible deduction from wage ?—Yes.

446. You think it would be beneficial on the whole to have a maximum limit ?—I do.

447. But you very properly point out to us the exceptions with regard to goods supplied ?—I think that stands somewhat on a different footing.

448. You have a note as to the formation of a register of deductions of charges ?—Under the Act of 1896, Section 1, dealing with fines, the employer has to keep a register in which he enters the necessary particulars of all fines inflicted. That is of very great service to the inspector in examining into reasonableness on the ground of frequency. There is no such register record as regards deductions for damaged goods or for materials supplied. It may be that there are formidable difficulties in the way of having a register under those two heads, but if the Committee came to the conclusion that it was possible, I want to point out that it would be of very great service indeed to the inspectors in their duties. It not only shows the frequency of deductions and their amount, but it gives a clue to cases in which particular deductions have been made which may require investigation by the inspector.

449. It would be like a chart of the weather ?—Yes.

450. Then you have referred to the extension of the Acts to outworkers. Will you explain your reference to docks and warehouses ?—At present the powers of the inspectors with regard to the Truck Acts do not extend to docks and warehouses; we have no knowledge of truck questions in those places. I suggest for the consideration of the Committee whether docks and warehouses in that respect should not be on the same footing as other places under the Factory Act, and whether as regards truck the inspectors should not have the same responsibilities and the same powers in respect to docks and warehouses as they have in respect to other places.

451. Have you any idea (or is it beyond your jurisdiction) whether any of the abuses that have been remedied by legislative interference prevail in docks and warehouses ?—We have very little information indeed. We have heard a little of truck questions, because of the inquiries made on representations that the particular section ought to extend to those places, and that has necessarily brought in some questions of truck; but, speaking broadly, we have no knowledge in the Department of truck questions in docks and warehouses.

By Mrs. Tennant.

452. I think you said that if the inspection of shops for the purposes of the Truck Act were to be added to the duties of the inspectors under your department it would considerably increase those duties ?—Very largely.

453. Have you any opinion to express as to which would be the better authority to undertake the duty of inspection, taking all things into account—the local authority or the factory department ?—Speaking from some extended personal knowledge of local authorities, as well as of the factory department, it appears to me that the local authorities, having already to visit those places for other purposes, and having that duty presumably for the future as well as in the past, could most conveniently undertake the charge of truck questions there. The alternative would mean dual inspection, and an enormous increase to the duties of the factory inspectors in a narrow groove. It is not necessary for the purpose of inspection of truck in shops to have knowledge of fencing machinery and of the Factory Act generally. It does not appear to me that it would be an economical arrangement by any means for the factory inspectors to take over such a wide extension of duties.

454. I notice one point in your evidence as to the average number of inspections; it has some bearing, I think, upon the point on which I asked my last

question. You said that on an average there was an inspection of every factory and workshop once a year ?—It was rather more than that. The number of inspections, if I remember rightly, is something in excess of 300,000 in the year; roughly speaking, something over 1,000 a day.

455. Are there any figures at the Home Office to show how many factories and workshops remain uninspected ? We know that certain factories receive perhaps twenty visits, or more, in the year, and that of course would affect the average. Can we ascertain how many of these places are uninspected ?—I have not the returns from the district inspectors. They are required to make returns to the superintending inspectors of factories and workshops which they have not been able to visit during the previous twelve months, and priority has to be given to those factories and workshops in the ensuing year. As a rule, they are outlying places of small importance.

456. Would you say they are in any considerable number ?—Yes, a considerable number.

457. Would you consider that it would be an advantage to have for the use of outworkers a similar notice to that which there is now for the use of inworkers. If there were a statutory requirement that there should be a notice for out-workers, do you think that it would be an advantage not only that they should have in their own hands a copy of the contract that they make, but that they should be able to see and discuss the notice in the same way that inworkers are able to see and discuss the notice ?—Do you refer to the terms of the Truck Act or the terms of the contract ?

458. I am thinking now of the terms of the contract. Under the Act they do not get a form of contract, and you suggested that each outworker should receive a copy of the contract. Do you think it would also be an advantage that, in addition to each individual worker having his contract, there should be hung up by the counter or place where work is given out a copy of the notice, so that each outworker should be able to discuss with the other out-workers what the terms of the contract are, in the same way that in-workers can discuss the terms of their contracts ?—There would be some advantage, but in the Orders of the Secretary of State extending the particular section, it is left as an alternative, and I do not think I should press for both in the case of the Truck Acts. There would be an advantage, undoubtedly.

459. Do you think there would be any disadvantage in the submission of the contract to the inspector by reason of this—that an employer might urge that he had submitted the contract and that the inspector had taken no exception to it at the time ?—Very many employers are in a position to say that already. It is the practice very generally to submit copies to the inspector, and I think it would be perfectly possible to cover ourselves in the same way if the practice were made general instead of optional, as it is now; that is to say, the inspector would make it clear in one way or another that he could not formally approve anything, but he would call attention to anything that occurred to him on the spur of the moment as being obviously contrary to the intention of the Act. I think it would be covered sufficiently in that way. The same thing applies, of course, on a smaller scale to the special exception notices that the inspector already receives. He may conceivably overlook some irregularity.

By Mr. Ramsay Macdonald.

460. I think on the whole you have given us to understand that you think the inspection of shops for the purpose of truck should be left in the hands of the local authorities ?—That is my feeling.

461. Have you any information in your department at the Home Office which would enable you to come to any fairly definite conclusions as to how the local authorities are now carrying out their duties under the various Shop Acts ?—That would not come to my department.

462. Your opinion, with reference to the inspection of shops for truck is not based upon your experience of how shop inspection is now carried on ?—No, nor am I even sure that the present inspectors have power to deal with truck questions.

463. I refer to the way in which the present inspectors carry out the duties that are imposed upon them in other respects than truck ?—I have knowledge of districts in which the shop inspection is, I believe, well carried out. I have never had the actual administration in that sense.

464. You do not think that the inspection of shops for truck would be of such a nature as to be somewhat foreign to the duties of the local inspectors responsible to local authorities for other work. What I want to suggest to you is, the necessity of some uniform criterion of criticising the various truck lists, fine lists, and so on. Could you give us some indication of your opinion in that respect ?—It would be a difficult duty for an inspector newly undertaking it, but he would, I presume, in any event act under supervision, whether of the municipal authority or of the county authority, and I think they would arrive at a proper working system.

465. I suggest to you that under the number of separate authorities that there are you would have different and conflicting standards of inspection ?—It would be difficult to secure uniformity—as we find, of course, even in the organisation of the Factory Department.

466. But in the organisation of the Factory Department you have ultimately one head, yourself and your own office ?—Yes, on referred questions.

467. On referred questions, which of course settle large disputed points, so that ultimately you do get uniformity ?—Yes; we aim at that.

468. Then with reference to another point. The Act of 1896, does not apply only to one section of cotton factories, cotton weaving; it applies for instance to spinning ?—Yes, and to cotton weaving outside the specified area.

469. I should like to ask you upon that whether as a matter of fact the cotton weavers are not in quite as good a position as regards protection against truck as the cotton spinners ?—The cotton weavers and also cotton spinners are very well organised, and quite capable of fighting their own battles. I do not hear of any complaints from them of difficulties arising from the compliance with their own request of exclusion from the Truck Acts; but we do occasionally hear (and I think the Committee will hear particulars from some of the lady inspectors) of complaints from individual workers, women, who rightly or wrongly think that they would have been better off if they had had the protection of the 1896 Act.

470. These individual workers are cotton weavers ?—Yes. The instances I am thinking of are from the West Riding of Yorkshire.

471. Let me pursue that point a little further. As I understand, the cotton weavers in 1896 objected specially to coming under this Act on the ground that the Act provided for an exhibition in the factory of the permissible fines ?—That was the ground, I believe.

472. May I suggest to you, in order to get your opinion that the exhibition in the workshops of the legal maximum fines will tend, in unorganised industries (I mean industries that are unorganised from the workman's point of view, industries in which there are no strong trade unions) to make fining the rule rather than the exception. I rather put this question to you in relation to your suggestion that the exhibition of fines should be extended to the case of outworkers, and that list should be given to them as well as to inworkers ?—I suggested a definite notice to the outworkers, and Mrs. Tennant further suggested that the notices should be exhibited in the places at which the outworkers attended.

473. Is there not a possible serious drawback to that exhibition ?—If the fines and deductions are to be allowed at all, I think it absolutely necessary that each worker who is or may be affected by them should be in full possession of that information, and I do not think that the fact of their being exhibited, made public, reduced to definite terms, can tend to the increase of fines; I should say it would have the contrary effect.

474. Would it not, in your opinion, be sufficient if we took care that the fines and deductions were properly entered in a register, and recommended such an increase in the staff of inspectors, whether local or national, as would make the inspection of that register a real thing ?—I do not think the register in itself gives sufficient protection to the workers. I imagine that whatever

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inspection is arranged for it will be of necessity an infrequent inspection. The protection which the Truck Acts intend depends mainly upon the proper comprehension of their rights by the workers themselves. They should be in a position to complain to the inspectors if necessary, but they should be able to look after their own interests, as the organised workers do on a more effectual scale.

475. Now with reference to the gang system, and the difficulty of apportioning fines or deductions, particularly deductions for spoilt work. Have any cases arisen in practice showing that there is a matter of fact very much difficulty in that, or is it mainly a theoretical difficulty ? —No, it is not theoretical. Mr. Redgrave will be able to give you instances from the potteries, and the lady inspectors will be able to give you many more.

476. Have any cases been decided in the courts throwing any light upon the legality of employers fining for time locked out (this is *à propos* your evidence last week). Suppose a workman or workwoman is late five minutes, and in consequence of being late five minutes he is locked out for an hour ; then the fine is imposed for the hour, not for the five minutes. That is the custom in some places is it not ?—You mean that the amount of fine represents an hour's wages.

477. Yes. Has any case been tried to test the question whether that is a legal deduction ?—I do not remember any.

478. I am supposing a case in which the workman is actually, so far as he himself is responsible, late for five minutes, but the employer says, " If you are late for five minutes, you must be late for an hour." Is the employer legally entitled to deduct wages for an hour, or only for five minutes ? No case, I think, has been brought before the courts ?—Not that I am aware of. It is very difficult to answer that point categorically. The point that would press itself upon the inspector would be, whether the fine was reasonable if based on an hour's absence.

479. But would not it be an element in it if the worker said, " True, I was locked out for an hour, but so far as I am concerned I was only absent for five minutes " ?—Yes, it would certainly be an element, and it must be taken into account.

480. That experience is pretty common, is it not, where that kind of fining is carried on ?—It is quite common ; and not only to lock out for an hour, but to lock out for a quarter-day or more.

481. It is much longer than five minutes now ?—Yes. May I just add this. The difficulty comes in of the cost to the employer. It may be that in a specific case the loss to the employer may be much more than the five minutes' absence would suggest. He may contend that it upsets the arrangement of his business altogether. That would be another question that we should have to inquire into if we were judging of the reasonableness of the fine in that particular instance. It is very difficult.

482. Then with reference to what one may call voluntary deductions made from the earnings of employees in certain places of business in respect of charitable concerns, such as hospitals. Would you suggest that those deductions might be made only when each person suffering the deductions signs a written application to his employer to make the deduction. That is what I gathered from your evidence in chief ?—That represents my view, undoubtedly.

483. And you would not consider as valid a general resolution passed at a particular meeting attended by any number, great or small, of the workpeople that were ultimately to be affected by it ?—It occurs to me that there might be instances in which that would not be quite equitable ; some individual affected might have made other arrangements for similar facilities, and it would entail calling upon him to pay twice over.

484. Then with reference to the application of the truck law to outworkers. In your opinion should the factory inspector be responsible for that, or would you make the sanitary inspector responsible for it ?—I am not prepared to suggest any alteration in the decision reached in the 1896 Act that it would be left to the factory inspector, who is already in touch with truck of that kind by reason of his visits to the places from which work is given out. At the same time it is a formidable addition to the duties of the factory inspector to have the investigation of truck in detail in the homes of the out-workers. There is this further consideration ; that he already has to undertake something of the same kind where he finds irregularities under the Particulars Orders, and it would be hard to dissociate the two. So that I am afraid that both he and the sanitary inspector must visit the home workers occasionally, and it would not be practicable—it would not be easy at all events at present—to give particulars and truck to the sanitary inspector.

485. But the recent tendency has been to put the home work places more and more under the control of the sanitary inspector ?—Surely, because it is already under the sanitary inspector and the district councils for all sanitary purposes. Even if the Factory Act did not put it upon them they would, nevertheless, have to conduct sanitary inspection of all those places, and there is little more than the sanitary inspection in view.

486. Would it not be much more economical if the local authorities inspected for truck in the homes of the workers just as you suggest that they should do in the shops ?—If Parliament is satisfied and the sanitary authorities and sanitary inspectors are equal to the task, it would certainly be more economical for them to undertake that, and possibly the particulars also.

By Mr. Brotherton.

487. I should like to be sure that I clearly understand your evidence with regard to deductions. There was a suggestion that the deductions for spoilt work should not be above 5 per cent. ?—May I interpose for a moment. The suggestion of 5 per cent. had not relation to deductions for spoilt work in particular ; it was rather in respect of fines.

488. Then we will take it with regard to fines. Suppose there are offences on several days, all in one week each coming to 5 per cent. ; suppose the total for a week is 15 per cent. ; would the 15 per cent. be deductible under your suggestion from that week's wages, or would it be only 5 per cent. as a maximum and the amount to be carried forward for two weeks or three weeks, as the case might be ?—The idea I had in mind was that there should be a maximum in respect of the week's wages and that the maximum should represent the total of fines inflicted in that week, whether the payment were carried over several weeks or otherwise.

489. But in the case of the offence being repeated perhaps several times in one week the maximum that you would deduct from one week would not exceed 5 per cent. of the wages ?—Yes. I suggest that " unreasonableness " may arise from repetition as well as from the character of the individual fine. When it becomes very frequent, either it is unreasonable in itself or else there is a sufficient remedy outside the Truck Act.

By Mr. Cawley.

490. With reference to this display of fines. Mr. Ramsay Macdonald seemed to be of the opinion that the display of fines would encourage employers to impose fines ?—It was the impression, I believe, at the time of the passing of the 1896 Act that Parliament was authorising fines and that the fines which were inserted in the truck notices which came into use then were the consequence of the Act ; whereas what the Act insisted upon was that fines should not be inflicted without this contract.

491. But your idea is whatever is the law, it should be as much known as possible to the operatives ?—Yes.

492. Fines should be displayed and any other information given ?—Yes.

493. Whatever effect it has ?—Yes. That it should be known beforehand exactly what they are going to receive, and that the particulars of any deduction should be made plain to them.

494. Even at the risk of it encouraging a practice which it is not particularly desirable should be encouraged, as long as it is the law ?—Quite so ; but it has been the law since 1896.

495. Still, you think that all these particulars should be displayed ?—Certainly. May I point out that there are two separate things involved. The contract notice has already to be affixed. My suggestion is that the terms of the Act, the limitations which the contract

notice must not exceed, should also be affixed in some shape or form, and I think in more detail than it is given in the truck notices which are now attached to the abstract.

496. Then with regard to locking out for lateness. Have you any suggestion to make in a case where the fact that an operative is late not only damages the master, but may damage others of his fellow workmen very much by preventing them going on; take the case where one man is absent say from a set of five, as is frequently the case in some businesses. Have you any suggestion to make as to how that difficulty could be overcome otherwise than by a fine?—I think the only alternative to a fine is suspension or dismissal or the reduction in wages. As I said last week, I do not want to press the point in any way that would involve hardship to the workman, but if a fine is not to be inflicted it seems to me that the only alterntive would be dismissal or suspension or reduction of wages.

497. Then as to written authority for deductions for charitable objects. Mr. Ramsay Macdonald suggested that no deduction should be made for a charitable object unless with the written authority of the employee. I presume what you mean is a requisition signed by all the workmen—not individually written?—Yes, as long as the workman has expressed in writing his desire that the deduction should be made, I cannot see any object in declaring it to be illegal.

498. I was putting the distinction between an individual written authority and a general requisition. Your opinion is that a requisition signed by the body of employees as a whole should do?—Yes.

499. I have not quite followed your evidence about the outworkers in, say, West End tailors' shops. Suppose a tailor gives out clothes to be made and gives out the cotton or silk, or whatever the material may be. They are under inspection, I presume, in some way?—If it is a workshop, as it would probably be in the case you refer to, it would be under our inspection.

500. Suppose the tailor has not any makers of clothes at all inside his premises, and gives all the cloth out to be made at the homes of the makers, giving them the necessary cotton or silk and so on, and getting back the stuff in made garments. Are the workers in that case under any inspection?—We thought so until the decision in the case of the Midland Lace Company, but the ruling there was that unless there was a contract of individual employment the Truck Act did not apply.

501. Does not that seem to you an important point?—Most important.

502. Have you anything to suggest as a means of getting over it?—I do not think it would be difficult for Parliament to get over it. The point is that the wording of the existing Act does not include outworkers; I suggest that it should.

503. Then it would include them whether the manufacture was going on inside the premises or not?—Yes.

By Mr. Maddison.

504. On the question of the reasonableness of fines. You, obviously, were not able to give a definition of what is a reasonable fine?—No; I am afraid I was unable to go further than to suggest that one or two of the criteria which go to reasonableness should be made statutory.

505. Have you in the course of your experience come across a large number of fines that are obviously unreasonable?—Yes.

506. I understood that you agreed with Mr. Redgrave that 5 per cent, of the maximum amount that should be taken from any one week's wages should apply to fines?—Yes, that appeared to me a good working basis.

507. One point that you made rather emphatically I think was that the proceeds from no fines should go to the benefit of the employer?—I think that would be a wise provision.

508. But I gather that you do not think that that would altogether get rid of unreasonable fines?—On the contrary, we have many instances of unreasonable fines which have gone solely to funds for the benefit of the workmen.

509. I know you can only answer this in an indirect way. We have had cases where fines are non-existent; but you would not say, would you, that fines are really necessary to the discipline of a workshop?—They are certainly unnecessary in many factories and many workshops where they have been dispensed with for years, and I am happy to think that the number of such works is increasing; but that they are unnecessary in all factories and workshops I am hardly in a position to say.

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510. You mentioned the bonus system. I gathered from your answers that you considered that where, as the Chairman put it, a man gets 17s. 6d. wages, but may get £1 by being punctual and doing his work well and all the rest of it, the workers are left somewhat unprotected so far as the Truck Act is concerned; it gives a margin for evasion?—It gives a possible wage which may be withheld without the safeguards of the Truck Act.

511. I do not know how far you would carry that. For instance, you know that in certain trades they have what they technically term a bonus system, although I think this does not come under the category you had in your mind; where, for instance, a job is said to be worth six hours work; if a man does it in five hours he gets six hours pay, if he does it in seven hours he gets only six hours pay?—That comes to something very similar to piece work; it is reducing time work to piece work. if I follow you rightly. No objection to piece work is intended in anything I have said.

512. The case I have just mentioned would hardly come under your inspection?—I think not. It is only one method of payment instead of another, each being equally under the Truck Act.

513. One question about living in. You gave no general opinion about the living in system, but I forget whether you said that you thought that it did really come under the spirit of the Truck Act?—It seems to me that at all events it borders on infraction of the Truck Acts.

514. Then about deductions. You have made it plain that you think no deductions should be made for certain statutory obligations of the employer; but there is a kind of deduction which is made in this way. In the old days, in the weaving trade, the weaver cleaned his loom in his own time and at his own expense; but, for alleged purposes of efficiency or order or what not, that work is now done for him by the employer, and deductions are made?—That is a new and most beneficial custom that has sprung up.

515. You do not regard that as a deduction coming under the Truck Act?—Oh yes, I think it is a deduction that would come under the Truck Act—something "done or provided by the employer."

516. You do not think that that is a system which should be interfered with?—In that case it works out quite beneficially. Whether it could be better met by re-adjustment of wages, I am not in a position to say, but at all events it is for the advantage of all concerned.

517. Would not you say that it would be better that the payment should be made in full direct to the weaver and that he should return to the employer whatever is the proper cost of cleaning the loom?—That is the simpler system.

518. And less liable to abuse?—I am not sure that the liability to abuse is not very much the same whether the wages are paid in full and a portion paid back again over the counter, or whether it is deducted straight away.

519. What in your opinion is the reason that the weavers wished to stand outside the Act of 1896?—Mr. Ramsay Macdonald mentioned one reason that was certainly advanced.

520. The exhibition of the fines that might be imposed?—Yes. Another reason, I imagine, was the consciousness of their own strength. They knew that they were well organised, and could probably resist any abuse that might be attempted. A third reason was, I believe, the misapprehension that was prevalent at the time, that the Act was one legalising fines, and not, as intended, merely imposing restrictions on fines.

521. I presume they are not out of the previous Truck Act?—Oh no.

522. They are only outside the 1896 Act?—That is all.

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By Mr. Delevingne.

523. On Section 3 of the Act of 1896, I think you have expressed the opinion that deductions for the fixed or standing expenses of the employer ought not to be made from the workers' wages—deductions for standing room, light, and so forth?—Quite so.

524. I do not think you expressed any opinion about the other part of the section, the supply of materials, as to whether a system of deductions for the supply of materials by the employer to the workman has any value or advantages either to the workman or to the employer?—I would rather that the inspectors, who have had experience of individual instances, should speak to that. I can imagine that there may be advantages in it in certain cases.

525. I should like to put it in this way. If the employer is not allowed to make deductions, either he must supply the materials to the worker without payment, at his own cost, in which case presumably he would have no check over waste, or he must leave it to the worker to supply his own materials, in which case he has little or no check over the quality of the materials which the worker uses?—Those questions have arisen, and lead me to the conclusion that there may be difficulty if such charges are altogether prohibited.

526. One question on the point about locking out. In cases where a worker is five minutes late and is locked out for an hour, have you in fact treated the non-payment of the hour's wages as a fine under the Truck Act, or is it merely a non-payment of wage with which the Truck Act has nothing to do?—We have in practice regarded this as a fine, and required statement of it in the truck notice.

527–9. If it is merely the non-payment of wage not earned for the time lost and does not include anything additional in the way of penalty or fine?—I should still regard it as a fine, since the workman only absented himself for one-sixth of the half-hour lost; but it borders of course upon suspension, which is outside the Truck Acts. If, however, the deductions were only at the rate of wages for the five minutes, it might, no doubt, be looked upon as simply non-payment of wages for services not rendered (which again is outside the province of the Inspector) and not as a fine at all; but in such a case the deduction (even if regarded as a fine) would be small, and the question of reasonableness would hardly arise. I do not remember any instance of the kind being referred to me.

530. Now on the question of fixing a proportion or maximum limit for deductions for damaged work or for injury to materials. Do not you see some difficulty in having a fixed limit for all kinds of injury to the property of the employer irrespective of the amount of damage that may be done?—Do you mean under the head of damaged material or under the head of fines?

531. I mean under Section 2, which applies either to damaged work or injury to the property and materials of the employer. There may be wide variations between the amount of damage done in different cases?—If the committee see their way to recommend a maximum limit, there is the general remedy that a worker who is grossly careless, or does wilful damage, is hardly a desirable employee.

532. You would be of opinion, I suppose, that the instalment system is really bad for the workers themselves?—Yes.

533. It keeps them in a perpetual state of debt and bondage to the employer?—Yes, and that accumulates.

By Mr. Yarrow.

534. In the industry that I am connected with we have no fines. If a worker is late or does bad work he gets sent away. For my part I am pretty certain that if we had a scheme of fines, the workers would not be so careful and would not be so regular. Would you agree with me in that—that if there is some easy way of their getting over the consequences of bad or careless work by the payment of a fine instead of getting discharged, the tendency would be to make them more careless?—The severer remedy of dismissal, which I understand to be the alternative to a fine, would, no doubt, have the more deterrent effect, but I can imagine it also to be rather hard on the workman who was guilty of only a slight offence.

535. Does it not naturally follow that it would have a greater deterrent effect on the workers in those places where there are fines to make fines illegal, in which case they would know that if they behaved carelessly or improperly the simple remedy of the employer would be to send them away?—The more serious the punishment the more deterrent would be the effect, no doubt.

536. Would not that be on the whole a very good thing?—I am afraid I have not sufficient knowledge of all the trades of the country to give a definite answer to that.

537. It would get rid of complications as to adjustment of fines, and would remove a great deal of ill-feeling?—Perhaps that is so.

538. At any rate, you would agree that on the whole the knowledge that he would be sent away for a continuation of bad conduct would have a more deterrent effect upon a man than simply making his bad conduct subject to the payment of a fine?—I imagine it would be more deterrent, but I understand that there are cases in which employers and operatives and inspectors are agreed that fines are on the whole, perhaps, the better method.

539. Still, in some industries you would admit that it would not be so?—In some industries within my knowledge there are no fines at all, and I have no doubt that discipline is well maintained under those circumstances.

540. Then I was going to raise the same question that two other members of the Committee have raised. I understand that you do not approve of a worker being paid extra for extra good work on the ground that that might be practically a form of inflicting a fine. If I understood you aright, you expressed disapproval of a system by which if a man did a certain quantity of work he should get 17s. 6d., but that if he did that work exceptionally well he should get a sovereign?—I do not like that system, because it places part of the real wage on a footing which removes the protection of the Truck Acts. Withholding of it is substantially a fine. If there is any doubt whether it is part of the wage in the sense of the Truck Acts, then there is no such protection as is afforded by the inquiry whether the amount is reasonable or not exceeding the cost to the employer.

541. I take it the real wage means, not the time a man is at work, but what he does. One has to be very careful that if this theory were carried out it does not really mean the doing away with the inducement for good work?—As long as it is part of the contracted reward of labour and the workman has the protection of the Truck Acts as regards the whole of that reward, then my point is met. In the case of the bonus on time wage system there is a doubt whether the whole of it is the contracted reward.

542. If a man got sixpence, and half a crown more for extra diligence, that would be bonus?—Yes, but if that half a crown more were not paid I think the worker ought to have the right to require that the deduction shall not be unreasonably made and that it does not exceed the cost to the employer.

543. I am very much afraid of anything that would have a tendency to discourage the doing of good work; that is why I had been rather pressing you about this?—As long as it is made clear in one way or another that is part of the reward of labour, so that the Truck Acts will apply, my point is met.

544. It would seem rather risky to do away with anything that is an inducement to men to do as much work as they can, or (what is the same thing) making them forfeit something for doing as little as they can?—There is the remedy in the adjustment of wages. At the present time, the Truck Acts being what they are, this particular method of meeting it does not seem to be a good one, and is certainly not in the interests of the worker.

545. Do you not think it is quite within the scope of this Committee to consider whether fines might not be made illegal on the ground that possibly they do more harm than good, and that the law would be very much simplified if they were done away with altogether?—Of course it would simplify the law very much to abolish fines altogether.

546. Do you not think that that is worth considering?—It is a point which I understand the Committee will

consider. My knowledge does not extend over the whole field of industry, and I am not prepared to say that there may not be instances in which fines are on the whole the better method.

547. Referring to these lists of factories and workshops, I confess that I am quite unacquainted with what the difference is between a factory and a workshop ?—Very broadly, a factory is a place in which power is employed and there are certain other places that are specified as factories whether power is employed or not. Workshops are places in which persons are employed in a manufacture, but which are not factories.

548. About fines not exceeding a certain percentage. Would not that have the effect that a workman might be discharged when his offence was more than the fine corresponded to; I mean, if the fine did not compensate the employer for the damage done by what the workman did, the workman might be discharged ?—I do not think it would be possible to limit the right of the employer to discharge a workman.

549. Then if fines were limited you would have more men discharged ?—Possibly.

550. I only put that because it appears to me that limiting the fines would have the very effect that some people seek to avoid by this Truck Act. If fines are limited, the only punishment open to the employer would be the severe punishment of dismissal of the workman. That is the upshot of it ?—I follow what you mean.

By the Chairman.

551. I am sorry to ask you another question still about this local authority. In the case of the inspectors of a local authority, whose servants are those inspectors ?—Do you refer to shops ?

552. Shops ?—The inspectors under the Shop Hours Act are appointed and controlled by the municipal and county authorities, I believe.

553. The sanitary inspectors are also the servants of the local authorities ?—Yes.

554. Now I put to you the case of a comparatively small municipality, in which these officials are servants. Do you think there is the same guarantee for efficiency or for the getting over of local influences in favour of sustaining a system that has prevailed for a while ?—The smaller the community the greater the risk of undue influence; but that extends, of course, to other considerations besides truck; it would extend to inspection for any purpose whatever.

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555. In the case of your inspectors, they are under, practically speaking, roughly, the Home Office ?—Yes.

556. In the case of the local authority inspectors, is there any board which supervises them in the same sense, for instance, that the Home Office supervises the inspectors that are under your staff, or that the Local Government Board supervises boards of guardians or parish councils ?—There is nothing in the way of direct supervision comparable to the supervision of the Home Office over my staff.

557. The reason I put that was twofold; in the first place, there is no supervision so as to avoid, if possible, any defective system in particular localities, and in the second place there is no appellate authority to be appealed to to regularise the system. Does any idea occur to you of putting even these local authority inspectors under the charge of some central body like the Home Office, or under supervision to a certain extent ?—That would be a much simpler way of dealing with it. But there are intermediate authorities, of course, in the county councils; they might possibly serve the purpose.

558. I fancy you realise the difficulty of the two points I have mentioned ?—Perfectly.

559. Then there is a third point, namely, that, if you allow local inspectors under local authorities totally unrelated to each other or to a central authority, you may have a variety of practice arising on the part of different inspectors ?—That is quite true; but co-ordination might be secured to a certain extent by county grouping.

FIFTH DAY.

Wednesday, 23rd May, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. J. A. REDGRAVE, H. M. Superintending Inspector of Factories, Birmingham, was called; and examined.

By the Chairman.

560. Please tell us your position in what I might call the hierarchy of the inspecting establishment ?—I am the superintending inspector for the Midland Counties and Wales. The Midland Counties under my supervision (through the local inspectors) are Lincoln, Notts, Rutland, Leicester, Derby, Warwick, Staffordshire, Shropshire, Worcestershire, Herefordshire, Monmouthshire, and the whole of Wales. My duty is practically to superintend the work of the district inspectors and their juniors and assistants in these areas.

561. Does your area include the whole of Wales ?—Yes

562. Is there any official above you in the Home Office to whom you report ?—Yes, there is the deputy chief inspector and the chief inspector.

563. Who are these ?—Dr. Whitelegge who has given evidence before this Committee is the chief inspector, and the deputy chief inspector, who has not been called, is Mr. Cramp.

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564. Do you come next ?—There are five officers of my rank; the United Kingdom being divided for our purpose into five divisions.

565. Your district includes all the counties you have named, plus Wales ?—Yes.

566. As we do not propose to call all the officers, perhaps you would tell us what are the other districts ?—I have not got full details of them here. Mr. Knyvett at Glasgow takes the whole of Scotland and Ireland. Mr. Maitland at Leeds takes the North-East Counties and Yorkshire, Mr. Richmond at Manchester takes

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Lancashire, Cumberland, Westmoreland and Cheshire; then I come at Birmingham. The district further south is administered by Mr. Beaumont from London. There are five superintending inspectors.

567. Confining your evidence to your own area, can you tell us the number of works affected?—The number is 21,648 factories, 28,025 workshops, 271 steam laundries, 265 hand laundries and 6,164 workshops in which only male adults are employed; that makes a total of 56,373 places affected by the Truck Acts according to the incidence of deductions or anything of that kind.

568. Before you pass from that could you give us any idea of the number of places that would be affected supposing that shops were brought inside the scope of the Factory Act, but perhaps you could only give a rough conjecture of that?—It would be a very rough conjecture, but I should say it might amount to about 30,000 shops.

569. Can you now tell us something about the number of persons subject to your inspection in the total of 56,373 places already mentioned?—In factories alone there is a total of 789,917 persons, and in the laundries 6,831 persons; the details as to the employment of persons in workshops are at present incomplete and unreliable.

570. Why is that?—Because the people concerned are so difficult about rendering their returns.

571. Have you any means of remedying that?—They are supposed to render them by a certain period of the year or whenever the Secretary of State issues an order that the return is to be made, but there are so many behindhand that we have not published any at the present moment. I should, however, put them down roughly at a total of about 100,000 employed in workshops.

572. That would be your estimate?—Yes, a very low one.

573. Do you mean that it might be anything up to another 100,000?—It might be, but I should be safer in saying 100,000 than in saying 200,000.

574. If we assume that your guess as to 30,000 shops was a fair estimate, may we not assume that the number of persons employed in them is relatively much smaller than in the factories?—Yes, but not smaller than in the workshops.

575. I was wondering whether the proportion would be about three per place or more?—I think three per place would be a fair average to take.

576. So that it might run up to between 90,000 and 100,000 additional?—Yes, probably to another 100,000.

577. Your statistics are definite with regard to factories and laundries?—Yes.

578. They are in some measure conjectural in regard to workshops?—Yes.

579. And they are wholly conjectural in regard to shops?—Yes.

580. Now I should be glad to have from you a statement as to the results generally of your administration, and in regard to that please tell us first the length of your experience?—I have been an inspector for thirty-four years. My experience ranges over that period, but I learn something every day both respecting the Truck Acts and the Factory Act.

581. Obviously your experience goes back long before the Act of 1896?—Yes.

582. And before the other Act?—Yes. For a considerable time, indeed for fifteen years, after my appointment we had no jurisdiction with regard to the Truck Acts.

583. Then came the Act of 1887?—Yes.

584. So that your experience really covers the three periods?—Yes.

585. You will be able to tell me this, which I am rather anxious to know; as compared with the early period prior to the Act of 1887, what in your opinion was the result of the interposition of the legislation at that time?—It was certainly called for, and the results have been very successful in a large number of instances.

586. In what directions mainly?—In the prevention of excessive deductions and fines of various kinds.

587. Then came the Act 1896; what have you to say with regard to that second interposition?—That has still further narrowed the sphere of imaginative amounts, it has enabled us to keep in touch with any attempt to increase unnecessarily either fines or deductions for damaged work or for materials. I should like to emphasise the value of our administration of the powers entrusted to us.

588. What do you mean by imaginative amounts?—Amounts not fair and reasonable in the circumstances of each case, or amounts unfair and unreasonable under any circumstances.

589. Do you think there still remains a category of unfair and unreasonable charges not yet got at?—There may be such in many places, they are not always got at.

590. As you have stated the matter affirmatively, may I now put it negatively and ask you whether there has been any disadvantage through the interposition of the legislature to rectify the situation that you have described?—I assume you mean disadvantage to anybody, employers or employed.

591. Yes, concurrently with the advantages you have named?—No, to my mind there has been no disadvantage.

592. Have you found in your experience that the interposition of the legislature in that way has been regarded in any instance as cramping the freedom of contract—I mean in any improper or fettering sense?—No, I don't think so, and I do not think my colleagues have reported meeting with any objection of that kind.

593. Has it ever come under your notice that legislative interventions of the nature of those described have hindered the operation of trade or imposed fetters upon it which were considered unnecessary?—No, I cannot think of any.

594. And now I think you can tell us something about difficulties that have been settled by remonstrance?—The administration of the Truck Act by us is set forth more or less in the Home Office memorandum; it states that we are to keep ourselves generally acquainted with what is going on, not to interfere unnecessarily in every technical point, but to interfere where it is possible to do so with advantage in cases of hardship and injustice.

595. Have you interposed in that way?—Yes, we have interposed on several occasions with reference to what we consider or what were made out to us to be unjust stoppages or deductions. Of course the matters were the subject of a great deal of argument at first with the employers interested, but in most cases, indeed I think in almost all, where we have remonstrated and pointed out what should be done, we have arrived at a result satisfactory to the workpeople concerned or to the individual aggrieved.

596. Can you give us any concrete instances of that, for they might be very helpful to us?—There are concrete instances in our prosecutions, but I suppose they would not come under the same category.

597. I was rather referring to cases in which you have made a representation to the employers and thoroughly thrashed the matter out with them with a beneficial result?—There was a case connected with the lace trade at Nottingham which was brought before me, or rather the district inspector had it brought before him, and he subsequently referred it to me. If a district inspector sees his way clear he need not do more than report to me, but he refers to me in cases of difficulty. He brought before me an instance of a man who had been stopped so much a week to the total amount of 31s. 6d. for spoilt work in a piece of lace. It struck me that this was putting it rather high to charge a workman at that rate for a piece of lace. We made some enquiries and found that in the shop in question, and, indeed, generally in the lace shops in Nottingham these deductions were made with the concurrence of a shop committee. If a man is being stopped for a bad piece of work the master says "I shall stop you so many breadths or lengths" as the case may be, then the shop committee, which consists of two or three of the men have the piece brought before them and they adjudicate upon it, and they say yes or no as the case may be, as to the amount of damage that they think may fairly be stopped.

598. Who are on that committee ?—A certain number of the workmen in the shop act together in that way, but I do not know whether there is always a committee absolutely appointed.

599. By "shop" I assume you mean a workshop under the Factory Act ?—Yes, a lace-making shop.

600. The committee you speak of is a committee of workers ?—Yes, they are all members of the lace-makers' union. These cases were brought before us originally by Mr. Appleton of the Amalgamated Society of Operative Lace Makers, with whom we entered into communication on the whole subject. At first it appeared to me necessary to deal with the parties as making an illegal charge for damaged work, but I could get no evidence from the men at all as to the details of the matter. By dint of making a great fuss about it I had a letter one day from Mr. Appleton, who had heard from the man in question, saying that the whole of the stopped money had been paid back to him. Now, I had not threatened anything of that kind, because I believe it is almost compounding a felony to tell a man how he may best satisfy an aggrieved person; but I have told you what was done in this case, and I believe the result was largely brought about through two persons not quite agreeing as to whether the piece of lace in question was spoilt or not.

601. Were these two on the committee ?—No, they were interested in the purchase of this piece of lace; they did not appear to think it was damaged; but if we had not made a fuss about the matter I do not think the lace worker would have got his 31s. 6d. back.

602. How was the amount spread over ?—It was spread over several weeks. I think they were stopping him at the rate of two or three shillings a week, and unfortunately one has not much help sometimes from the men. I asked the aggrieved person to come to see me on a Saturday afternoon at the factory offices in Nottingham and to bring evidence of these stoppages; but he came to see me without any evidence at all to satisfy me as to when these deductions took place, and he could not exactly remember. I mention this in order to show our difficulties, and that we are sometimes rather handicapped with regard to the actual proof of deductions.

603. The deductions had been going on for fifteen or sixteen weeks ?—Yes, for a number of weeks; they were going on until suddenly stopped by the repayment of the amount.

604. At the rate you mention the instalments may have been going on for nearly four months ?—I have here some of the tickets, the pay tickets, which, although they contain no date, show deductions amounting respectively to 2s. 6d., 2s. 6d., 2s., 3s.1½d., 3s. 1d., 5s. 6d. and so on. As the man got the whole of the money back I only mention this as a case where our intervention proved to be of some service.

605. That represents one type of case. Can you conveniently cite to us another case where remonstrance has been effective ?—In the potteries, where the question of truck has been a burning one with me for some time, I have found that when certain people became aware that we were following up a point in which we thought them to be wrong they have paid up the amount in dispute without our having insisted upon such a course or, indeed, suggested it.

606. Has that occurred more than once in your experience ?—Yes; I think one or two of the lady inspectors could corroborate what I say with regard to the potteries.

607. These are cases in which you think there has been a breach of the law as it stands ?—Yes.

608. And in which, rather than have the question tried, there has been a settlement between employers and employed ?—Personally, I would as soon have the question tried as not.

609. I was referring to the feeling on their part ?—Yes. I may say with reference to these cases of repayment that practical justice is done to an aggrieved person at the very smallest amount of expense all round. We save the man being put in an awkward position by bringing him up as a chief witness against his employer; and if the employer were fined the workman would probably get nothing at all, whereas, in the cases I have mentioned, he gets back his money.

610. Of course, in all these cases, it was no part of the province of your department to go beyond the law; all you could do was to advise both parties that either a breach of the law had in all probability been committed or that they were sailing very near the wind ?—Yes, that is the position.

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611. Some of the Committee wish to know how these cases came to your knowledge ?—One very simple way would be, presuming a man had got a conspicuous placard and the Act of 1896 on his lintel, if the inspector has nothing special to look after at the moment in the way of machinery or sanitation, some item may strike his attention, say such an item as "sitting on a wheelbarrow, 1s.," as was the case in a certain ironworks. The inspector might go and ask why sitting on a wheelbarrow should be such a costly operation to the worker. Such a case might come under the inspector's notice, and he would refer it to the employer or proprietor, who would make his explanation and probably say that it formed a mode of keeping good order and decorum in his factory; or he might give some other reason: he might probably add "I will think about removing it," and the inspector might say "I think you ought to remove it," or something of that kind. I do not think a charge of the kind I have quoted is very reasonable, but it represents an actual case.

612. That is brought under your notice by the act of the occupier himself ?—Yes, many cases come to us in the form of complaints—not so many as the committee might imagine, but still many. A worker may write and ask a simple question as to deductions he has suffered, or the secretary of the union may call our attention to cases.

613. Have you found the action of the unions to be helpful to the department ?—Very much so, especially in such cases as I have mentioned. I have in view the trouble taken by Mr. Appleton in going into that lace case; it is true I have not always got so much help as I should like, but perhaps one expects too much. There are certain unions the operations of which absolutely relieve us from a great deal of technical responsibility on the question of charges and deductions; such a case is that of the brass founders at Birmingham. The deductions in that trade are practically the subject of agreement between the masters and the men, represented by Mr. Timmins on the one hand, and by Mr. W. J. Davis (who was formerly inspector of factories) on the other hand. Through the working of that arrangement and the attention of the union to the subject we have had practically no complaints of deductions in the brass trade.

614. What do you say to this view that I present to you, namely, that so far as the action of your department is concerned as an inspecting body to see to the efficient administration of the Act, the organisation of labour is a helpful circumstance ?—Most decidedly.

615. Of course, when complaints reach you from any source, you must go into them ?—Any complaint that reaches us, whether it is anonymous or signed, is dealt with not only by the local inspector or his assistant, but it comes to me. The assistant has to send the complaint to the local inspector, who may take action upon it if he thinks fit to do so, or he may relegate the matter to me if he chooses to leave the responsibility upon my shoulders. I have to see that the matter is properly investigated; and, if necessary, the complaint may be returned for further particulars.

616. With regard to the industries in the district covered by your supervision, these seem to be of all kinds ?—Yes, I have got a rough list of them here.

617. Would you please name half a dozen of the principal as examples ?—The principal industries in my division include brass work at Birmingham, iron and steel work in the Midlands and Glamorganshire, a large railway coach and carriage building industry in the Midlands, blast furnaces both in the Midlands and in Wales, carpets at Kidderminster, gloves at Worcester, etc.

618. May I assume that there is very little female labour employed in the first four of these, namely, the brass works, iron and steel works, coach and carriage works, and blast furnaces ?—There is a great deal of female labour employed in the metal trades in the midland counties. It is extraordinary, in fact, to notice

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the number of women and girls employed in connection with metal work.

619. What kind of things do they make?—They are employed in nearly all the metal factories in the midland counties.

620. Do they attend to machines?—Yes.

621. As part of the general staff?—Yes, I have hardly ever found girls employed at machine shops in the South.

622. I understand you have some observations to make on the Hosiery Wages Act?—The Hosiery Act is practically a survival of a bygone day. The old hand frames have gone out, and the Act is now almost useless owing to the different conditions of labour which exist. The Act was intended to prevent undue rents being charged for the use of hand frames, but now the hand frame is becoming a thing of the past; indeed, it is hardly ever seen, and the ordinary conditions of labour supervene. I have found no breach of the Hosiery Wages Act. I made an inquiry concerning it a little while ago, and I think Mr. Holmes at Leicester—which is the name, I believe, of the gentleman who is secretary to the union there—would back me up in saying that there are no breaches of the Hosiery Act as it is.

623. You mean the Act of 1874?—Yes. The Hosiery Act is not one of those which we have to administer; but it is very like the Truck Acts, so we look into it when we get the opportunity.

624. In what sense do you look into it?—In this way; a little while ago the inspector from Leicester consulted me as to a complaint he had received about the workers in a certain village being paid 5 per cent. reduction upon the wages paid in Leicester, and being charged for needles. We went over there and spent some time in an inquiry. The 5 per cent. reduction did not turn out to be a Hosiery Wages case at all; if it was anything at all, it was probably a case under the Truck Acts.

625. In respect of what was this reduction made?—There is a scale of wages in Leicester for certain work, and when a man does the work in a village outside, the cost of labour is presumably not so heavy, so he is paid the Leicester rate of wages less five per cent. It is not a deduction at all; it is the union rate of wages arranged by the workmen and their representatives for that district outside the working area of Leicester.

626. That is to say, an outsider gets 19s. for the same work as costs £1 in Leicester?—Yes, the Leicester man inside the borough, or within the prescribed area, gets the £1. We found that was not a breach of the Hosiery Act, or of any Act at all, but simply an arrangement, and I instructed Mr. Sedgwick that we did not propose to interfere on the subject of the 5 per cent. reduction at Earlshilton, near Hinckley, but it seemed to be necessary that we should take some note of the manner in which the needles were charged for or supplied. Mr. Sedgwick was to see that the law was carried out with regard to these deductions for needles. That was under the Truck Acts and not the Hosiery Wages Act, that being an easier way of dealing with the question.

627. That is to say, under the Hosiery Act these charges for needles would not fall under any of the things denominated in that Act?—I did not think it worth pursuing whether they fell under the word "charges" in the Hosiery Wages Act. The conditions of labour had completely changed, and we get the same result by requiring any deductions for materials to be in accordance with the Truck Acts

628. When did this occur?—Last December.

629. According to information the Committee has received, this system is going on yet of charging a sum more than double the actual cost of the needles. Is that in accordance with your experience?—This is something like the case you are putting to me. I have recently heard that the reduction in the price of needles of which the employers have been availing themselves has not been given to the workers, and that consequently inquiries were to be made about it.

630. *Ex facie*, that would seem to be an illegal system, would it not?—I should so deal with it if it came before me. I have here a note of a case, not at Leicester, but in Derbyshire, in hosiery. This is a new thing that has just come before me, but it is on those lines. Women and girls, knitting machinists, are charged 1d. each for needles; the wholesale price being (?) 35s. per thousand, or not quite ½d. each; so that they ought not to charge 1d. each, if we can verify that information.

631 I put before you a case at Leicester, in which the wholesale price is 3s. 6d. per hundred, and they charge 8s. 4d, that is to say, 1d. each. Suppose that case occurred, that would, in your view, be a case for action by your Department?—Certainly. It probably will come before me very shortly. There is one point you ought to understand; the court before which the case is brought is the actual arbiter as to what is reasonable or unreasonable. We may have our opinions, but we can only fortify them by the court being on our side with respect to that. I may say that it will probably be sufficient for the inspector to state the matter to the proprietor of the works for it to be stopped.

632. I should assume so. I mean, there is no money in it, really?—It is hardly worth while fighting about.

633. I quite assume that. Now will you go to your experience in the pottery trade. Charges are made in that trade for the supply of power, for the supply of light, and for the provision of special requirements under the statute. Before you enter upon it, I should be glad if you could possibly illustrate it by actual instances?—To plunge into the middle of it, you would like to know what stoppages and what earnings a man in the potteries has.

634. No. What I want to know is, could you give us, so as to get it on the notes, a list of the things in respect of which definite charges are made by way of deduction for the wages received. I am rather anxious to get on the notes the specific things that we are dealing with?—There is the pugging of the clay—mixing the clay—which is done by machinery, to save the actual operative the bother and trouble and time of doing it him self.

635. The pugging mill is supplied by the employer?—Yes

636. It is constructed for this work specially?—Yes.

637. And both parties know when they enter into the contract that the work they are doing will be work with the assistance of the pugging mill?—Quite so.

638. Then the employer charges a certain sum for it?—Yes.

639. Will you give the rate of deduction in respect of the use of power?—It is generally about 6d. or 1s. in the pound for pugging.

640. From 2½ to 5 per cent.?—Yes. The pugging, as I have explained, is to relieve a man of the personal labour of preparing his own clay.

641. Before you pass from that, I would like to see how these charges have arisen; it is most interesting. In point of fact, in the present state of development of that business, is there any manual labour exerted?—Oh yes, a good deal.

642. So that the operative can get employment where he has to do his work instead of the mill doing it?—Yes; there are some places where there is no power.

643. I assume, where you have power is in advanced and developed factories?—Yes. Some of the smaller places have no power; the men prepare the clay and make the china; there are all kinds of places.

644. Take a man who has gone from a place where there is no power to a factory where there is power; does he get the same rate of wage as before, less a charge for the saving of manual labour?—Before he moved he would probably have had to pay two assistants, a woman and a boy, for something or other; when he goes to the place where there is power he does not pay for those people; they supply him with power, and he has a deduction from his wages which amounts to about the same thing as he earned before when he was a hand worker.

645. Can you figure any injustice that would occur if the net wage was struck in the latter case?—My impression is that the fixing of a net wage is simply a matter of calculation, and that none would be any the worse for it.

646. It comes to that, of course, in the end?—Just so.

647. If the net wage were struck, then there would be no room for checking the calculations by which it is made up?—No, when the old system of deductions is once wiped out.

648. What I mean is this. So long as they go upon a system of having a gross wage and a system of deductions from it in respect of power, the duty of the Department is to consider whether those deductions are reasonable and so on?—That is the position.

649. Whereas, if you had a net contract, the parties would have settled everything beforehand for themselves?—We have nothing to do with it; in the case of net wage nothing comes in for us to interfere about.

650. Now with regard to deduction for the supply of light; will you tell me how that originated?—The potters used to bring their own tallow candles; and, so conservative is the whole place, that they consent to pay for the use of gas even now-a-days; they have not struck the balance between the provision of gas and the cost of the old candle work.

651. How does that bear upon the account of wages?—There are various rates; 4d. and 3d. a burner, or 4d. and 3d. a week; it is the same charge. That is not *pro rata* with the wages; that is a definite charge.

652. Then you note here, "Special requirements under statutory obligations." I should like instances of that?—They charge for the accommodation of a mess room, which under the special rules under the Act (which I need not go into here) they say are required for the comfort of the persons engaged in injurious processes, such as the use of lead. Some potters charge for the use of this mess room, and for the use incidentally of the gas stove, and for hot water. They would not provide that, a great many of them, unless they were obliged; not, I think, because they are not well disposed towards their people, but the potteries themselves, a great many old works, are a jumble of sheds and places all put together, and there is no room for a mess room. The larger potteries have nice mess rooms, but with the older buildings it is very difficult to provide mess rooms.

653. Is there obligation on them by statute to do that?—Not by statute, but by special rule, which has the function of legislation when it is passed.

654. It is substantially a statutory obligation?—Yes, you can call it a statutory obligation, but it might be withdrawn to-morrow. These rules can be withdrawn, as well as enacted.

655. Is not the situation this: that unless they comply with the special rule, which has statutory effect, they would be flying in the face of the law of the land?—Yes, they would probably be prosecuted if they did not supply a mess room.

656. Now, what is the rate of charge for the mess room?—About 2d. and 1d.

657. Plus the gas stove and hot water?—It includes the gas stove and hot water.

658. In the pottery trade are the people paid by time or by piece?—Both; there are day workers and there are pieceworkers; but most of the people we are interested in at the present time are the pieceworkers. It is mostly by piece. It is according to what they call an oven, that is, the amount of stuff that fills an oven or a kiln and so on; or according to dozens and scores; and dozens are not dozens nor are scores scores, very often. It is perfectly understood between them that a dozen is not a dozen and that a score is not a score.

659. What we are anxious about is the comparison. Take the manual worker first of all?—His output is less.

660. Then he goes to where there is steam power; his output is more, and his piecework is subject to a deduction?—Yes.

661. Could you help me upon this; take the net wage of the piece worker with, say, steam power assistance, and compare it with the wage of the manual worker with no steam power?—It would be about the same.

662. So that this deduction works back in piece work results to pretty much where you started from?—Yes.

663. Have you any other instances of charges made for what you call statutory obligations?—Yes.

664. I am rather anxious to get a list of those?—There is cleaning water closets, which I think is a very improper charge; but it is not for me to decide that point. The proprietor of the works is required to keep his water closets clean and fit to use in every way; but in the potteries and in many other places there is a cry that unless the people are made personally responsible for the state of these closets they will not keep them clean, and they consider that they cannot keep them properly clean without making them responsible in some small amount for it.

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665. Is there any other instance?—Then, among the potters in potteries the places have to be carefully swept by an adult male at certain times so as not to have the dust whether it is clay dust or lead dust, flying about at any time near the periods of employment for the workpeople Now the proprietor can make the men do that themselves; I mean it might be one of his rules that the man did it himself, being an adult male.

666. Would that be within the rule?—Yes, I do not see that there is anything to prevent him doing it. But they provide a man to do it, and the men would rather leave the sweeping. They do not want to come back and do the sweeping after they have done their day's work, and they would much rather have this fellow on sweeping at night; it is generally done at night. I mean to say that it is constantly a source of difficulty with us who are engaged in potteries so constantly, as to whether the price for the sweeper is fair and reasonable in all the circumstances of the case. I can give you a concrete case that arose not so very long ago, in fact it is, in a mild way, *sub judice* at the present moment. I found the sweeper one night was paid £1 1s. 6d. for sweeping, but the collections in the factory I found amounted to about £2; so that unless I have a very clear explanation forthcoming the firm, on the face of these facts, would seem to be making a sovereign a week on the provision of a sweeper under a statutory obligation. I shall probably find that there is something else in that—that it is not quite so bald as I have stated, but it looks like it very much at the present moment.

667. Is there any other provision that you can instance?—Then there is another statutory provision—the washing of overalls. Mrs. Tennant knows a good deal about that, I dare say, and I dare say she agrees with me that, although it is practically at present left undecided, it is not a thing for which the workpeople ought to be charged. Certain workers in the potteries are obliged to wear overalls by Statute, and women have to have them provided and maintained by the proprietor, and they have to be washed once a week. A great many of the proprietors there, taking advantage of the third section of the Act of 1896, containing the words, "something to be done or provided," charge for the washing, and charge, as I consider, and I dare say Mrs. Tennant will agree with me, exorbitantly. They charge 4d. for washing an overall and a cotton bonnet.

668. The normal rate would be, perhaps, half that?—I do not know; I should say 3d. They are singularly behindhand in the potteries. It is the sort of place where a laundry for the purpose of washing these things at a reasonable rate ought to do very well for everybody, but there is no such thing.

669. Is there any other instance?—Those are representative instances.

670. Now, here is a thing which I think personally (and my colleagues I think would agree), is a great blight. Could you give us a wages bill—an actual wages bill—a specimen wages bill of money actually paid to the workmen, with a note of all the deductions, bringing out the net sum each worker gets? Are there such things extant?—I could get one from the potteries, I daresay.

671. In paying the workmen is there a specification of the various items of deductions?—Yes. In some cases they have them printed with indiarubber stamps—"sweeping mess-room, cleaning closets, washing overalls," and so on; that is put on the settling book, and then 2d. or 3d. or 4d. or 6d. is put down. In other cases printed slips are used. You can see those, certainly. I will try and get one for you..

672. If you can possibly get one or two of those for us we shall be glad. The next question is this: Do you think that those fines that you get of that kind are substantially the same for all people in the same class of

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work; they are not in the nature, as I understand, of individual fines, but in the nature of something like fixed charges?—Well, they are fixed charges, these that I have been quoting from the potteries.

673. Do you think that any advantage accrues from stating the wages bill in that way, or any disadvantage, as compared with stating a net wage?—I should say that the statement of the net wage was to the advantage of everybody.

674. Will you give your reasons for that?—In the first place the compilation of these various deductions must take up a great deal of clerical time in the office of the proprietor and waste his time. They are, to a certain extent, extremely confusing to the workmen, and by time the workmen get oblivious of what they should pay and what they should not pay. They have a stamp put on it, but they never look at it, do not know whether they get or do not get exactly what is due in individual cases. Thereby a hulking girl or boy of sixteen, without any great intelligence—indeed I have known grown-up people—never bother to look at the weekly note to see whether their payment ticket has been correctly filled up or not, or whether their items have been correctly filled up or not. I think the abolition of deductions would be a great advantage to the workpeople, because a net price is a net price, and they know what it is. As far as the poor inspectors are concerned, of course it would be a great comfort if they were abolished.

675. As you have explained the system, it is to a considerable extent, at all events, a survival?—It is a survival of the old system when a man took his gang of boys and girls and his candle to the pot bank (as they call potteries in Staffordshire); he took a lump sum and paid his boys and girls and paid for his candle and everything. Now those things are provided for him, and he gets what the workmen themselves have accepted as the equivalent.

676. Do you find any difficulty with the pottery trade specially?—The difficulties arise here because there are so many things that *seem* to be unjust, and it requires very great care to separate what is right from what is wrong. The first view one has of a man being charged, for instance, 5s. a week for a certain amount of steam and machinery is that at a certain time the proprietor has repaid himself the expenditure on that sort of thing; but then, on the other hand, suppose he suddenly left off when he had done that, the man would have to have a woman or a man in again, or he would have to pay somebody else.

677. That is what prompts my question to you again. Do you see any disadvantage in a net price?—No, no disadvantage in a net price.

678. Have not you just suggested one (I only put this for the purpose of testing it), viz., that the existing arrangement, *i.e.*, whereby power is employed, might come to an end. I suppose your reply would be that there would have to be another net price fixed for the new state of circumstances?—There would be then two net prices; one for a man with human assistance, and one for a man with power assistance.

679. Have you attempted to reach this haven of net price by any conferences with the people?—Yes; I have had two conferences; one long conference with the master potters, in 1902. I was not then so instructed as to how many loopholes there were in the Truck Act as I am now, and I took rather a strong view of it; I represented to them practically that a great many of their deductions were illegal. We had a very long and friendly conference about it, and they agreed to see what they could do. The result of it was that some of them have kept their wages on in the same way, and that about fifty per cent. of the association, that is half of them, have made net prices. But then, the association is a very small body, and others in the potteries do not bother themselves about what the association does.

680. But we are rather anxious as a Committee to know what has been the result of the fixing of net prices; has it interfered with the trade in any way?—I am afraid I cannot say anything about the trade.

681. Would there be anyone who could give us information about that?—Any of the fixed price people would, I daresay, be glad to give you that.

682. You see the importance of the point, if we are to make any recommendation to Parliament. I mean the responsibility of making a recommendation of a large change would be very great unless we were apprised that some experiment had proved on the whole successful?—One does not know always what the opinion of the men is on the subject. Generally speaking, they say 'Oh, we ought not to pay this, and we ought not to pay that;" but if you analyse the various advantages against the disadvantages and so on of the old state of labour there, they will admit very often that they are better off than they were; that is, from the men's point of view. In fact, I have had long conferences with three respected secretaries of unions there; they are not very strong unions, or rather they were not; I do not know whether they are increased in strength now, but they were not very strong, and I did not get very much help; there was not that cohesion with them that enabled them to say that they could come and tell me and not be afraid of what was told me, I think.

683. Do you happen to know whether there is any general desire upon the part of organised labour to make their ideal system a net wage system?—I think if the potteries were canvassed now there would be a large proportion.

684. We shall have to get evidence about that. Do you happen to know this. After the net wage system has been adopted in the way that you have described, have any of those places gone back upon the old system?—No, not that I know of. The option of the net price system does not always please everybody. I know one case in which, owing, I think, a good deal to my continual pressure in talking about this question there, four men were put on net wages, and three of them immediately left; so that it does not please everybody. But then the representatives of the men were good enough to meet me two or three times and have a long talk about it, and they would be quite satisfied, I think, to say that a net wage was the proper way to deal with the question.

685. On the whole you have found them rather conservative?—The trade itself is excessively conservative, I mean in their manners and methods and everything; they are old-fashioned in the way they work, and everything.

686. They would not like to be pushed out of this habit, would they?—No, I do not know that they would, all of them.

687. There is one reprehensible thing you were going to call our attention to?—That is a thing I cannot deal with at all—I have tried to deal with it—beyond saying to the men "why on earth you stand it, I do not know." We have not been able to do anything. I mean this. When a man has either less or more than a sovereign as wages, one penny per sovereign is deducted for the convenience of paying him in change; that is to say, for his convenience, and for what the employer considers to be his trouble in getting small money from the bank to pay his workmen's wages. At the first I thought that was a breach of the Truck Act, but unfortunately we could not get any further with it, and left it in the hands of the men.

688. It turned out then that the workmen did not get his full wages?—Quite so.

689. And therefore it is for the workmen to sue for it?—It is under the Employer and Servant Act; that is what I considered it to be.

690. It is not a general practice?—No, As I say in my memorandum, it is a survival that lingers in a few old fashioned places, that one wanted to have dealt with if anything was forthcoming. Then, talking of the payment of wages, there is an old fashion that still survives which you cannot always get hold of, that the foreman makes 6d. or 1s. by advancing the wages before pay-time sometimes.

691. Of course, that is a private transaction?—That is a private transaction between the foreman or the manager or cashier and the workman, not the master; still I think it could be brought home to both.

692. Have you any experience whether this deduction of a penny for change applies to biggish works?—No; it applies to a very few very small, old fashioned, places,

I brought that up before the members of the association, and they all of them utterly denied the use of it; but it has been so public that I have actually seen it printed on the truck notice, "Change, 1d. in the £.".

693. Could you give us those truck notices?—Yes, I can give you several truck notices if you want them.

694. We should like them very much. Now, will you come to the subject of fines. What are your instructions to employers about "fair and reasonable." You have made in your instructions a recommendation that it should not exceed 5 per cent?—That the total amount of the fines in a week on any one person, except in a case of any act causing damage to plant or danger to life or limb, should not exceed 5 per cent. of the weekly earnings

695. Will you tell us what led you to that conclusion as a Department?—That is not a conclusion of the Department; it is my individual way of dealing with the question. I have seen fines exhibited on placards which I have considered grossly unreasonable, especially on young people earning small wages.

696. Could you give us any of those lists?—I could furnish you with several of them by and bye.

697. If you will send them in they will be printed as an appendix to your evidence. Then you say that the 5 per cent, even is somewhat vague?—Yes, in this way. I started this 5 per cent some years ago when I first came into the Midlands. I told the inspectors that that was what I should consider not unreasonable, but it must be the maximum. Some of the people have taken that too literally. For instance, I had a notice suggested for my approval—not that we approve notices as a rule, because that is a very dangerous thing to do, but a truck notice was sent to me which gave a series of notices, saying, "one-twentieth part of the wages." So that they proposed to fine up to the maximum for everything that happened, just because I had given them that lead by making that instruction. That is a thing that at the present moment I am altering in respect to that particular firm; that is why I say it is a vague way of leaving it.

698. Then you object to the power of the employer to state an offence. What do you mean by that?—Why should an employer say that a man must be fined 1s. for sitting on a wheelbarrow? That is the sort of thing I mean.

699. That actually occurs, does it?—Yes, it has occurred within my experience.

700. Fines for what appear to be trivial breaches of order?—For trivial breaches of order like that, it seems to me that some slight check should be put upon a proprietor's power of doing a thing of that kind.

701. And even with regard to offences, do you suggest a maximum—a statutory proportion of the wages?—Yes, I think there should be a maximum. It is very difficult to decide on a maximum in the case of acts calculated to damage plant or to cause danger.

702. Now you will excuse my being a little anxious about this. Is not there a point reached at which money is of no consideration, at which the employer must consider the work as a whole and say: "It is not a case for settling with you individually; you have done a thing that involves danger to other people and I must treat with you not by way of a deduction, but you must be no longer my servant"?—Yes, I should prefer that, perhaps, to a fine,

703. But I mean, even assuming fines, and even assuming fines under the condition of a maximum, being a percentage, does it not occur to you that it would be dangerous to characterise offences as finable things, if the offence involves danger to other people?—Yes, it might be so, and probably would be so. I have not considered it in that way before.

704. Just let me put it in this way. Is there any danger in apprising beforehand workmen that, if they commit an offence which would endanger the works or endanger their fellow workmen, the measure of that offence is a certain pecuniary sum; does it seem to you that there is a danger in that?—Yes, there is a certain amount of danger.

705. I suppose the answer, in one way, would be that, while the maximum is permitted, it is always open to the employer and the workmen to separate; dismissal is not forbidden, is it?—Oh no, it could not tie the occupier's hand so far as that is concerned, surely. He could say, "This is too grave for me to deal with under this tariff, whatever it is; I must deal with you in another way; you must have a holiday for a week."

706. No doubt there seems a severity in that, but on the other hand a tariff for offences involving danger to other people seems to me to have dangers itself?—I see what is in your mind.

707. To that extent you would agree, would you, that the imposition of a maximum should perhaps be reconsidered?—In cases of danger and damage to plant, yes.

708. Then you suggest whether there should not be some amendment of the law by way of defining an offence. You say, "The abolition of disciplinary fines must result in suspension or dismissal"?—I think so.

709. I suggest to you that there may possibly be a line through this; that if the discipline is in the region of making a man in himself and in his own purse suffer for a slight delinquency, then you might get your maximum; but if it is in the region of making every other body in the place run danger or suffer, it would be a pity to have sanction to fines for that. I would like the other members of the Committee to note this point, because I think it is a most important point, and one that we should have elucidated?—You think the man might be mulcted as far as his insubordination or whatever it is related to himself, but not as far as it related to possible danger to his fellow workmen.

710. I am suggesting to you that that is one view of it; I do not say that it is my own view. I suppose the true answer to that is, what I originally mentioned to you; that the fines do not conclude the matter, but the option of dismissal remains behind?—I do not suppose the fine would conclude the matter in the case of any offence.

711. Probably that is the answer?—That would be my view of it

712. Is there a list of fines put up near the gate of the factories?—There are constant lists and tariffs, and notices put up in factories; they are either put up in the rooms, when they are put up, or sometimes they are not put up.

713. So that when the worker enters the employment, if he is scrupulous, he can see all the kind of traps that he has to avoid?—Yes, but I am afraid many of them do not read down these traps; they take the thing on trust before they go in. I do not think a man in his senses who read that he would be fined 1s. for sitting on a wheelbarrow would go with a clear mind into that works, although it is a very big one.

714. Now let us come to the thorny subject of damaged goods That, in your opinion, is the most difficult point of all?—I think it is the most difficult point to arrive at justice being done. I would illustrate that, if I am not anticipating anything you are going to ask, by the case of a tile. I am taking this as a concrete case at the present moment. An ordinary majolica tile which is a thing like this. (*The witness drew a diagram.*) It has to be painted in majolica, which is a leaded colour—a dangerous process—and then it has to be fired in the kilns. It is stamped like that; it is stamped out by one man. After that is done, and it is dried, in biscuit, it then goes to the paintress to paint it. It then goes to the kiln man to put in the oven and harden the colours on; that is practically what it is. There may be a pattern—one of William Morris's cabbages, or something of that kind—impressed on it, and the die that presses it may be blunted; the pattern on the die may be slightly blunted, so that it does not raise the dividing lines of the colours sufficiently on the tile underneath. The next process then of any importance is that it goes to the paintress. Now the paintress dabs on a lot of colour *there*; another colour *there*; another colour *there*; another colour *there*; and another colour *there*; it then goes into the kiln and is fired, and the colour is fastened on, and the effect of a glazed tile is produced. But when you take it out of the kiln the person in the shop (I mean the shop where it is sorted out for payment and being put in the warehouse) says: "Oh, this is not right." Then in nine

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cases out of ten they put it down to the majolica paintress. That is a point upon which we have a great deal of difficulty. If these lines which ought to contain the colour, which ought to be slightly raised above the body of the tile, are not cut sufficiently sharply by the die, the person in charge of the die is responsible to a certain extent, because the wall—that which divides the colour—is not sufficiently high. Then the man who mixes the colour glaze may be responsible. If the glaze is not absolutely properly proportioned and the chemicals are not acting, as they are meant to act, together, he may cause some damage, because when it is put into the kiln one colour runs or dries before another colour, they not having been properly balanced, and the colours run together. Then the girl herself may paint carelessly and smudge over these lines. Then when it is put in the kiln (it is supposed to be done with a spirit level) it may be the least bit tilted by mistake and all the colour runs down *there*. The result when that tile comes out is that there are some browns and some greens all mixed up together at the ends of it. The difficulty we have is to find out who is responsible for that and it is an almost impossible question to solve. The unfortunate person who is generally supposed to be responsible for it is the female, the paintress, because she has the least protection, I suppose, of the others in the works ; the men can defend themselves.

715. Each operator at the four stages disclaims responsibility, of course ?—That is exactly the point. That is a concrete case at present within the last few days in my hands to decide.

716. You have presented a great conundrum to us ; now can you help us to solve it ?—I do not know about any solution of it. Then another further extraordinary part of the case is that upon submitting one of these spoilt tiles, which I certainly should not like to pay for as a good tile, and put into my grate—that submitting it to an authority, to an expert in the tile trade, he said: "Oh, I should not call that spoilt at all ; I do not mind those runnings there ; it gives it a sort of artistic effect which it would not have otherwise, and I should sell that tile for a first-class tile." In the middle of these difficulties one has to steer one's course. That only illustrates the difficulty of deciding as to who is the actual person at fault in most cases. They may not be so difficult of detection as they are in this case, certainly.

717. Where the damage can be liquidated—to use the legal expression—can be fixed by a reference between a bad article in the market and a good one, then the difference is the damage ?—Yes. There is one point—I do not know whether you are prepared to express an opinion upon it—upon which I feel very strongly ; that when a man produces a piece of bad work and the employers say they will not pay for it, that does not come under the Truck Act at all, because it is wages that have never been earned. Where a man makes a second class job out of a first class material, and the proprietor has to sell it as a second-class job, then you can adjudicate as to the difference ; the damage is the difference in price as you say.

718. Of course if a man is working upon time, I suppose you could hardly say that he has not earned his wages, although the result is unsatisfactory ?—No, I was thinking more particularly in that case of piecework ; I had not considered it from the point of view of time.

719. Take a piece-worker. The condition of the work would be that he puts out pieces ?—Yes, so many pieces.

720. You say if one of those was damaged, it may be part of the contract that that was to be treated as non-existent ?—If it is damaged so as to be unsaleable, but if it is damaged only so far as to be saleable at a lower price, then I think that that comes within the terms of the section, that the deduction should be "fair and reasonable," and that some explanation of it should be given in the ordinary way.

721. You only put this to show the difficulty you have, and that we would have, in attempting any definition ?—Yes, that is the point.

722. Then we come to the thing which you have been already alluding to—materials and things to be done and provided. Fuel is an instance ?—Yes.

723. Is not your only difficulty there two-fold ; in the first place that the fuel should be charged at the cost and no more, and secondly, that there should be some provision made which will secure that the loss for waste of fuel to some extent falls upon the workman who has incurred the loss. Have I made that clear to you ?—Yes.

724. The only value of putting it by way of a deduction would be that the workman would have a joint interest with the master in avoiding the waste ?—Yes, he would.

725. But you say the scheme opens the door to possible injustice if there is an unscrupulous employer and a defenceless worker. That injustice can be obviated if you keep the charge made for the fuel exactly to the on cost ?—Yes, but I was not referring there so much to the case of fuel. I was referring there to other things of which the price could not possibly be ascertained. Take the case of needles that we have been talking about. That might be magnified to any amount in the case of a defenceless body of workpeople.

726 Still, you can see the difficulty that occurs. Waste or breakage might be reckless if there was no interest in the avoidance of that by the workman ?—Yes, that would apply, you would say, even to needles. One of the common arguments advanced in favour of charging for needles is, "they would be less careful in the use of them if we did not make them buy them."

727. Let me put this to you. Suppose you had left the matter entirely to the ordinary situation of confidence between employer and workman—confidence to begin with, with the risk of dismissal if that confidence was found to be unwarranted ; no fines about it ; no charges for on-cost ; no charge for waste, but just that the employer and his foreman look to see who are good, prudent workmen, with the sanction of possible dismissal. What do you say to that alternative ?—It would be a highly desirable alternative, if it was not too Utopian.

728. It is just on that latter point that my mind is troubled. You are aware, of course, that in certain works there are no fines or deductions at all ?—Oh, yes, some people have reached that confidence.

729. Even in a Utopia, it is a Utopia of the worst kind in some cases, because there is the risk of employment being lost for life ?—Quite so. I have a case here ; I do not know whether it is a Utopia at all ; it is the North Stafford Railway. They decided to abolish all fines, and they say that "suspension and dismissal will follow the usual offences."

730. When was that done ?—At the end of 1896.

731. Can you give us any information as to how that has worked, whether it has worked harshly ?—No, I cannot tell you whether it has been successful or not at the present time. I think that would affect all employees—rolling stock employees as well as fitters and so on.

SIXTH DAY.

Wednesday, 30th May, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. J. A. REDGRAVE, H.M. Superintending Inspector of Factories, Birmingham, was recalled; and further examined.

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By the Chairman.

732. You can now please continue the evidence you gave at our former meeting. I think you had reached the subject of deductions for waste?—Yes, but the inquiry towards the end of my last day's evidence was getting a little more into general principles.

733. I would now like to bring you back to any point you wish to present to us especially connected with this question of deductions. May I assume that the whole question of waste arises under the clause of the Act about deductions for "materials supplied or things done or provided" by the employers?—I think it would come under the category of damaged goods. Upon the last ocasion I illustrated the difficulty of deciding where the responsibility should lie by giving the history of what was called a spoiled tile. I quoted that as an instance of the difficulty, but added that other cases might not present such great difficulties where the succession of processes through different hands was not so elaborate

734. Substantially I assume that the illustration you gave pointed to the difficulty of allocating the fine upon the true delinquent?—That was what I intended to illustrate.

735. Have you any special point that you desire to mention with regard to the phrase in the Act about "materials supplied and things done or provided," by the employer?—It seems to me that these words allow an employer, as I read them, to charge for the expenses he incurs in carrying out statutory obligations. That is only an opinion of my own, but if I am right I don't think he ought to be allowed to make such a charge. I differentiate between fining a man for disobeying a clause in the Factory Act and charging the man for providing sanitary or other measures under certain regulations. For instance, there was a case in which some years ago an overseer was fined a sovereign for not carrying out a provision of the Factory Act. The High Courts decided that it was a legal fine. That was the case of Crewdson. I don't say that £1 was not an excessive amount, but that was not the class of difficulty that I was dealing with. I was rather referring to workpeople having to pay contributions towards the expenses incurred in carrying out certain proper sanitary and other requirements such as sweeping the shop, especially where there is clay or lead about, as in the potteries, or in providing accommodation required, or for washing overalls, which employers are required to provide and maintain for the use of the operatives.

ıam *v.* dson 55 J.P.

736. I understand your proposition, or rather suggestion, to be that wherever there is obligation set by statute or even by the rules of the Department, which have statutory effect, that obligation should be discharged without importing the discharge of it in any way financially into the contract between the employer and the employed?—The cost should not be included.

737. Would you permit me to suggest another point, namely, wherever you have what may be called steady charges of on cost in the business, things which can be estimated from month to month and from year to year, is it in accordance with your view that these also might be excluded from the category of deductions, or have you any view upon them?—I feel very strongly that the time has come when such regulated costs as the provision of tools and power and things of that kind might be put a stop to, as deductions.

738. Let us please exclude tools in the meantime, for this reason, that tools may be the subject of wastage, to which you have already referred, whereas the provision of a standroom, the provision of light, and things of that sort, are on a different footing. Have you any opinion as to whether these things should be excluded from the category of possible deduction?—I have a strong opinion that that should be done; and that it is possible to be done by a readjustment of prices.

739. The first proposition that I understand you assent to is that where the employer is bound to do certain things by statute, it should be reckoned an improper deduction to make any charge for costs incurred in fulfilling his statutory duties?—Yes.

740. Are we agreed upon that?—Yes.

741. I now suggest to you a second point, namely that where there is a steady charge of on cost in the business as, for instance, standing room, light, and the like, Parliament might interpose to say that that should not be a deduction from wages, but that wages should be fixed irrespective of these things?—I agree with that entirely.

742. Then we come to the third category in which wastage by the workman himself is possible. Do you think that Parliament might interpose to prevent these deductions, or would there be danger in preventing deductions for such wastage?—I am afraid I cannot give a very decided answer on that subject. I presume you refer to deductions in respect of damaged goods, which is a serious question. It is more for the decision of this Committee, and I do not know that I can help you much.

743. Would you assent to the view thus far, that a maximum of deduction should be prescribed?—Yes, a proportion in relation to the man's wages, a maximum proportion.

744. Perhaps that is as far as we are entitled to press you. Do you think there is a possible injustice because of the risk that an ignorant workman may be charged a deduction actually for the fuel used in the boiler furnace?—If there was a deduction of that kind, the employer might for common furnace coal charge his workman a deduction at the price of ordinary household coal. I am only putting that point with reference to the use of coal.

745. Even with regard to that, are you not carrying it rather far? Is there not a check provided by the Act of Parliament: namely, with reference to the charges being fair and reasonable in view of the cost?—A reference to the words "fair and reasonable" necessitates an inquiry at once into the matter. The aggrieved person probably does not bring the matter before us, and we may not hear of any arrangement unless by chance. We have just heard that in the hosiery trade there has been a reduction in the price of needles, for which workpeople have to pay, and that some employers have not given

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their workpeople the benefit of that reduction. Probably if an inquiry had not been instituted within the last fourteen days, we should not have heard of the matter for some time, and needles might in some cases have been charged double their retail price.

746. Coming now to questions of remedy, is it your opinion that a fresh Act is required ?—There is a good deal of tautology in the two first Acts which is, I think, apt to confuse people.

747. Do you refer to the Acts of 1831 and 1887 ?—Yes, reading them together. The conditions under which these Acts were passed have considerably changed. In my experience, Truck in the sense of the exchange of commodities for labour is almost a thing of the past, or has become so, and the whole of the Act of 1831 is directed to the prevention of that system. This was followed upon similar lines by the Act of 1887, and the conditions called for by that Act are disappearing. That is my view of the matter.

748. Would it be possible to consolidate the legislation ? And to bring the more valuable provisions of the Act of 1896 into a general statute covering the whole ground ?—I should humbly suggest the preparation of an Act embodying the principal provisions of the Act of 1896. and if that Act leaked at all any amendments could be introduced. But I should reconstruct the legislation, taking the Act of 1896 as the basis.

749. I wonder whether you can help the Committee in a matter which is no doubt in the mind of all of us, whether any expedient occurs to you for saving the situation caused by the vagueness of the words " fair and reasonable " ? I suppose you recognise, to begin with, that these words being there involves an inquiry, which inquiry can only be started by an individual workman who is probably in humble circumstances ?—Quite so.

750. Does anything occur to your mind to save that in any way, by giving a sort of ready appeal for remedy without all the circuitousness of a prosecution and the like ?—A disputed reference to the words " fair and reasonable " in the circumstances of a particular case can only end in a prosecution, or in the withdrawal of the plea of the aggrieved, either by himself, or by us acting for him.

751. In order to evoke your opinion, I would incline to demur to that, by suggesting this to you, might there not be some means of appeal to an officer on the spot representing the department ?—Then you would have to define the words " fair and reasonable " much more closely.

752. That is what I wanted to drive you to ?—I should be glad to be driven there, because I think the point wants settling.

753. Can you give us any guidance upon it ? In the first place with regard to goods supplied I presume the elementary standard would be cost, to begin with ?—Yes.

754. That would be the prime element in the consideration of such a point in the first instance ?—Yes, quite so.

755. Then at the other end, you would have a maximum to end with ?—Yes.

756. Starting with cost at the one end, and with the impossibility of deducting too much by reason of the percentage at the other end, can you guide us between these two points to anything except a reference on the spot to an inspector ?—No, I am afraid the individual worker would have no means of reference, except, if he belonged to a union, to his secretary or to the inspector. I do not exactly see the way out of it if he is uncertain on the point.

757. I point out to you the hardship on both sides. You might feel constrained as a Department to institute a prosecution in order to try the point ?—Yes.

758. And with the best intentions in the world, that is likely to cause some friction, and may end in a complete acquittal ?—It might.

759. Would there be no means short of that of getting so simple a point tried ?—In respect to materials it is simple enough, because we can ascertain the price of the materials, and we know at what price they ought to be supplied, take the case of needles to which I have referred.

760. Well, take that point. Would it be necessary for you under the present system to institute a prosecution in order to settle that question, and would not a suggestion from the Home Office, acquiesced in by both parties, be sufficient for the purposes of the department ?—I will instance a proposed action in the case of the needles. The district inspector will in each case on my instruction go to the employer and point out " these needles I know cost so much, and you are charging the workmen so much more for them." Unless the employer hopes to disprove the evidence of the inspector, I do not think he could do otherwise than stop the overcharge at once.

761. Is it within your experience that such cases do happen and thus save the necessity of a prosecution ?—Oh, yes, constantly.

762. So that in practice you have a system substantially of appeal to an independent officer ?—Oh, yes, there is.

763. I undertand one of your suggestions for legislation is that the terms of any ordinary contract should be defined. Will you please explain that ?—I submitted to the Committee within the last few days a copy of an old contract from a large malleable iron company in Derbyshire, and I instanced from it at the last meeting such a regulation as this, that a man should be fined 1s. for sitting on a wheelbarrow. The list of fines is an old one, and I do not know whether it is in operation now, but there are in it two or three charges of a similar character, which I think are somewhat arbitrary. I can account for some of them by supposing that the experience of the employer is wider than my own, as to the necessity for fixing such a charge. For instance, the employer or firm in question may have had experience of men sitting on a wheelbarrow, and the barrow tipping up so as to injure the men, so that employers have constantly either to lose their services or to pay them when they are laid up. There may be some reason of that kind.

764. There is, I understand, a special point you wish to refer to, as to a decision with reference to the lace trade ?—The principal lady inspector, or the local lady inspector, would probably give better evidence about that, because they conducted the case, but I understand it resulted in putting out-workers outside the pale of the Truck Acts, unless they actually carried out the work manually themselves.

765. With reference to the contract notices which you referred to on the last occasion, I see one signed by the Governor and Director of A (*see Appendix III., Exhibit No.* 1) ?—Yes, that is a large concern at Derby.

766. I observe that there is a list of thirty-six fines ?—That is the sort of thing I wish to call attention to.

767. No. 29 refers to insubordination, or incivility, to officers of the company, for which the fine is 1s. or summary dismissal ?—Yes, I consider that somewhat vague as an offence. I know that people must not be insolent anywhere, but I think that insubordination, for instance, is a very vague expression to lay before an inspector of factories as justifying a fine of 1s. We want something more definite.

768. I see that Offence 36 is using a barrow for purposes of a seat, fine 1s. ?—That is the case I referred to. Probably there was some explanation of it at the time. If I am not interrupting the course of the evidence, may I state my belief that notwithstanding the formidable list of offences during the seventeen months which preceded the time at which the list was handed to me, there was only about £2 10s. paid in fines at the works, whereas the wages amounted to £40,000 during these seventeen months. The proportion of fines was therefore small and insignificant.

769. It is quite fair upon your part to say that ?—I can give the exact figures, if you like.

770. You have forwarded to us in your letter of the 24th inst., a notice which I have in my hand. It is marked number " 4 " in green, (*see Appendix III., Exhibit No.* 2 A.). Is it a sample of what may be called a generally reasonable schedule ?—I do not say that all the items are defensible ; indeed there is one item that is challengeable, but the form of the notice seems less arbitrary and irritating than some of the more elaborate notices.

771. Exhausting these notices, let me now call your attention to another one, marked " 3 " in green (*see*

Appendix III., Exhibit No. 2 B.); what have you to say with regard to that one; are there any items in it that you wish to call attention to?—No, I do not know that there are any particular items in it that are objectionable.

772. Then I now call your attention to the one marked "2" in green, which sets forth that the operative will be "subject to the undermentioned fines, stoppages, and subscriptions." (*see Appendix III., Exhibit No.* 2 C.). Now, I am rather anxious to ask you a question or two about that. Are the fines set out there?—Yes, they are.

773. Are there any of them that occur to you as the subject of observation?—There are two that I think are rather excessive. One is 1s. for leaving scraps in the shop; and another of 1s. for wasting water. Leaving scraps about is against the regulations; workmen are obliged, under the special rules, to work in a cleanly manner, and to remove their scraps. Neglect of this is really a breach of a statutory regulation, but 1s. fine for that, or for wasting water, seems to me to be excessive.

774. Where does that notice come from?—I do not know; I have had it by me for some years.

775. We may now come to your comments about deductions?—I have made a general observation with reference to the supply of gas. Men are often charged 6d. per week for their gas. I have often asked for that to be reduced and in some cases it has been reduced, but firms say that 6d. is as little as they ought to charge in order to pay the gas bills.

776. Have you as a department ever gone through the operation of checking the bills?—I cannot say that I ever have personally; but I think two or three of the inspectors have done so, and have been satisfied that the statement was fairly correct.

777. Can wastage occur under that head?—Yes, if a man neglects to turn off the gas when he leaves his work; he may leave the jet burning.

778. Would there not be sufficient supervision to prevent that?—The Potteries are places by themselves, with hardly any supervision. It is in that respect rather an extraordinary trade. That is a point upon which I am personally often grumbling in the Potteries—the want of supervision. The trade was conducted in the old days independently by the men themselves, and the ordinary discipline of a factory or machine shop is not brought to bear upon them.

779. There is a third item of debit, viz., subscriptions. Is that for a club?—The items are as follows, viz., "Club, 6d. per fortnight each member; benevolent, 3d. per month; club levies, 6d. on the death of a member's wife; 1s. on the death of a member; infirmary 3d. per month." Under the decision in *Hewlett* v. *Allen*, we have given up taking any account of these at the present moment.

780. Have you an opinion as to whether it is on the whole a sound enough system?—I think that mutual insurance and such arrangements among workers are on the whole sound and good, as long as the workmen have themselves some control.

781. We may have to get evidence upon that as to whether these clubs are under the control of the workpeople?—Yes. These notices have no head line to show where they come from.

782. I now show you another notice from the Potteries marked "One" in green. (*see Appendix III., Exhibit No.* 2 D.). Have you any special observation to make with regard to that one?—No; I only sent it up to show what an elaborate thing it is.

783. Where does it come from?—I don't know. The only reference upon it is the "Tunstall" postmark. These were some of the notices asked for in 1902. Persons were then required to send in copies of their notices, and some of them came without any mark or reference to identify the firm.

784. I suppose you have no doubt that all these five documents are genuine notices which are, or have been, in operation?—They were sent in obedience to a letter from the district inspector, a copy of which I have here, asking the firms to forward to him copies of their placards and notices under the Truck Act.

785. Mr. Yarrow has asked me to put a few supplementary questions. One of them is this, will you tell us whether, in all the factories under your supervision, the conditions of employment, giving the hours of work, fines, deductions etc., are put up in some conspicuous place?—They are not put up in all cases. The hours of work and other matters coming within the scope of the Factory Act are exhibitied in all cases.

786. But not such particulars as fines and deductions?—Not in all cases.

787. Do you think there should be any rule about that?—Any deductions at all of any kind, whether for a club or for medical assistance or anything of that kind, should be a matter of common knowledge and exhibited at the works.

788. In the cases where such notices are put up, where are they generally affixed?—Generally at the timekeeper's office, or close to it.

789. Would it not be a good plan to insist on these regulations being affixed outside the works, so that any applicant could study them before going into the place?—I do not know. No doubt they could be displayed in the lobby where applicants have to wait before being taken into the works.

790. You would go that far?—Oh, certainly.

791. Can girls who seek employment study the conditions before applying for a berth?—Yes, where the rules or regulations are exhibited, as they are in a large number of well conducted places, they have those opportunities of studying the notices, if the girls look about.

792. Let me put before you another suggestion from Mr. Yarrow, viz., would it be a good plan for these notices, setting forth the hours of work, the fines, deductions, etc.—to be put into a printed form and exposed in the shop window, so that not only present or prospective workpeople could see them, but also that the public who make purchases in the shop could form an opinion as to the labour conditions at that establishment. Would that not ensure a certain amount of public opinion being brought to bear on the matter?—I cannot go so far as to recommend that expedient.

793. Mr. Yarrow follows up the last question by this one—If an employer objected to that plan, would it not be some evidence that he had reason to be ashamed of his methods?—I don't think an employer would like to have the whole working of his place exposed to the comment of everybody who passed or who might stop out of idle curiosity.

794. Probably we are a little at cross purposes. We were rather hitting at places not under your supervision, viz., the shops?—Then I think I must not speak for the shopkeepers.

795. One suggestion is that if there was a general system of publicity of that character the best employers would rather favour the public knowing the good terms upon which they gave employment?—I don't know whether the suggestion is workable. We should probably have a great deal of trouble with it.

796. You were good enough to get me a firm's syllabus of wages and specific stoppages (*see Appendix III., Exhibit No.* 3)?—I got that from a firm on Saturday—from B, and the pay tickets are there, showing the stoppages, etc.

797. These show deductions for gas, sweeping, cooking, washing overalls, etc., supplemented by small items for infirmary, sick club, benefit fund, etc.?—Yes, all the departments in these works do not pay exactly the same stoppages.

798. If the fines and deductions extended to a list of from fifty to 100, the form of receipt produced would not suffice?—Not if the whole of the fines were inflicted at one time.

899. Would you approve of any system of settlement under which the worker is not specifically apprised of what are to be the debit items against his wages?—No, certainly not.

800. I am sorry to detain you so long over your evidence, but there is one other point. The secretary of this committee has had a letter of which the heading is, "National Amalgamated Iron Plate Trade Society, 12, Tividale Street, Dudley Port, Tipton, Staffordshire, May 25th, 1906." The writer of that letter states that in that trade there are certain grievances, and I understand

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you have made inquiries with regard to allegations of grievance set out in that letter?—Yes, I was only able to start the inquiry yesterday, as I did not get the particulars until yesterday morning. The letter is from Mr. Simeon Webb, who writes on behalf of The National Amalgamated Iron Plate Trade Society. That name puzzled me for some time, and Mr. Webb himself admits that it is not the happiest way of describing his society, because it does not deal exactly with the iron plate trade. The proper description of work carried on by its members is the galvanised wrought hollow-ware trade. When I first saw the letter I was inclined to think the society had reference to the manufacture and rolling of iron plates. It was some time before I could localise the reference. This hollow-ware trade is the manufacture of galvanised buckets and baths and things of that kind, and it is conducted to a certain extent in the Midland counties and at Bristol. The complainant writes that, "With a small section of employers in the trade the old system prevails of making a deduction of from 4d. to 6d. for light from their employees wages out of which we venture to think a profit is being made, and, although the provisions of the Act are not complied with, the factory inspectors do not trouble to interfere, although complaint has often been made."

801. What is your observation upon that?—My observation upon the reference to ourselves is that we have had no complaint from the trade at all. We cannot find any trace of such a complaint at our offices—not at Wolverhampton, or at South Staffordshire or at Birmingham.

802. Then are you able to say whether this complaint which has just come before you for the first time, is well founded or not?—I think the history of this correspondent's reference to us is as follows—Some time ago his Society took proceedings against a bucket-maker for not giving a contract and the particulars of deductions for gas. They did not refer the matter to us, but went on their own. By some extraordinary perversity the clerk to the magistrates instructed the magistrate that an individual could not proceed on his own account under the Truck Act, but that the prosecution must be conducted by the factory inspector. The matter has been mentioned in the House of Commons.

803. There is no real warrant for the suggestion of the clerk to the magistrates?—Not at all. The parties were not prepared to go to the expense of upsetting the decision, but they then came to us and said, "You must go on with this, you must take it up, the magistrates' clerk said so," but the defendant in the case had complied with the Truck Act; immediately upon it being pointed out to him by the factory inspector that he ought to have a contract and to give the particulars he did so at once.

804. And so you did not interpose?—No; we do not always prosecute people upon technical points at once under the Truck Act, and this case happened three weeks before the factory inspector represented to the defendant that he had got certain things to do, which he did. Under these circumstances I would not consent to the district inspector taking the chestnuts out of the fire at the request of the Society.

805. And now you may take the second point of complaint?—He writes that, "In some factories there exists a system of fining a man 6d. each time he is late or absent from work, and this where the men are on piece work." I asked Mr. Webb to tell me who the delinquents were to whom he referred in complaint No. 1; he pointed to C., and to D. I went to C. Consequently I found that he deducted 4d. a week for gas, and that a sub-contractor who employed twenty-four people paid a lump sum of 2s. 6d. per week for gas for his underlings. All this was set forth in written and signed agreements under the Act of 1896. I saw those agreements. Then I went to D. in the immediate neighbourhood and found that for several years they had ceased to charge for gas. I had not time to go to the other firms complained of, because one was at Wolverhampton and the other at Bilston. Mr. Webb also informed me that E. were in the same boat. That is a Birmingham firm, and there is their contract (*handed in*), so that practically the complainants' information was not quite correct with reference to these people not carrying out the contract form and that sort of thing. This has reference to the first subject of complaint. With reference to the second subject of complaint, reference was made to F. at Bristol, but that is out of my beat, and I could not make inquiries there. Meantime our local inspector was making inquiries at Birmingham and went to E., whose contract, I think, specifies some fine for being late.

806. I think what you are probably referring to is the regulation that if workmen are not there by a certain hour they are not permitted to enter the works until two o'clock?—I thought there was a specific fine for being late, but perhaps F. is the only case. We now come to the third complaint, which is "a further evil exists in some factories of a weekly deduction from wages for provision for the first fortnight after an accident out of which employers are making a sufficient profit to pay practically the whole premiums covering the insurance of their workpeople under the compensation Acts."

807. Have you ascertained whether that is so?—I have not had an opportunity of ascertaining the alleged profits of employers in reference to it, but I learn that two firms, namely, C. and D., of Lye, have such an arrangement.

808. Do you mean that they make a weekly deduction from all the wages?—A weekly deduction is made. At C. the workpeople collect it themselves; one man collects it in the yard.

809. Have you any opinion about that?—I do not think it is a bad thing, for it covers the first fortnight, when otherwise the injured workman would get nothing. The workman have absolute control of that, and it is not contrary to the Truck Act.

810. Is it under the same category as subscriptions?—Yes. D. do the same thing. The subscription is one penny; C.'s men benefit during the first fortnight; D.'s men benefit during the first week. I make no comment on that system. I got the details and found the firms perfectly frank on the matter.

811. The fourth complaint in Mr. Webb's letter is as follows:—"Another bad system which we think amounts to truck is that the foreman having a business as draper, clothier, etc., favours the workman whose wife makes her purchases at his shop"?—I have not yet had an opportunity of going into that. I know the firm and the name of the foreman. I am advised by Mr. Webb himself that the firm are most respectable, and would not tolerate such a thing if they knew it. It is a very simple matter to check that, and I shall have it dealt with at the right moment, so far as necessary. It is alleged that workmen who buy goods in the foreman's shop get put upon the best jobs—the best paying jobs—I do not know that there is any other difference suggested. I think it is probably within the power of the factory inspector to stop any such practice.

812. You remember my anxiety on the occasion of your last giving evidence to get actual copies of those lists. There is one which, for convenience, I will just use in asking you a few supplementary questions; that is, the list of E. Rule 2 is, "Any workman not being at these works at 8.15 shall not be allowed to work until 2 o'clock, unless he gives a satisfactory explanation for his absence." So far as that rule is concerned, none of the legislation can touch it?—No, it is absolutely independent of money, as far as the terms of the arrangement go.

813. But minutes of absence may be transmuted into hours of loss of work?—Yes.

814. Then Rule 3 is, "Any workman not being at these works by 2 on any afternoon shall be suspended for the remainder of the week unless he can give a satisfactory explanation." That comes in the same category?—That is in the same category.

815. Rule 4 is also in the same category, "Any workman losing more than one morning during the week shall be suspended for the remainder of the week"?—That I cannot interfere with.

816. Then I ask you about this Rule 6, because some of our number have been anxious about the matter of sick club subscriptions: "No workman will be employed

at these works unless he is willing to join the sick society at the works and be subject to the rules of the society." Have you any observation to make with regard to that ?—No, none.

817. Rule 8 is, "Each workman will be charged 6d. a week for the use of gas between September 1st and March 31st, which will be deducted from his wages; any workman found using gas unnecessarily will be fined 6d." Have you anything to say with regard to that ?—The only question is whether 6d. is not too much for a burner. This is an old and burning question that has never been properly settled; I have always thought 4d. would be the proper sum; but still, I cannot regulate people's gas bills; and I do not say that I can find any great fault with some means being provided for checking waste of gas.

818. But I point out to you this. That rule provides for the two things I was referring to; there is a fixed on-cost charge for the light, and then there is, by way of a protective charge, a fine for unnecessary use of the light ?—I quite follow your point.

819. I put it to you that the two things are unnecessary; if there is a protection by way of fine for waste of gas, everything beyond that forms a fixed charge in the works, which can be regulated, without being the subject of deduction ?—The charge for light altogether should be abolished; that is my view.

820. And you are fortified in that opinion, I presume, by seeing that they take precautions in the same rule against the unnecessary use of gas ?—Yes.

821. Then Rule 9 is, it seems to me, very serious: Any work that is made wrong through neglect of the workman shall not be paid for, and he shall have the cost of the material deducted from his wages." Have you anything to say with regard to that ?—I consider that that is not fair and reasonable. It is the first time it has come under my notice, but it is a charge on which I shall raise a question; I do not consider it a fair and reasonable charge for damaged work.

822. There is a double penalty there ?—A double penalty is attached to it; there is no payment at all for the making, and the spoilt material is to be paid for by the worker.

823. Then Rule 10—"Each workman is required to get a check on entering these works and to deliver up same on leaving; failing this, a fine of 6d. will be made in each case" ?—Not giving up checks is a thing people commonly do fine for; I really cannot say whether the matter is so important as to necessitate a fine of 6d. It is very confusing if the check is not in its proper place either at or about the proper time, there is no doubt about that.

824. Then Rule 11.—"No smoking, bad language, or beer shall be allowed in these works; for each offence a fine of 6d. ?—A man may indulge in eighteen-pennyworth at once! The beer question is a very difficult question; I do not know how to deal with it. In rolling mills and those places they must have beer; they will have it—quarts and quarts a day. If an employer says that his men are not to have beer, I suppose he has some right to prevent them taking it. I have seen men going in with beer under their aprons, and so on, illegally, before now. I suppose the employer, if he feels strongly about beer, has a right to make some regulation about it. I do not know whether 6d. is not a good deal for the fine.

825.—Then Rule 12—"All fines deducted from the workman's wages to be paid into the funds of the sick society at these works." If there are to be fines at all I presume you would think that that is the best distribution of them ?—Undoubtedly.

826. These questions are only put because we happen to have the actual document as a sample before us ?—Quite so. I have very little experience of the Shop Hours Act, but I have some particulars of it; I do not know whether you want to know anything about what is done with regard to the Shop Hours Act. You will have very much better evidence from the shop societies, I daresay, than I can give you. I only wanted to mention that in Birmingham the Shop Hours Act is carefully administered.

827. Probably, we should hardly take evidence from you upon that ?—No, but I was asked to get some information about it; I do not know that I have anything very interesting to say to the Committee on the subject.

828. If your officials can get us evidence at first hand it will probably be the preferable course ?—Certainly, the officials of the salesmen's societies will probably give that evidence.

829. I do not mean the officials of the Home Office, but those who are connected with the administration of the Shop Hours Act ?—Yes. I have a few memoranda here; they are not very important; it is only to say that practically the placards required by the Act were generally put up in shops in certain towns; and that in Birmingham certain people were fined last year for failing to observe the Shop Hours Act of 1892. Birmingham considers that it leads the way as a well governed city always, and they have gone into the new Shop Hours Act at Birmingham and they find that there is not a case for fixing those days. "They do not consider that a *prima facie* case for a closing order" (this is under the new Shop Hours Act) "has been made out, and they cannot recommend that any further action be taken in the matter." Then in the borough of Leicester the old Shop Hours Act is administered in the usual way by the sanitary staff. At Nottingham one case of waitresses in a restaurant was referred to the inspector of factories, hoping that he could interfere in their behalf, but he was unable to do so. At Worcester the sanitary official specially appointed administers the Shop Hours Act. The City Council of Hereford have a closing order in draft under the new Shop Hours Act. At Cardiff the old Shop Hours Act appears to be carried out; I have notes about various places in that district; it would perhaps take up too much time to bring them before this Committee. If it would be of any use to you I will draw up a short memorandum conveying any information that is likely to be interesting to the Committee.

830. There was one communication that you were good enough to make to our secretary as to a memorandum by your predecessor as to some fines existing in the case of a retail draper in South Wales. I think we might have that (*see Appendix III., Exhibit No.* 4) ?—It was not dealt with, of course, because we have no power to deal with that clause with regard to shop assistants under the Truck Act.

831. In this establishment the information was that in 1897, there were eighty persons employed, sixty being counter hands, and there were eighty-three fines for the counter hands in the shop. Now, before we go further, I am anxious to get evidence about that at first hand ?—I do not know whether this is exactly evidence at first hand. It is a memorandum in my predecessor's handwriting of cases which came under his notice. It is not in my handwriting, and I have not been to the place, so that I know nothing about it personally.

832. Can you localise it further than saying it is South Wales ?—Yes, I can tell you the name. It was G., a draper, of Swansea.

833. According to the memorandum there were eighty-three fines for the counter hands in the shop, and forty for the same persons in the house ?—Yes, forty domestic fines—fines for their conduct in domestic life as apart from their shop life.

834. That is a total of 123 fines, ranging from 3d. to 2s. 6d. This was not a private memorandum, as I understand ?—No. I have been turning up the files in my office of old Truck Act cases, and these appeared amongst them.

835. It is officially filed ?—Yes. It would have been available for my predecessor for him to refresh his memory, if he had been giving evidence here.

836. Will you give us one or two instances of the fines ?—For showing more than two or three boxes or drawers at one time, 3d. For putting a wrong number or wrong date on duplicate, 3d. For standing on chair or counter, 6d. For not introducing at least three articles to each customer, 3d. For gossiping or making unnecessary noise in business, 6d. For asking questions of cashier respecting checks, 6d. Any assistant taking counterfeit coins will be held responsible for the amount and be fined 3d. For jumping over the counter or not dusting properly, 6d. For any unbusinesslike transaction, 3d Assistant standing at door talking with friends outside, or entering into conversation with travellers, 1s. Assistant leaving or entering by a certain entrance (I think that means the back entrance) during business hours, 2s. 6d. Assistants, young men and ladies, holding conversation in passages or upon the premises will each be fined 2s. 6d.

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837. These are all applicable to the work in the shop?—Yes, those are in relation to the retail shop. Then, rules in the house; assistants entering their bed rooms during business hours, 1s., assistants entering kitchen, 2s. 6d.; cleaning boots in bed-rooms during business hours, 1s.; assistants standing at street door holding conversation with friends, 1s., and (my predecessor says) "after all this provocation, an assistant found swearing or using bad language will be fined 1s."

838. We should like if possible to verify this. Is this firm carrying on business now?—I do not know, but it is easy to find out. I will try to get you the exact information.*

By Mrs. Tennant.

839. You drew a distinction between allowing a deduction from the workman in respect of a statutory obligation of the employer, and allowing a deduction by way of fine for a breach under the Act on the part of the workman?—Yes.

840. Do you not think that the administration of the Factory Act in respect of breaches by the workmen might be left in the same position as it is in respect of breaches on the part of the employer; do not you think that the workman might be prosecuted for a breach of the Factory Act, and that that would be a safer machinery than allowing the employer to fine him?—Well, I do not want to increase the number of fines, but I certainly do not think there is the same ground for stopping a fine in the one case as there is in the other. In the one case the occupier is putting the money into his pocket for a statutory obligation; in the other he is simply exercising a certain amount of discipline; it may be harsh or otherwise, but it is purely a question of discipline.

841. Of course there is a difference, but still, the workman owes an obligation to the State in respect of the observance of the law, does he not?—No doubt.

842. You do not see some danger in making the workman feel that he is owing that obligation to the master?—I should not encourage such a fine; I should take no steps to encourage such a fine.

843. But you are not prepared to say that you would like to see the abolition of the power to fine for the breach of a statutory requirement?—I should like personally to see all deductions and fines stopped, but I do not absolutely see my way in the matter of fines; that will be for this Committee probably rather than for me.

844. Have you any experience, in respect of deductions for the supply of materials, of cases in which the workers complain that they are supplied with bad materials; say in the case of needles—that the needles break very constantly, and that the employer is rather indifferent as to the excellence of the material because the workman has to pay for it?—I have no concrete case, but I have heard such a complaint in past years about defective needles being supplied. I have nothing that I can refer to on the point.

845. If we do receive sufficient evidence about it, do you think that that might be taken in balance against the difficulty that is urged on the other side, that the workers would waste the material if they did not have to pay for it?—There is something to be said for that.

846. You spoke about deductions for the price of materials going down; let me take, for instance, the charge for gas; if the price of gas went down do you think it would be within the province of the inspector to set out upon an inquiry as to whether the charge for gas was reduced correspondingly?—He ought to see to that; it would be part of his duty.

847. He would not wait for complaints, but if he heard that the price of gas was reduced in his district you think he ought to set about finding out whether the deductions paid by the workmen were reduced in proportion?—I do not know that he would start on it unless it came closely home to him in the case of some particular firm or place. No one better than yourself knows how many things the factory inspector has to do when he is at a place.

848. That is really why I asked the question. It seems to me to be one of the advantages of not calculating wages by that system that it would remove what is a very considerable obligation on the factory inspector?—I should ask the Committee to abolish the charge for gas altogether, if they would.

849. It is one of the many things which, if properly carried out, entails a great deal of work on the factory department?—It does.

850. When objections have been raised by the inspectors to the charge for certain materials—say a charge for cotton—have you any experience of the employer saying: "It is quite true I am charging a farthing more a reel at the present moment than the price at which it might be obtained outside, but in that I am allowing for fluctuations of price"?—No. I have heard of that some years ago down in the south, but the reason given was that their cotton was the best cotton, and it must be used, and that the employees' cotton bought at an ordinary shop would not be satisfactory for the work. If I recollect rightly, that was the usual reason given to me, if there was a difference.

851. You have no experience of cases in which there was no dispute that the cotton was exactly the same?—No, I cannot say that I recollect that.

852. Then you also seem to have experienced yourself no difficulty in getting evidence from the employers as to the cost of materials to them?—No, I do not think there is much trouble in that matter.

853. You are not familiar with that difficulty with other inspectors?—No. It may happen, but it has not come before me. I may have an exceptionally good class of employers to deal with.

854. Then on the question of mutual insurance in various sick clubs, do you see any difficulty in the case of workpeople who have been subscribing to clubs for some time and who leave the employment of the firm and leave their money behind them?—Yes; they are at a disadvantage, of course, unless they can immediately enter a corresponding club the same week at the next place they go to. If they leave from being invalided or past work, or something of that kind, of course they lose.

855. They would not carry their money into the next club?—No, but they will probably get the same advantages in the next club; they would not carry the amount of their subscriptions, but when you subscribe to a society you subscribe to the full benefit of it at once.

856. Not always. I have heard objections raised and I wondered whether you had heard them, to that particular situation?—No.

By Mr. Ramsay Macdonald.

857. I think you said in an earlier part of your evidence that you found considerable difficulty in discovering the existence of fines?—Is that exactly what I said? Is it not qualified in some way? Do you mean in getting full particulars from the workpeople?

858. Yes, and not merely full particulars but getting the complete statement of the circumstances under which fines and deductions are made from wages?—I cannot quite pick out the place where I said that, but I can illustrate it, I think, by mentioning that it was in reference to the Truck Act in the Potteries. I had two or three conferences with the then secretaries of the various unions, which I said were not very strong unions, and I wanted particulars from them as to the actual deductions which they thought right. I prepared several schedules of paper headed in that way, giving the workman's calling—hollow-ware dresser or printer, and so on—and I drew columns for reasonable deductions, net wages, gross wages, and so on, and I asked for this to be filled up and supplied for me. I could never get any of them; only one ever came back to me out of the whole trade. That practically put me into rather a difficulty, for I could not really get at the bottom of what the men thought they might be expected to pay and what they ought not to be expected to pay, and I have not quite got it yet.

859. I want to follow that up and to ask you whether you can assist us in any way by telling us if any statutory provision which we can recommend would help you in that way. I suggest for instance this—to give you an idea of what is running in my mind. Supposing we

**The witness has since forwarded information to the effect that all these fines were abolished at this establishment last year.*

scheduled a form of fine register ?—I quite understand what you mean. There is an informal register of fines (fines—not deductions for materials and things) in existence at several places now. They do not all keep them; sometimes they do not fine, but you are referring now to materials and damaged work more particularly ?

860. As a matter of fact I am referring to both ?—I think, if the present statute thought fit to require a register of fines, there is no reason why you should not also require a register of deductions.

861. You think that if we do require a register of deductions, it would assist you in a more accurate inspection of what the deductions amount to and why they have been imposed ?—It would certainly assist us, because at the present moment we are depending on the men keeping their pay tickets or wages books, and they very often throw their pay tickets away and their wages books are not always available.

862. Then there was another point that you referred to, I think—a little difficulty in administration—the point of the exhibition of the tariffs of fines; I am referring now to fines in particular. Also with reference to the exhibition of the general conditions of employment. Has it struck you that there are so many notices shown at the timekeeper's office or by the entrance to the factory gates that the men get accustomed to pass by those notice-boards without looking at them ?—They very seldom do look at them.

863. As a matter of fact there are so many things shown that nothing is shown at all; it is like a hoarding in a street ?—Well, there are several classes of works where notices are exhibited, and I am confident that the workpeople—whether girls or men—have not the time to stop and read them all.

864. Would you favour a form of notice which should not be exhibited merely, but given individually to the workpeople ?—I think you are required to hand the form of contract to the workpeople as it is, but I think it would be an excellent supplement that there should be a notice exhibited as well; it need not be at the entrance to the works; why should it not be in the shops ?

865. Take that formidable list of fines, part of which we have just had read to us—the fine list of the Swansea draper. A complete copy of that need not be given to each of the employees in the shop ?—Yes, if there is no contract in writing.

866. Is not exhibition enough ?—No, the words of the Act are: "The employer of any workman or shop assistant who is party to any such contract shall at the time of making the contract give the workman or shop assistant a copy of the contract or of the notice containing its terms."

867. Then there was another point you made. You said that you would be willing to fix a statutory proportion of wages as the maximum fine. Would not there be a great danger attached to that of that maximum becoming the usual fine ?—That has happened practically within the last fortnight. A firm on my recommendation prepared a new list of fines, and I said: "Now please understand that I shall consider anything not fair and reasonable that exceeds 5 per cent. of the weekly wages." Then they put all the fines down at 5 per cent. of the weekly wages. That is an illustration of what you mean; but I am remedying that in their case, and I think it might be remedied in the case of other people.

868. Would you mind telling us how you propose to remedy it ?—I am telling the employer that he must put down certain specific fines of smaller amounts; it has not been done yet; he has not made out the new list; he is recasting it.

869. If we prescribed a certain proportion and made it statutory, it would be very difficult, would it not, for the inspectors to insist upon a smaller amount ?—Yes; I did not anticipate that difficulty.

870. Now, I come to another point; with reference to disciplinary fining. So far as the evidence appears to have gone up to now, whilst the statement of disciplinary fines looks very formidable, when we come to the actual amounts paid by the workman under that heading they are very small ?—That is so. The moral effect of the disciplinary fine is greater than its actual practice, I think.

871. That is just the point I wanted to ask you about. Have you carefully considered in the light of your experience this point—whether, as a matter of fact, the disciplinary fine is of very small value as judged by the smallness of the sum paid or whether that smallness must be taken to indicate that the disciplinary fine has actually got a considerable effect ?—I think the mere fact of there being a disciplinary fine prevents the disciplinary fine being inflicted, to a great extent. *Mr. J. A. Redgrave.* 30 May 1906.

872. That is to say, the workmen are coerced by the existence of the disciplinary fine into good conduct ?—They have the moral pressure of a disciplinary fine before them. That I illustrated by the particulars I gave of the fines at the firm A. The amount of fines out of a total of £40,000 of wages in seventeen months was about £2 1s. 3d., I think. Mr. Bettany has the exact details of this.

873. Then pursuing the point a little further, let me take a case within your own area of jurisdiction. May I refer to Mr. Cadbury's place at Bourneville. Three or four years ago it was stated, I believe, officially by the firm that it was impossible for it to get good work done without fining, and the illustration was given of the smallness of the fines actually levied; and the deduction from that was that the system of fines was effective. Then a change took place in the firm (I have no doubt you know the facts, and you will check me if I am wrong); all the disciplinary fines were removed, with, according to the reports, most beneficial results. The conclusion there that I would suggest to you is that as a matter of fact the smallness of the amount actually paid over does not indicate the value of disciplinary fines; it indicates the existence of a state of mind on the part of the workman which makes disciplinary fining unnecessary ?—I believe it is coming to that.

874. So that you would not object very much to the abolition of fines ?—I should like to see the abolition of fines and deductions if I could.

875. You do not think the men in the factories and workshops would suffer very much if they were removed ?—They might at first. The alternatives are so serious in the case of disciplinary fines, are they not ?

876. That leads me to my next question. I suppose in your opinion the alternative is suspension ?—Suspension or dismissal.

877. Or you might have something like what his Lordship read from that series of fines, where a person not putting in an appearance at a quarter past eight would not be allowed to work until two o'clock, and so on ?—Yes.

878. In your experience is that power of suspension or dismissal exercised to a large extent for minor offences ?—I do not think it is.

879. Of course for grievous offences it is bound to be exercised ?—No doubt. I do not think they are very seriously oppressive in any way.

880. You do not think it is a very serious alternative for us to face; if for other reasons we come to the conclusion that fining is unnecessary, the danger of suspension and of dismissal for minor disciplinary causes need not trouble us a great deal ?—I am afraid it is a matter of experience. We should have to wait for experience to give a really decided answer.

881. You think, for the moment, that your experience has not been gathered from circumstances which enable you to come to a very decisive conclusion ?—Not to give you a very satisfactory answer.

882. Then with reference to the statutory obligations which an employer has to meet not being properly the subject of deduction. Would there be any objection in your opinion to stating in a new Act simply that such statutory obligations should not be the subject of deductions ?—I think that is a proper way to put it; I should put it that the expense of carrying out statutory obligations should not form the subject of a deduction from the wages of the workers in that process.

883. Would you in addition to that put the expenses of carrying on a business under normal industrial conditions; for instance, that would include gas and water and standing room ?—Yes, I do not see why those gas and water and standing rooms should remain the subject of deductions; it is simply a survival of the old habit in

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the trade; there are hundreds of trades where you do not pay for standing room or anything else; you are paid for your work.

884. One other question about compulsory sick clubs, I should like your views with a little more detail on the point Mrs. Tennant made. Do you not think that when a man is bound to subscribe to a sick club as a condition of employment, if this is recognised at all, he should be enabled to draw from that sick club at any rate the payments that he has made to it on his having to leave the works?—That is almost a question of political economy, is it not.

885. It depends upon this. In your experience do you not find that men who have to subscribe to these sick clubs leave their work and leave behind them the subscriptions that they have paid into their clubs?—They do, there is no doubt about that.

886. And as a matter of experience they do not draw anything?—No, if they have not been beneficiaries during the time they have been at the works. Your idea is that there should be something of the same procedure as that of giving up a life insurance—that a man should be able to close his contract and take something away with him.

By the Chairman.

887. The analogy is the settling or the surrender value?—Yes; that has not really struck me before, but I think there is a great deal in it.

888. But is there anything like a policy taken out: is the contract on anything like that footing?—No, not as a rule. I thought Mr. Ramsay Macdonald was speaking rather of possible recommendations.

By Mr. Ramsay Macdonald.

889. My point is simply this. On the one hand you have got compulsion, and on the other hand I think you ought to have some recompense, and at the moment I do not think you have got it?—I do not think all these sick clubs are actually compulsory; I know that a great many are.

By Mr. Cawley.

890. In regard to these sick clubs I rather understand that excepting in the case of a man leaving and getting no other situation, in most cases there is no hardship, because he leaves one employment and leaves behind him what he has paid into the club, but he goes into another employment where there is a sick club, and immediately steps into benefit?—That is what I presumed—in the same way as leaving one insurance society and going into another.

891. He has paid no premiums at all, and the first day he goes in he enters into benefit?—Certainly, if it is a compulsory club, directly he enters that employer's service he enters as a full member of that club; I presume so; I do not know.

By Mrs. Tennant.

892. He does not always.

By Witness.

893. Then there would be some special contingencies of which I have no experience. I would not like to say anything about that.

By Mr. Cawley.

894. In regard to fines, in your opinion, outside the retail trades such as that of a draper, do you think there is any grievance, or do you think that fines create any dissatisfaction among the employees?—They do not like being fined; they grumble at the fines; but I cannot put my finger on any man complaining bitterly about being fined. I have some fancy fines of the Midland Railway Company here, but I never heard of anybody being subject to them.

(*The Witness read a list of fines in the Locomotive Department of the Midland Railway Company, at Derby, dated January 31st, 1901. It was arranged that he should put in the list of fines now current at those works.*)*

By Mr. Cawley.

895. Do you think that fines, although in the aggregate in almost all cases they amount to a very small sum, have a preventive effect?—They have a moral effect, yes.

896. Then do you not think that it might possibly be a greater hardship to the workpeople to have fines abolished, because the accumulation of a number of small offences which fines would have prevented them committing might involve their dismissal?—Well, it is difficult to say; I have no experience of concrete cases. In a factory that has been conducted with a nominal list of fines, as we say, the fines might be abolished and it might be found that the discipline was equally good without the fines. The question has not been brought before me in any way.

897. As I understand, Cadbury's place is an enormous works?—Yes, a great place.

898. And yet the aggregate of fines was extremely small?—Yes, I do not know what they were.

899. So that it is a little difficult to say, except that there was a large increase of offences, whether the fines had not much effect as the fines were so small previously?—One has to deal with works a great deal on their merits, and on the classes of the people employed in them; there is no doubt about that.

900. What I want to get at is this. Should you be prepared to say that in the interest of the workpeople alone it would be better to abolish fines altogether?—I do not know that it would altogether always be in their interests, but I should be glad if the abolition of fines could be carried out.

901. Could you differentiate in any way between fines, we will say, for being late in the morning, which is a matter entirely personal to the workman himself, and an offence that might be attributed to carelessness or one that the workman might not actually always be able to prevent?—If a man does not get to work in the morning he does not earn his money, so that he is out of pocket to some extent on his own account.

902. If he is only three or five minutes late the employer may not stop any part of his wages?—But it is usual to stop a quarter.

903. The employer may stop a quarter; but do you not think that it is better for a man to be fined a small sum for being five minutes late than to be stopped a quarter. What I mean is, being late in the morning is a thing absolutely at the will of the man himself; I am putting to you whether you would differentiate between offences of that sort and offences that may not be altogether preventible by the workman?—But does not the being late in the morning come more into the realm of unearned money rather than actual fines.

904. His not being there at the proper time may prevent other people earning money?—It does sometimes.

905. It is not his own individual loss only, because the machinery is running round; there is the loss of power?—There is loss of power to the employer; there is no doubt about that. They both suffer from it.

906. And some other workmen may suffer?—And somebody else may suffer. You want to know whether a man should be actually fined the absolute sum or simply be at the loss of the time that he has wasted.

907. What I am really putting to you is whether you could not abolish fines altogether except for that one thing—that there should be no fines for anything else except being late?—I would not restrict it to that.

908. You are really not at present in favour of fines being abolished?—I am not at present in favour of fines remaining; I would let them go. You put it that all fines should be abolished except for being late; I would not make that distinction, but if fines were to be abolished I should abolish them all.

909. But you are not in favour at present af abolishing all; you have not got that far?—I have not got so far that practically I am convinced about it. However advisable I think it might be, I am not altogether convinced that it would be possible to do without fines of any kind; although I should be glad if they could be abolished.

Mr. Maddison.

910. With regard to compulsory sick clubs, you said you thought it ought to be a fair deduction under the Truck Acts for compulsory sick clubs?—I do not know that I referred to the Truck Act particularly. I said I did not see anything unsatisfactory in sick clubs.

* Now see evidence of Mr. Guy Granet where the list of fines is set out. (Question 11692).

911. At present it is a legal deduction for compulsory sick clubs ?—The Truck Act hardly touches it.

912. It does touch it in some way, does it not ?—No; I think it is reckoned to be outside it.

913. It does not come within truck ?—No.

914. That is my point. Now has this view ever presented itself to your mind. A man, or a woman, or a girl under one of these notices is compelled to join a sick club; by doing so they may not get as good value for provision for sickness as they could get outside, and by that means they have to that extent a deduction from their wages ?—Yes, but is not that a question for them to consider whether they will go to a place where they are obliged to join an inferior sick club.

915. But it is a condition of employment ?—Yes, but they can go next door where it is not a condition of employment, if they know that this is a sick club of an unsatisfactory character.

916. But the next door place may be equally unsatisfactory ?—Well, I do not know that I can go into the constitution of sick clubs.

917. My point is this, that unless you can have some guarantee that the sick club does give what I would call the average advantages for the same money, and if it is made a matter of compulsion, to that extent the worker loses by it being a condition of service ?—Then may I suggest that it is for the Committee to fix that.

918. I wanted your opinion, because we should be largely guided by it ?—I should be only too glad that all sick clubs should be guaranteed to be of the best and most satisfactory quality.

919. But assuming that it was desirable, is it in practice really possible to get any such guarantee ?—The sick clubs appoint their own doctors.

920. There are many things—the amount to be paid in, the medical attendance to be given, the time they are allowed sick pay, and all the things that go to make a good bargain in sick provision. I ask you whether you think that, unless there is some such guarantee that the workman is getting as good value in a club where it is a condition of service as he can get in a friendly society, it does not amount to a deduction from his wages ?—I do not know that that is a question I can very well answer.

921. Then I will put this point. You said that you did not think there was any great loss if a man who had subscribed to a sick club in one works had to leave that works without getting any of his money back, because he would immediately enter upon the benefit of another sick club in the next works he went into ?—I presumed so.

922. You will probably be aware that there is always a period of probation; you do not pay your first week's money, and then if you are ill the next week get payment ?—I was not aware of that.

By Mr. Tennant.

923. I ventured to tell Mr. Redgrave that there were some such cases; in fact, I never met a club where you entered into the benefit immediately you joined the club.

By Mr. Maddison.

924. Therefore I submit to you that, in those clubs where there is a probationary period, obviously if a man started in a new club and fell ill during that probationary period he would lose to that extent ?—If that is the case there is no doubt about it.

925. Has this also occurred to you. Suppose a man is ten years in a compulsory sick club and he has made no provision elsewhere and is in no friendly society; he may leave that works and may go to another works where there is no sick club ?—Then, as I said, he would be at a disadvantage.

926. He would be at a disadvantage not only on the question of probation, but he would have to pay a higher fee if he wanted to go into any other benefit society; he might for instance have to pay a higher fee merely on account of his age. However, I will not pursue that point. Now I was going to ask you whether you are aware that in some railway companies they have seen the force of this. For instance on the M. S. & L. they have given the men back the proportion actually ascertained, of their pay that has not been exhausted during the period of their payments for sickness; and not only that, but they give interest as well ?—I believe that is so.

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927. Now with respect to fines. Has one form of injustice ever occurred to you, namely, that in all fines there is never any contract, if I may so put it—any real working contract between the two parties as to what the fine shall be. The workmen, as far as I know, never have anything to do with the fixing of what the fines shall be ?—No. You mean it is always settled by the master, and the workman either signs the contract or reads it on the wall.

928. Yes. Does that strike you as being an injustice ?—I think that might be altered.

929. Have you known any cases where there is a mutual arrangement about the amount of fines ?—No, I cannot say that I have; I do not know that I have inquired into the matter specially; but it has not come before me that the fine has been fixed by mutual arrangement.

930. Then you would say as a general principle, at any rate, that as it is really part of the bargain, the contract between employers and employed, which involves a reduction in wages, if there are to be fines there ought to be some mutual arrangement as to the extent of the fine or the nature of the fine ?—Well, there is a sort of mutual agreement when a man signs on and enters the works. I do not see how you are to say that no man shall be fined unless he agrees to the amount that he is to be fined.

931. But are you satisfied with the vague term that all this is covered by the conditions of employment, having regard to the fact that men after all have to give way to the need of employment—the mere fact of saying that is a condition of service and therefore makes all fines more or less proper, does that commend itself to you as being fair ?—I have already said in my evidence that I think there should be some limit to the description of an offence on the part of the master for which a fine should be imposed.

932. At any rate you will agree to this, that a fine is always, in your experience, a one-sided arrangement imposed by the employer, unless it comes within the category of being fair and reasonable ?—I know a lot of work people who fine each other for being late in the morning.

933. That was a joke of yours, I suppose ?—No; I know actual cases of piece workers who fine each other if they are not at the works at the proper time; there is no time limit—no quarters. They have to put down sixpence if they are not there by eight o'clock in the morning.

934. Would you not extend that principle of fining as between the employer and the ordinary workman ?—It is not a bad principle if it could be worked out.

935. Would you say that a long list of fines such as we had read out to us in the case of that Swansea shop, quite apart from the merits of that particular case, is objectionable and unfair—I mean, surrounding a body of people with such innumerable regulations must in itself be most humiliating and irritating and therefore should not be permitted ?—I think the object should be gained by a short sheet such as I referred to early this morning as being a reasonable sort of placard to exhibit rather than that long list of fines. I mean exactly what you say, I think.

936. I have only one further question, and that is with regard to damaged goods or spoilt work. In the case of an employer who makes a deduction for damaged goods, in your experience is the assessment of the value of the goods in the hands of the employer ?—There is generally some provision that the workmen can be shown what is supposed to be deficient or, as in the case of the lace makers at Nottingham, a so-called informal committee of the men in the shop are shown the piece and they examine into the matter and say whether the work is right or wrong.

937. Is that exceptional or is it the general practice ?—I should say that that is exceptional.

938. Quite exceptional ?—I will not say "quite" but it is exceptional; usually the workpeople are not able to follow out the damaged work.

939. And also it follows from that that the amount of the loss incurred is fixed by one party to the contract ?—The amount of the loss is generally fixed by one party.

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940. Now in the case of the employer not paying the amount of money that the employee thinks is proper, or that is agreed upon, the remedy of the employee is in the courts, is it not; his only remedy against the employer is in the courts?—Yes.

941. Do you see any objection to putting the employer on the same footing about damaged goods?—You mean to recover the damage from the employee by process in the courts?

942. Yes?—He never would recover it. I think if I were sitting as a magistrate I should be very loth to deal with a case of that kind to the disadvantage of the employee.

943. Now do you know anything of what the practice is in the weaving trade, which is outside the Act of 1896?—No, I do not; I have got some cotton sheds in my area, but I have not gone into that matter.

By Mr. Delevingne.

944. With regard to the question of sick clubs; Parliament, as you know, has made some provision for regulating the conditions on which men may be compelled to join a sick club in the Shop Clubs Act of 1902?—I have had no practical experience of the working of that Act.

945. It is not enforced by the factory inspectors?—No.

946. Have you ever received any complaint as to it being ineffective?—I think one or two men connected with it have been up to our office, and have been referred to the office of the chief constable because we have nothing to do with the matter.

947. You have really no experience of it?—No. I recollect its being passed some three or four years ago.

948. Do you know if the police took any action?—Yes, I think there was action taken in Birmingham by the chief constable of police.

949. Can you get us particulars of that?—I will get particulars from the chief constable; I think he was the authority; I am not quite sure.

950. On the question of the enforcement of special rules against the workmen. Mrs Tennant asked you whether it was not really better that the workman committing a breach of a special rule should be prosecuted rather than be fined. What is the practice now, both among employers, and on the part of the factory department as to enforcing special rules against workmen?—We proceeded against some workmen—we have had to do it very much against the grain—with reference to smoking in lead processes. You cannot put a stop to smoking without some of the men being prosecuted.

951. Have you done that in many cases?—Very few, I should think.

952. Does the employer ever prosecute the workman for breach of special rules?—No, but an occupier lately appealed to us to prosecute some of his workmen for refusing to leave off eating in a certain room; that was in the case of a scheduled process in the Potteries. I suggested to the inspector that I should prefer him to go and catch them himself if he could. I found that these girls insist on making a practice of it, and they had scouts out and that sort of thing, and it is impossible to catch them at present; we must wait for an opportunity when they think the matter has died down a bit. That is the last case I have had of an employer asking us to prosecute workpeople.

953. Perhaps you know that in mining the owner of the mine very frequently prosecutes the men he employs for breaches of the special rules in the mines?—Yes.

954. Do you think it would be a good plan in factories that instead of fining, the inspector should call on the occupier to prosecute the man who commits a breach of a special rule?—I think the Mines Act is a very good precedent for that.

955. One question on the provision in the Act of 1896 that deductions for materials are not to exceed cost. What in practice have you treated as covered by the word "cost"—simply the bare cost to the employer of the materials, or have you reckoned or allowed for any such items as establishment expenses?—What I have tried to get done—I do not know whether I have been right, but I think it is right according to the lights in which I have been working—is that a man shall not be paid except for the actual labour he has expended on the spoilt work and that he should not be charged for the spoilt material at all.

956. I am rather on the question of the cost of the materials which the employer supplies to the workmen. What have you treated as being covered by the word "cost"—merely the actual amount which the employer pays to the wholesale dealer from whom he buys the materials, or have you allowed items in addition, such as establishment expenses, the salary of the clerk who has control of the materials, and so forth?—I think one has practically limited it to the cost, but I do not know whether one was altogether justified in doing that. The cost of administration might be included in it.

957. Have employers ever raised that point with you?—No, I do not think I have had any case brought before me.

958. Is it any advantage in any case to the worker that he should have his materials supplied by the employer; does it ever happen where a man is treated fairly by his employer that he gets an advantage by getting the material cheaper and of better quality than he could get it outside?—He ought to get the best materials and the cheapest through the employer. I should conceive that it would be the object of the employer to give him the best things to work with.

959. In that way the worker might have an advantage?—Certainly.

960. In those standing charges in the Potteries which you gave us some instances of, have you taken up the point that they are covered in many cases by the provisions of Section 3 of the Act of 1896 as being things "done or provided by the employer with relation to the work"—such things as mess-room, cleaning, sweeping, washing overalls, and so on—have you been able to secure any modification of those charges under Section 3 of the Act of 1896?—We have secured in certain instances some abatement of the charges for sweeping, and only last week we managed to reduce the charge for washing overalls in one instance—not to abolish it, but to reduce it.

961. To bring it within reasonable limits?—Exactly. When I was here before I referred to Mrs. Tennant particularly as to whether 4d. was not a largish amount of money to pay for washing of an overall and a cap. Miss Anderson and I went down last week and we got the charge reduced at once in one place to 3d. So I shall take that standard of 3d. now, and require them all to reduce the charge to 3d., because I find it can be done. We shall work on those lines.

962. About the chain trade. Complaints have been made recently that truck still exists in the chain trade in the Midlands?—A long inquiry has been made by the staff at Wolverhampton and in the south Staffordshire district. Practically the truck business, the payment in articles instead of money, has practically ceased. There is no evidence of those statements made by a certain person with reference to the Black Country some three or four months ago. One or two cases still exist of near relatives of masters having public-houses, but so far we have not been able to trace the actual use of those public-houses in any disadvantageous way by the workpeople; although we have heard stories of such things, there is no one prepared to come forward with evidence. While I have been here, some years ago there was a case reported to us of a beer-house keeper giving the men their money in beer. On inquiry I found that there were four people employed by this beer-house keeper in a little shop; one of them was his own son, who was an adult; two of the others were teetotallers, and the fourth man never drank any beer in the governor's shop if he could possibly help it or at his expense. Things of that kind come up. I do not believe there are any cases of the supply of goods for money in the Black Country at the present moment. One case was mentioned in which it had been done, but the proprietor of the shop died about three months ago and the thing has lapsed. There are one or two instances which are being followed up of a supply of beer by people connected with the firm, but not actually the employer's workpeople. I think the substance of all that is in some reports which have been sent by Mr. Duffield to this office.

By Mr. Yarrow.

963. Can you express an opinion about this. Do you think it is wise in the interests of the industry of the country as a whole for Parliament to interfere with the freedom of action between employers and employed to the extent of regulating or interfering with or limiting the fines. Take it as a general question, do you think it is in the interests of the country for Parliament to do that ?—I think that is too general a question for me to answer.

964. It is a very important one ?—No doubt.

965. With regard to sick clubs, you would be of opinion of course that it is a wise thing to encourage thrift in the workmen ?—No doubt.

966. Do you not think that to make it compulsory to join a sick club is one means to encourage thrift ?—It is certainly advantageous in this way, that it makes such people as might be wasters more thrifty in consequence of having to belong to a club, and they do not live on charity; if they are forced to belong to a club they contribute to their support themselves. There are always wasters.

967. With regard to the notice being stuck up of fines and deductions; you stated that they were stuck up in some works and not in others, and that in those works where they were stuck up they were generally at the door of the office or some place like that ?—Yes, I presume they would be there.

968. In those places where they are not stuck up at all, when a man or woman applies for employment they are more or less in ignorance of what the conditions are, and even if it is exhibited in the time office, they will not see it till they have entered the yard or are in the act of entering. What is the objection to its being put up outside ?—Well, they would be pulled down every night, I should think, by boys and that sort of thing.

969. I think it might be put out of the reach of boys as far as that is concerned. We should have no difficulty in keeping notices up in our place, I am sure; but it does appear to me—I do not know whether I am right—that it is a very wise thing before anyone applies for a berth that he should have a very clear indication of the conditions that prevail in the factory, so that he may apply or not if he likes ?—It is a most admirable thing, I think, certainly, that they should know before they go in what the conditions are, but I do not know about these placards outside. I do not know how long the notices outside would last; that is the only thing.

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970. We do not find our windows broken, and I think the boys would be quite as fond of breaking windows as of pulling down notices. Now you told us about this shop in Swansea, where they had a number of fines and some of them appeared very hard. Why should not those fines be put up in some conspicuous place; why should they not be put up in the shop window ?—They ought to be put up in some conspicuous place, but I do not know that the shop window would be the best place for them.

971. Is it compulsory to put them up in some conspicuous place ?—Yes, if there is no written contract.

972. However, you will give us particulars of that ?—I expect that our inspector copied them from the original notices; but I will get you the actual particulars.

973. Do you think it would be a good thing for the general public to know something about these fines, because I imagine the public do not know anything about them; there is a rumour that girls in drapers' shops at the West-End of London are treated badly, but I think the general public do not know the real facts. You think it would be a good thing if the facts were made public ?—Yes; certainly.

974. Would there be any objection, as far as your experience goes, to these fines being exhibited at the works first ?—As far as exhibition inside the place is concerned ?

975. I do not mean inside, but why should not the notices be put outside so that the people could read them before they go in and apply for work ?—I do not know where you could put the notices.

976. You could put them in the shop window; would it not be a wise thing to do that ?—I do not know; that is quite a new idea.

977. That does not make it a bad one ?—Not at all but it rather tends to take one's breath away.

SEVENTH DAY.

Wednesday, 13th June, 1906.

PRESENT.

The Right Hon. Thomas Shaw, K.C., M.P., Lord Advocate for Scotland (*Chairman*)

E. A. Brotherton, Esq., M.P.
Frederick Cawley, Esq., M.P.
Malcolm Delevingne, Esq.
J. Ramsay Macdonald, Esq., M.P.
Frederick Maddison, Esq., M.P.
Mrs. H. J. Tennant.
A. F. Yarrow, Esq.

T. E. Bettany, Esq. (*Secretary*).

Mr. J. DODGSON, one of His Majesty's Inspectors of Factories, was called; and Examined.

By the Chairman.

978. You are, I understand, in charge of the Sheffield district ?—Yes. Before proceeding to give my evidence, may I say that the representatives of the workmen at Sheffield in their associations and trade unions desire that they may have an opportunity of being heard by this Committee before any change is made in their unwritten laws, and I have a similar request from the Employers' Association.

979. Will you kindly communicate to Mr. Bettany, Secretary of the Committee, the names of those whom we shall have to cite as representing those parties ?—I will do so.

Mr J Dodgson.

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980. Will you please tell us now what is the extent of your jurisdiction as inspector ?—I take the whole of South Yorkshire, striking across from the south of Goole, south of Pontefract, south of Wakefield, and halfway to Huddersfield from Sheffield.

981. How long have you been in your present position ?—For nearly three and a half years, but I had seven years' previous experience in Sheffield, so that I have had altogether about ten years' experience in the district.

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982. What is the particular nature of your work in that district ?—The principal industry is the steel trade, heavy steel productions, after which come the cutlery trades and the electro-plate trades. The latter two are so much associated that we can scarcely separate them.

983. The cutlery and the electro-plate ?—Yes.

984. Now, with regard to your relations to the other officials in similar service, who is your immediate superior ?—Mr. Maitland.

985. Have you anybody under you ?—I have two juniors and an assistant.

986. Have you any particular rota in which you go through the district ?—We try to visit all the factories once in twelve months, but from the limited staff which I have that is impossible. Of course, some large places have such a large number of accidents that they have to be visited perhaps twelve times in a year.

987. So that in addition to the periodical visits, you have special visits ?—Yes, in cases of complaints and accidents.

988. I understand you are prepared to give us evidence especially with reference to the cutlery trade. Please do so in your own way, as I assume that you know exactly the object of this Committee's inquiries ?—Keeping first to the cutlery trade proper, I have noted three terms of letting shops and hulls, namely in (1) wheels solely subject to the owning occupier; (2) wheels partially subject to owning occupiers and (3) wheels wholly rented off.

989. You must take us as laymen who do not understand anything about these terms, and you must please interpret them to us ?—The term "wheel" is the ordinary name for a Sheffield cutlery factory. A wheel is an aggregation of tenements which may be to a certain extent under the control of some person as owner, or which may be wholly and separately independent. "Wheel" is the name of a factory in the Sheffield cutlery trade. They are generally divided into cutlers' shops and grinding hull's, the latter being a place wholly devoted to the grinding of cutlery in some form or another. I ought to explain that the cutler and grinder in Sheffield is a man who considers himself entirely independent of any person employing him, no matter what may be the relationship between them. A man is his own master in the sense at least that he claims the privilege of coming to work and going away again exactly as suits his convenience. Now in order that a man may be enabled to do this, it may be assumed that he is largely employed on piece work, and that is done under a system which is the growth of possibly 200 or 300 years. Whilst H. or any prominent manufacturers in Sheffield, may call a factory their own, and although the people there may be solely employed by them, they are not under control in this respect, that they can come and go exactly as they like. Certain firms like H. or I. employ usually the whole of the people on their premises. They have warehouses from which the material is given out for manufacture and the men take it to one of the tenements where the engine power is controlled by the employers' engine-tender. These workmen pay so much for the use of a grinding hull or trough. They have to pay so much rent for the trough, or in the case of cutlers so much in what is known as side rent, which really means an amount of space about the vice large enough to enable a man to work. It is generally represented, or was originally represented, by the length of the arm on each side from the elbow to the tip of the finger, but rather more space is now provided for them, where there are perhaps fifty men paying rent in a shop. The space may now represent anything from 2 yards to 4 or 5 yards. In addition to the vices there is at the end of the room a short shaft, anywhere from 2 to 4 yards long, at the top of which are ranged glazers, dolly-mops and buffs. The men own their own tools, their own emery wheels and their own buffs, which are strips of calico used in polishing the knives or the other materials which are under process of manufacture. The workmen pay anywhere from 1s. to 1s. 6d. in a private wheel for the privilege of using the machine power, and they will probably use that power about one-tenth of the time they are in the cutlery shop.

By Mr. Cawley.

990. Do you mean 1s. to 1s. 6d. per week ?—Yes.

By the Chairman.

991. Have you now described the case of the wheels belonging solely to the occupiers ?—Yes. These form the best type of factories, which are kept going by one firm. H., for instance, will not allow the work of any one else to come into their factories in addition to the work which they give out.

992. Before you go from that type, let us be quite clear about it. In that case, the building belongs to "A" the employer ?—Yes.

993. The power belongs to "A" the employer ?—Yes.

994. And the standing room, which is of course part of the building, belongs to "A" the employer ?—Yes.

995. Then "B" the workman, supplies his labour and supplies his own tools ?—Yes.

996. "B" is paid by piecework ?—Yes.

997. And is the nett wage struck by deducting from the amount earned in piece-work the charges for the accommodation and power ?—That represents it entirely. There is another point, viz., with regard to the varying number of articles to the nominal dozen. For instance, in the case of razor-making they are fourteen to the dozen and there is a set price. In the case of scissors they are fourteen to the dozen, spring-knives fourteen to the dozen, table-knives, twelve to the dozen, electro-plate generally twelve to the dozen, and in files thirteen are allowed to the dozen. Scales are bought at the rate of thirteen to the dozen.

998. Who buys these ?—The person who gives out the work to the cutler. I have found cases of fifteen to the dozen. That was, I believe, in the edge tool trade. I may say that the custom is not the same throughout the whole trade. In some places they give a certain price per dozen and receive the fourteen articles in exchange, but in other cases so much is paid per dozen and so much for the extra ones.

999. Does it occur to you that there is any doubt in the mind of both parties, or of either party, as to the terms and conditions; do they each know whether a dozen is to be reckoned as twelve or as a baker's dozen, or as fourteen, and if so there is no point in that, so far as I can see ?—No, there is no complaint received in connection with it in the cutlery trade or any representation that men consider themselves to be treated unjustly.

1000. Is this system the result of a growth of years ?—It is.

1001. I think you may now pass on to the second category; namely, wheels partially subject to owning occupier ?—In that case the owner has perhaps half the hands in the factory who pay rent for their sides or troughs and receive nearly the whole of their work from the owner of the wheel, but when that firm is not busy the workmen are at liberty to take work from any employer in the town.

1002. The work is done in "X" factory, although it is "Y" who has employed the workmen ?—Yes, that is so. There is one other little point I should like to mention. In some of these, such as the razor trade and the spring knife trade, and also the table cutlery trade, the cutler as a rule finds all material, such as wire, resin, and lead plugs, which become part of the manufactured article. The lead balances the handles.

1003. Is the cutler the workman ?—Yes.

1004. Does the workman buy the wire and lead plugs, etc., from his employer, or wherever he likes ?—Wherever he likes.

1005. He is independent in that respect ?—Yes.

1006. You might now give us a general description of the third category, namely "wheels" wholly rented off ?—These are the bane of Sheffield life, I wish we could mend them or end them. Every broken-down cutler sets up in them on his own account, and gets work from any master who will give him it to do. The worker works on his own account as a master in every sense of the word, but he is simply an under contractor subject to wretched conditions often.

1007. In what respect are the conditions wretched ?—In the other factories there is generally someone who is responsible for the tenements, and to whom we can turn in asking for any remedial measures such as cleansing, etc. But in the case of a public "wheel" we have so many occupiers working independently of one another that we cannot get the same attention.

1008. Although you call it a public "wheel," I suppose it belongs to somebody ?—Yes, as a rule it belongs to a limited company, or it may sometimes be held by trustees. In such cases it is difficult to find owners with whom we can deal direct and straight. There is another point of difference. Whilst a man may have to pay from a shilling to 1s. 6d. for working room in a private "wheel," he will have to pay at least 2s. in a public "wheel," or 3s. in the case of light grinding. The amount may rise to 5s., 6s. or even 7s. Indeed, I have known as much as 9s. 6d. paid as trough rent. (*Witness here produced photographic representations of grinding "wheels."*)

By the Chairman.

1009. I have some difficulty as to whether this evidence of Mr. Dodgson's comes within the range of the reference to this Committee. This is not a case of our endeavouring to adjust the relations of employers with workmen. The workman knows exactly what is to be his nett wage, and I doubt whether all this comes exactly within our limit.

By Mrs. Tennant.

1010. No doubt there are many varieties in the cutlery trade in Sheffield ?—Yes, scores of them, such as adzes, forks, knives, scythes, etc.

By the Chairman.

1011. What we want to get at is not so much the system of independent contracting as the system which rules the relation between the wage earner and the wage payer. Do you follow me ?—I do.

1012. So as to see whether there are any illegitimate deductions or fines, and to see whether there is any system of truck. Could you confine your evidence particularly to that ?—In that case I should have to put aside evidence with regard to most of the Sheffield cutlery trades. The cutlery trade is divided into nearly fifty different sections, and the present conditions have arisen during the experience of a long series of years. When steam power was introduced owners made some special charge or deduction for the use of their premises and power. The workmen do not consider themselves treated unfairly but they accept the ordinary terms, although the terms are not exactly the same at every place. No doubt both masters and men might welcome some means of adjusting their wages so that there should not be so many variations and deductions to calculate with regard to each of the various trades. There are very few cases in which I can say that a hardship was inflicted by the arbitrary disposition of the masters against the men. They have their trade rules and they abide by them.

1013. Are these trades pretty well organised ?—Yes, very much organised.

By Mr. Cawley.

1014. May I confirm the suggestion of the Chairman that if the men thoroughly understand the nature of the arrangement, and no question of truck comes in, we need scarcely extend our inquiry in that direction ?—Then I should have to put the cutlery trade altogether on one side. It is unique in every sense of the word ; you cannot find any trade like it, but how you are to alter the conditions I hardly know. It is purely a matter of contract between the employer and the workmen.

By the Chairman.

1015. You have explained to us about the side rent and the compulsory payment of the rent, which seems, after all, to be simply a speculation entered into by both parties ?—That is so.

1016. Then you have explained to us the variation in the number of articles to the nominal dozen, but that is a matter of plain contract between the parties ?—Yes.

1017. Is there anything you wish to explain with regard to what you describe as "trade list price, variable under system of discounts" ?—Nothing, except that when the trade is busy the discount varies. It may be 5 per cent. over and above what the workmen pay for their troughs or side rent, but that varies according to the local state of trade.

1018. You have told us that as a rule the grinder and cutler provides his own tools ?—Yes.

1019. But suppose he does not ?—In that case there might be deducted to the extent of 40 per cent. on the wages, I have known deductions for the use of tools. Some masters provide the various implements and charge a discount which may range from 5 per cent to 33½ per cent. What is deducted as a rule for the tools where they do not belong to the workman is from 3d. to 4d. in the shilling.

1020. Is it in such cases possible for a man to vary the position by bringing in his own tools ?—In some cases yes, and in other cases no.

1021. Where he takes the tools supplied to him must he take them at the rate that is fixed ?—Yes.

1022. Have you made any investigation in order to see whether that rate is fair and reasonable ?—It would be difficult to determine that or to calculate the exact extent of the use made of the power and tools.

1023. Have there been any complaints ?—Never, but it is sometimes felt as a grievance that there should compulsory payment of rent whether sufficient material be given out for a week's work or not. One firm is commencing a different system by allowing a discount when it does not provide full work.

1024. That complaint is more of the nature of complaint of bad trade, is it not ?—Yes.

By Mrs. Tennant.

1025. The grievance is that of paying rent in respect of accommodation which is of no use to them ?—Yes, I know of one firm, and it is the first to my knowledge in the spring-knife trade, which allows 10 per cent. reduction from the rent until the workmen are able to earn 30s. per week. I know of only one such case in the whole trade, and that only came into vogue about a month ago.

By the Chairman.

1026. Confining yourself now to cases of "wheels" or factories solely subject to the owning occupier, do you represent that there is any complaint falling within the cognisance of this Committee ?—I do not.

1027. Do you think that that is because both parties thoroughly know beforehand the terms of the bargain ?—Yes ; thoroughly.

1028. And the workmen are well organised ?—I do not know any better organised. There are about twenty trade unions in the various branches of one trade.

1029. The second case is wheels which are partially subject to the owning occupier ?—You can say the same with regard to those ; they simply have one privilege which is not accorded to the other of taking work in so as to make up the full amount of the week's work when the occupier himself cannot give them sufficient to keep them going for the week.

1030. The real grievance arises on the third case, I understand, that is to say, where the wheels are wholly rented off ?—Yes ; I cannot say that there is any question arising there, because each man makes his own bargain with the master of some other place in town.

1031. Still I gather from you that your own desire would be this. You think that the lot of the workman would be improved if that system was not so general ?—I think so, and yet I cannot make any suggestion as to how to alter it so as to make it better for the workman.

1032. In this third case the men are really the most independent, as I gather from you ?—That is so.

1033. Do you think that in that case they earn less on the whole ?—On the whole, yes.

1034. Probably that largely arises from their own habits to begin with ?—That is so. You generally find men who work in these public wheels have been in pretty nearly every place in Sheffield before they went there, where there has been no responsible authority at the head of the concern.

1035. In all these cases I understand the deductions are of this kind. Is there a fixed rent for power ?—Yes.

1036. And that fixed rent for power includes place room ?—Yes.

1037. Then there is a deduction for tool money if tools are supplied ?—Yes.

1038. There is nothing else, is there ?—No.

1039. Is there any charge for light ?—In some cases there is a charge for light, and in others there is not, but we come to a different class of tenement when we get to

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that. I will give you one or two instances. It is easier for me to mention names. Take H. for instance; they employ a very large number of blade forgers; they make no charge at all for persons forging in their premises. The men are at liberty to go and fetch whatever coke they require from the stores and forge their implements with the accessories provided by Messrs. Rodgers.

By Mr. Maddison.

1040. They pay no rent?—They pay nothing. In one or two other works unfortunately they do. They pay as much as 4d. per week for standing room perhaps, and 3d. a week for coke or coal that is necessary, and perhaps 6d. a week for light. It is so variable that I can only try to give you a sort of general idea.

1041. But I want to be clear as to whether the next instances you are now going to give us relate to firms similar to H. ?—I am speaking of one firm which to all intents and purposes perhaps is as great a competitor to H. as anybody.

By the Chairman.

1042. Could you give us any of the documents showing these deductions ?—That I cannot do, because there is no expressed rate, and it varies very much with the premises.

1043. I should like to get on the notes some idea of the charges ?—Take another firm, K. who are perhaps the second producers in Sheffield. In the case of their forgers a day's work is fixed at so much, and they have to do so many blades or so many implements to constitute a day's work. That is rather different to the usual system. That is in the case of forgers if they work outside for others as well as the firm; that is if they are employed by several firms; they have to pay 6d. to 2s. rent for tool and hearth money; that includes everything, lighting and so on. If a man works partially for them and partially for others they are charged 6d. to 2s. for the hearth on which they do their forging.

By Mr. Maddison.

1044. Are those men on the task work system ?—That is what is laid down here.

1045. When they are working for employers like that ?—Yes.

By the Chairman.

1046. What I want to get at is this; are there cases in that trade which have come before you in which there are fines or deductions from wages ?—Scarcely any at all.

1047. The only deductions are those that you have just mentioned ?—That is so; that is in those trades.

1048. Now in regard to those that you have just mentioned. Are you able to say whether those deductions can be checked in any way ?—I am afraid not.

By the Chairman.

1049. I do not see my way to ask any further questions about the cutlery trade from this witness.

By Mr. Maddison.

1050. There is one thing that is troubling some of us; are these people workmen ?

By the Chairman.

1051. That is just the point. My own opinion after this evidence is that these are independent contractors.

By Mr. Delevingne.

1052. Can you say whether or no in a case like H., the man contracts to work for H.; is he under a contract to work for H. ?—In the case of H. that would be so, but in their case with regard to forgers they had not a man who pays anything at all in the way of deductions.

1053. Are they under contract with the occupier of the factory for that work ?—I always imagine that they are left at liberty. In the case of H. I may say at once that they have their own material on the premises.

1054. Then they are simply workers, and if they are workers the Truck Act applies ?—Yes. They have no charges against those men in that case, but in the case of other people who work out there are some who pay a fixed charge for their hearth and for lighting and for coke.

1055. Is there a notice under the Truck Act posted up in those cases ?—In the majority of those cases I would point out those men are at liberty to bring work into the place for other people and to contract for somebody else besides the original master. I wish you to understand that in the cutlery trade every man regards himself not as an employee, but as a master on his own account. In some trades there has arisen this question of charging something for light, because men come at any hour they please practically. If the men would come at eight o'clock in the morning, say, and do a reasonable day's work, the question of light would not arise, but some of them come at noon and leave at midnight; then naturally there must be a charge for the use of light when it is unnecessary.

By Mrs. Tennant.

1056. The charge for light is not made only in respect of hours which would be outside the ordinary hours ?—No. When we get to the electro-plate trade I shall have something more to say about that. In the scissors trade it is almost universal to charge for light. The charge varies from 2d. to 6d., which I consider wrong.

1057. The man who comes within the hours which may suit himself, but still are the authorised factory hours, is charged for light just as much as the man who does not ?—Precisely. The system varies in different places, but when they have a system fixed for one place, then whether they use the light or not they pay the charge for it.

1058. In the first system which you describe, where the wheel is a place in which only the occupier's own workmen work, you told us that no other work is brought in there ?—That is so.

1059. Then the workman there may happen to be independent and come at his own time; but still he is a workman—he is employed ?—He is employed, but still he does not consider himself under the control of his employer.

1060. Are truck notices put up in those places ?—In some cases yes, in other cases, no. Of course in cutlery establishments there has to be a certain amount of fining which is always going on to maintain discipline in the establishment. I have a number of those rules with me—not specially for cutlery establishments, but in most of the places I should say it is recognised now except where it comes in as part of the trade terms.

By the Chairman.

1061. Has the Home Office no policy with regard to these establishments of compelling truck notices to be put up ?—Yes.

1062. Then they are all there ?—Yes.

1063. The truck notices are exhibited ?—Yes, but amongst them we do not have these old trade customs which have gone on so long and which are so well understood between the men and the master. For instance, we have nothing put up about the man paying so much for a hull, so much for a trough, and so much for side rent

1064. It has been elicited from you by Mrs. Tennant that there are what you call disciplinary fines; that is the point we are wanting to get at. Can you give us any samples of that ?—I cannot give you any samples of neglect of the ordinary truck notices.

1065. But what kind of discipline is there a fine imposed for ?—There are a large number of places in which the men are subject to deductions and there there are notices, but in other places there are customs and arrangements between the firm and the employees. The fines I should say are very trifling so far as these places are concerned.

1066. That is quite true, but that is a matter of opinion. What we want is to know how the fact stands. In the first place, what are the things for which fines are imposed, and in the second place, how much for each thing; that is what we want to get at ?—They vary a great deal. I cannot give you one as a sample which will fairly apply to the rest; but at the same time we insist upon Truck Act notices.

By Mrs. Tennant.

1067. In these places you have an abstract put up?—Undoubtedly.

1068. That in itself implies employment?—Under the Act there is a notice put up at the entrance to the place for the general guidance of the people, but there is no one there representing the firm to see that the Factory Acts are carried out on the premises, with the exception of these places of the first type—wheels solely subject to the owning occupier.

1069. In the second type you have got an owning occupier and a person who is doing work for him. The custom of the trade allows that man to take in other work from other people?—Yes.

1070. But from two o'clock to six o'clock in the day he may be doing work for the owning occupier?—Yes.

1071. Surely he is his workman, even though the custom of the trade allows him to take in work for someone else?—Undoubtedly he is partially the workman; the owner has the first privilege of getting the work done by this man.

1072. Therefore would not you say that the fact that he took in work from somebody else does not remove from the owning occupier the obligation to observe the Truck Acts?—It would be rather difficult to say. While he may be working for one employer during part of the day, he may be working for four or five other people during the rest of the day.

1073. I understood you to say that in one firm some attempt had been made to arrange for a discount in respect of occupation which was of no service to the man because no work was being given him?—We reckon every hull and every cutler's shop as being a separate factory to itself; with the exception of those few clauses which are put in containing the provisions of the Factory Act, we consider them as separate individual factories.

1074. On what lines exactly have you gone in requiring truck notices, accepting them in some cases and not requiring them in others?—In every case where we found that there had been any deduction with regard to light we have insisted upon notices being displayed; in every case where we have found that there have been deductions for materials supplied we have had notices put up in each individual case. We have done that, no matter whether they were tenements or ordinary factories.

1075. For standing room or for any accommodation of that kind you do not require any contract?—No. We do now in the case of persons who pay money for the use of a vice. Where money is deducted from wages for the use of materials we have in every case truck notices displayed.

1076. In some trades the workmen would very much prefer not to have charges for rent and not to have charges for light. Would you say that in Sheffield the workmen prefer to have those charges and to have their wages so calculated?—With regard to light, I think there is an offence created in many cases in Sheffield. My own feeling is in regard to the charge for light that it is one of those things that should be taken notice of and should be in some way adjusted, so that it shall not appear under that particular item. I am convinced that there is a hardship created in it and I believe that in many instances it is an unjust charge. I have recently received complaints of three works in which deductions of this kind were made, which *prima facie* range from 200 to 2,000 per cent. above the cost to the employer.

1077. What action did you take upon that?—I may say that those particular cases only came to my notice just as I left to attend this inquiry. I am leaving them to be dealt with when I get back. The case of 2,000 per cent. is a case of button manufacturers.

By the Chairman.

1078. Have you reported that to headquarters?—No.

*1079. I suppose you will do so?—I shall do so, most decidedly, if the allegations are proved.

By Mrs. Tennant.

1080. Now, considering it not as a matter of offence necessarily against the Truck Act, but as a matter of opinion, can you say that the workmen in Sheffield would prefer the system of having these charges made and having their wages so calculated?—This is the statement that was made to me by one of the trade union representatives: "Of ourselves we would do nothing; it would be impossible for us to come to any better terms with our employers than we have at the present time; but in regard to that particular matter we should like to appear before the Committee and see whether such a thing should not be adjusted by law, and then there would not be much difficulty with regard to it."

By Mr. Ramsay Macdonald.

1081. I suppose we may take it that there have been no prosecutions under the Truck Act so far as you are concerned?—I have had prosecutions under the Truck Acts.

1082. In the cutlery trades?—No: these were cases of fining boys to force them to work at illegal hours.

1083. I was referring particularly to the cutlery trade?—No, not in the cutlery trade. It would be difficult to get a case showing hardship and to get the Stipendiary in Sheffield at any rate to recognise the evil.

1084. With reference to the first kind of wheels—I think you instanced the factory of H., an abstract of the Factory Act is shown there?—Yes.

1085. And the Truck Act notice?—The Truck Act notice is shown in all parts where, apart from side rents and trough rents, any deductions are made.

1086. But you say there is no document affecting the contract for standing room there?—No.

1087. How is the deduction made from the wages?—That is a trade question that we have not taken any account of, because these men are regarded as individual contractors.

1088. Do you draw a distinction between a trade custom and a deduction if the wages are actually reduced in consequence of the deduction?—In Sheffield it has been recognised as a reasonable thing. The wages subject to the usual deductions constitute a trade custom accepted by both parties, and we have not interfered in the absence of complaint or clear injustice.

1089. In what form then are wages paid to workers working in the first class of wheels; is the gross sum calculated, and then the net wage made out?—That is so.

1090. The gross sum is reckoned first of all, and then the details of deductions are made and taken off the gross?—Yes.

1091. And the net is paid over to the workman?—That is right.

1092. And yet you do not think that that is a case of truck?—I do think it is a case of truck, but, as I have already said, it is a method of arriving at wages sanctioned by the usage of years and concurred in by both parties and in the absence of complaint or manifest injustice we have not felt called upon to interfere.

1093. Now, have you ever made any attempt to discover whether the rents charged are fair and reasonable?—So far I have never made the calculation, but as they are accepted by the trade unions, I regard them as fair and reasonable and that we could not hope to convince a magistrate that they were otherwise.

1094. The payment for light has also been accepted by the trade unions as fair and reasonable, and yet you have just discovered that there is an excess charge of 200 to 2,000 per cent.?—The question of charges for light hardly arises in the cutlery trade. The cases to which you are referring occurred in a button factory and are now being investigated. I do not know that these workers have any trade union.

1095. Finally, are there any deductions for spoilt material?—There are not. The only thing required is this, that the operative, if the matter has been the result of his bad manipulation of material, simply has the material given to him again just to make that loss good.

* Mr. Dodgson subsequently wrote the Secretary as follows with regard to this:—

"Later investigation proved—

(*a*) The firm (a small concern) had become defunct about the time I gave evidence.

(*b*) My colleague had been misinformed. The charges for gas had ceased some years ago. Out of a large number of employees only eight persons (engaged in a special process) were subject to a deduction, for which proper provision had been made by Truck notices.

(*c*) Included tools as well as gas—which reduces the charge to proper limit."

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1096. He simply loses the time?—He simply loses the time.

1097. He is not charged for the loss of the materials?—No, never.

By Mr. Brotherton.

1098. With regard to damaged goods, I take it that if say a knife should be damaged, and it is not approved by the employer, the workman will be consulted as to whether it is to be discarded as bad work?—Yes.

1099. It will not rest entirely with the employer as to whether the work is finished properly or improperly?—Yes. I never heard of a technical deduction being made on that account. The only thing the cutler is required to do is simply to take out a fresh supply. Suppose there is such a case with a table knife; he will take out fresh materials for a knife and put them together again without suffering any deduction. In the first instance, this figure of 14 which was put down for a dozen was to admit of spoils and damaged ones, but I understand that these men are so expert, and the material that is given to them is so good as a rule, that probably they do not get a spoil out of a gross, and then there is no charge against them.

1100. Then deductions for bad workmanship is a very minor point?—Yes.

1101. With regard to light, you mentioned one place, a button factory I think you said, where there was an excessive charge of 200 to 2,000 per cent.?—Yes.

By the Chairman.

1102. That is not in the cutlery trade?—No.

By Mr. Brotherton.

1103. But I would like to ask, have the button workers a Union?—I do not think they have.

1104. If they had a Union, possibly a more reasonable rate of charge would be fixed?—That is quite possible. The button industry in Sheffield is a very slight one; there are not more than half a dozen factories I should think in all. That is a matter I shall go into directly I get back to Sheffield; that is one of the cases I have noted to deal with.

1105. I am not quite clear whether you would call these charges "deductions" or simply "charges." In some cases they are simply charges for facilities to enable a man to do more work and therefore you might term them "charges" rather than "deductions"?—There happen to be both. In a number of places they make this distinction between summer and winter; during the summer they do not charge at all; from October to March they make a charge; I will take the handle finishers in the electro-plate trade, they are charged 4d. or 6d. per week in the winter months. In cases where there is a charge all the year round, they have one charge in the winter and summer alike, 2d. a week.

1106. Have you told us to what these charges refer?—They are put down as light.

1107. But I was referring more particularly to charges that might be made for power. Would you term those "charges" or "deductions"?—I should term them "charges"—charges levied by deductions from wages.

1108. (*Mr. Cawley.*) As far as I understand, the only case where there can possibly be any misunderstanding between the employers and employed as to the amount of a deduction is on the question of light?—I have not entered into that; we shall get into that when we come to the electro-plating trade. There are one or two circumstances connected with that that I want to dwell upon, and one of them is particularly in regard to the deductions for light as well as the deduction for material.

1109. I am speaking now of the three kinds of wheels. The men that work at these wheels have no grievance whatever and there can be no possibility of any misunderstanding in any case at all except on the question of light?—They know precisely what they are doing. There is no hardship arises out of the Sheffield custom; that is the way I would put it.

1110. There cannot possibly be any misunderstanding in any shape or form except on the question of light?—None whatever.

1111. Does the question of light come in in all the three kinds of wheels?—The question of light only comes in in the cutlery trade in the case of outside cutlery manufacturers, such as the manufacturer of scissors. In the scissors manufacture (which we do not see much of in the wheels) I think charges for light ought to be stopped.

1112. I am speaking of these three kinds of wheels it does not happen in the first kind of wheel, does it?—No.

1113. There is no charge for it?—No.

1114. In the second kind of wheels does it happen at all?—No.

1115. Although some of the men may be working in a wheel owned by one man, and they may be working for another man yet, they are not charged for light?—No.

1116. Then the third kind of wheel is a public wheel where any man can work and a stated sum. Are they charged for light there?—There is no charge from the original proprietor of the place, but the individual occupier may employ girls say in the cutlery trade doing burnishing and polishing and filing of scissors; they will be charged anywhere from 2d. to 6d. for gaslight, or gaslight plus tools.

1117. That is in the public wheel?—Yes. Wherever scissors are manufactured you will find that particular thing.

1118. Are scissors manufactured in all wheels?—No, it is considered a trade to itself.

1119. Scissors are not manufactured in that other kind of wheel H. for instance?—The possibility is that we could find in a semi-public wheel some person making scissors and such a man would deduct 4d. and 6d. for the particular objects that I am speaking of in the scissors trade.

1120. Do I understand that in these public wheels there are different kinds of trades going on—one grinding razors, another doing scissors, and that the one that is doing scissors is charged for light and the one who is grinding razors is not charged for light?—Take a case where you have scissor-making going on in two or three rooms in one tenement; they pay so much for power; the girls who work for them will probably have 4d. or 6d. deducted for light and for manipulating the scissors. Notices are affixed but I consider that an unjust charge, and I think it ought not to continue.

1121. Then there are sub-tenants in these wheels?—Every tenement is supposed to be let to somebody who becomes, in the first instance, the reliable person for that particular shop.

1122. Some of these people charge for light and some do not! Yes? In the scissors trade they do invariably charge, I do not know why, but they do.

By Mr. Maddison.

1123. I do not want to pursue this public wheel business any further except to ask this; as I understand it in these public wheels there will be one man who is really the landlord of the place and he will let it off to various people who work there, and the principal landlord does not give any work out at all?—None whatever.

1124. He may not be a cutler at all?—No. Possibly he lives far away from Sheffield.

1125. And therefore there will be various methods of deductions etc., going on in one public wheel?—Yes. In a public wheel you may have a scissors manufacturer, a fluter, an ivory worker, a spring knife cutler, a heavy grinder, a light grinder, a file manufacturer and so on; you may have fifty different trades going on all at one time in one particular wheel, but in that particular case with the exception of the regulations which are placed upon the original owner of the premises by Section 87, 88, 89 and a Schedule (what are known as the tenement conditions) each man is the landlord of his own place and responsible to nobody except the people who employ him outside. One man may employ a number of other persons, as scissors manufacturers do.

1126. What have you done about it?—I can do nothing about it except to insist that these notices with regard to the Truck Act shall be suspended in that place

1127. But you have told us you consider the charge excessive, and therefore it is a deduction ?—It is a deduction.

1128. And you think it ought to be an illegal deduction because it is excessive ?—Yes.

1129. Now one or two questions about H. You have made it plain that this firm charge no standing room, no vice room, nothing for the vice, nothing for gas ?—No.

1130. And that their men are compelled to work for that firm alone ?—That is so.

1131. But they are still at liberty, I gather, to go in practically when they like ?—Yes.

1132. In effect, what happens at H. as to the time the men go in ?—They will go in at any hour. Many of them will not work at all on Monday; on the Tuesday they may go in about 11 and leave about 5.

1133. Can you give us a similar firm to H. First of all, is there another firm besides H. that you can compare it with ?—Yes, take L.

1134. They do precisely the same thing.—Precisely the same thing.

1135. That is to say they charge nothing for standing ?—Except what is known as side rent, which includes the use of that little machine-power that I am speaking of.

1136. And H. charge that ?—Yes.

1137. That is the only thing that H. charge ?—That is the only thing until it comes to the electro-plating works, but I want to speak about that afterwards.

1138. Take say a blade forger, I want to get at what his deductions are. He gets his material from the warehouse ?—Yes.

1139. Is there any check upon knowing whether that man is paying the proper price for that material ?—Only the same check which falls upon any day labourer or any piece worker, that is all.

1140. But he is constantly using material all his working years and the price of material fluctuates a good deal. Has any case come under your observation where employers have kept up a high price of material when the market has fallen very much ?—You are asking a question now that goes more into the trade itself; that I do not know. The forgers at H. labour under particularly favourable circumstances I should say.

1141. Am I right in assuming that he does pay for material ?—No, in the case of H. he does not.

1142. He does not pay for material at all ?—No.

1143. Therefore it cannot be a deduction ?—No.

1144. Then he gets his material from the warehouse and makes it into a blade and he gets paid so much per dozen, is that it ?—Yes.

1145. So that up to this point there is no deduction made at all ?—None at all.

1146. But there is a charge, as you would call it, for side rent ?—Not to a forger.

1147. But there is with regard to some of them ?—Yes

1148. Does that practically remain the same or does it fluctuate ?—It does not fluctuate at all, but the price given fluctuates, for instance they say, "We will give you so much per dozen with 5 per cent. off," and the workman agrees to that.

1149. Mrs. Tennant elicited from you that there were disciplinary fines ?—Yes.

1150. I was anxious to have a sample of those fines. Can you give us an illustration ?—I never heard of one in a tenement factory.

1151. Take the first class of factory, take—for instance ?—I never heard of one in—.

1152. You never heard of a fine being enforced ?—Never.

1153. Then your general evidence is that fines are very rare ?—They are exceedingly rare in the cutlery trade.

1154. That deductions for light are not frequent ?—They are not frequent in factories except those already specified.

By Mr. Delevingne.

1155. Are all those three classes of wheels treated as tenement factories for the purposes of the Factory Act ?—They are all treated as tenement factories.

1156. Including the first case ?—Yes.

1157. For the purposes of the Factory Act it is not H. who is treated as the occupier, but the tenant of the particular tenement ?—Yes! H. in a sense are model occupiers; but even they say, "We are not responsible for our grinders."

1158. In all those three cases the responsible person under the Factory Act to whom the inspector looks is not the owner of the factory, but the individual tenant ?—The individual tenant of a tenement; there may be thirty tenants in a particular tenement, but we should regard that as one factory.

1159. You mean he may sub-let ?—Oh no. A tenement may employ as many as two persons or as many as fifty; each man out of the fifty—whether it is fifty men or two men—will pay 1s. or 1s. 2d. a week side rent.

1160. Is there a middleman that comes between the tenant and H. ?—Not at all. Occasionally some of the men that I am speaking of will employ a man under them, and in that case, instead of paying 1s. for the side rent, they would probably have to pay 2s.

1161. Then what is the tenant ?—One man is a datal man, the other is a pieceworker. The latter is the tenant or occupier.

1162. But what is the unit which is recognised by the Factory Act ? You say H. are not the occupiers ?—Every individual room where grinding or cutlery is carried on.

1163. Every individual room is a tenement ?—Exactly.

1164. Is there anything less than a room which would be recognised as a tenement, or is the room the unit ?—For purposes of departmental records the room is the unit in tenement factories, even if occupied by fifty occupiers. That has been our great difficulty in Sheffield.

1165. To whom do you look as the occupier in each case; do you look to the person who pays the side rent ?—Yes, but fortunately there are certain tenement regulations which make the owner of the premises responsible for the place in respect of the fencing of shafting, and mill gearing, and in respect of keeping the place clean and so on; as to all those matters the cutler perfectly understands which part of the Act he is to carry out, and the owner understands which part of the Act he is to carry out. Those grinding conditions only apply really to Sheffield. We have about 150 of these places in Sheffield in which this question of owner and tenant is affected by that particular tenement schedule.

1166. Does each person who pays side rent pay it direct to the firm H. ?—Yes.

1167. He is the immediate tenant of H. ?—Yes.

1168. Every person who pays side rent is the immediate tenant of H. ?—Yes.

1169. Do you look upon each person who pays side rent as the occupier of the tenement ?—Yes.

1170. You say that the occupier of the tenement employs datal hands and pays for gas, and you say that some of the deductions are unreasonable. Have you ever recommended any prosecution ?—I never have.

1171. May I ask why not ?—Because the occupiers have complied on their attention being directed to the irregularities. I have had to prosecute under the Truck Acts in other trades, but I do not know of a single case where there has been a prosecution under those recognised trade systems.

1172. You say that some of these tenement occupiers employ datal hands—girls ?—Yes.

1173. Then you say there are deducted from the wages of those girls certain amounts for gas, and those you consider unreasonable ?—I do.

1174. The Truck Act of 1896 says that the deductions must be "fair and reasonable" ?—Yes.

1175. Then that is a breach of the Truck Acts ?—There is the difficulty of ascertaining that they have used as much gas in twelve months as they are charged for. All these places are fed from one common meter.

1176. Still you do recognise the fact that if the charges are unreasonable that is a breach of the Act of 1896, and if you were to establish that fact you ought to get a conviction ?—I ought to.

Mr. J. Dodgson.

13 June 1906.

1177. You have not tried to get one so far ?—I have not had occasion to do so for the reason already stated.

By Mr. Yarrow.

1178. You have not had many complaints of injustice, have you ?—In regard to these matters I receive very few complaints indeed; they come to me only in respect of places that practically do not come under the Factory Acts at all.

1179. Then you practically have not instituted any action against employers ?—Not in respect of their trade systems.

1180. With regard to the charge, for light, I suppose anybody seeking a job knows that the wages they are to have are determined to some extent by that, so that if a lower charge were made for light that would mean their having lower wages ?—I suppose so.

1181. So that although the charge for light may be excessive, still the men have allowed for that excessive charge in the wages that they ask for ?—I suppose that is so.

1182. So that if the charge for light (I am not justifying it) were more moderate, or was not a charge at all they would get less wages ?—Precisely.

1183. If that is the case the matter is practically of very little importance ?—Yes, looking at it from that point of view.

1184. I mean the balance that they get is practically the same ?—That is so.

By The Chairman.

1185. I would like to ask you a question or two before we part from the cutlery trade. You have told us about a definite charge of, say, 2d. a week for light all the year round. Are some of these workers workers who happen to be employed only during the summer months ?—They are generally employed the year round, but the busy time in those trades falls at the latter part of the year; they begin to be busy as a rule about September, and continue so until about the end of the year.

1186. But whether it be a three months' employment or a six months' employment the charge of 2d. is an average charge ?—That is so.

1187. At whatever season of the year ?—Yes. I am referring now to the girls; probably in the case of the men it gets up to 6d. a week or 9d.

1188. Now would you give us your evidence; we do not need to go into it at great length. With regard to the silver and electro-plating trade, I believe the conditions vary very much ?—They vary a great deal.

1189. Are silversmiths generally quite free from any charges ?—At the present time they are free from all charges. When I first went to Sheffield they had to pay 6d. a week for light and standing room; that is all done away with.

1190. Then you talk about "buffers working in teams." Let me ask you what is a "buffer" ?—This picture will enable me to explain to you (*producing a photograph*). Here you see the buffers at work. After the silversmith has formed the material, the buffers polish it over a rapidly revolving disc made of rhinoceros hide or thick leather with finely ground sand and oil. These girls in many cases are charged 3d. a week for the sand and the oil which is given them to help to polish that material before it goes to the electro-plater.

1191. Are the buffers the people who do that polishing ?—That is so.

1192. They work in teams ?—No. I will give you this one explanation of the difference between an electro-plating works and a wheel. An electro-plating works in Sheffield is an individual place of business, and we have no recognised tenants upon those premises; they may be in parts tenants of a public wheel, but in an electro-plating works we have no tenants and nothing of the system of charges for tools and so on except in that one instance.

1193. Now let me go back to the point I was upon; they work in teams, do they not ?—Very often.

1194. There is one man in charge ?—I may say that they work both ways, but generally in the larger places they work in teams.

1195. How many women has this man in charge ?—He may have a lot or he may have three.

1196. Three to the team, shall we say ?—Yes.

1197. Now are the wages paid to the head man ?—I believe in all those cases they are paid to the girls. On that point there is a variety of practice. In some cases they pay to the girls and in some cases they do not.

1198. Is there a deduction made from the girls' wages for materials used ?—Very often 3d. to 4d. per week from the girls.

1199. What is that for ?—That is for the use of sand and oil, it is really intended to limit the use of those materials so as to prevent waste.

1200. Is it a fixed charge whether they use a lot or not ?—It is a fixed charge.

1201. If it is a fixed charge how could it check the consumption of the sand and oil ?—That is precisely one of the things that I could never see; I do not agree with the occupiers on that particular point.

1202. Are there any other charges made by way of deduction ?—There are three sets of persons that are brought within deductions in electro-plating works. Three-fourths of the people escape entirely from any kind of deductions, but when it comes to this process of finishing or of preparing for the electro-plater—the buffing process that I am speaking of—likewise stampers, likewise burnishers—then we get deductions. As a rule they arrange with one man to do the whole of the buffing—one man or one woman. A woman, say, will take a number of these and do the whole of the work for the firm and only for the firm; there is no question of any work coming in from the outside. The head woman is charged from 5 per cent. up to 15 per cent. for the materials supplied.

1203. What is that material ?—Rouge, lime, leather, oil, calico, swansdown.

1204. Is that material a fixed charge or is it in accordance with the amount that they do ?—The 5 per cent. to 15 per cent. is a kind of fixed charge; it may vary a little according to trade; if the trade is poor they may get 2½ per cent. less.

1205. That is one charge. Then the filers and piece-work burnishers are charged from 2d. to 6d. weekly for gas ?—Yes.

1206. With a double charge for winter ?—That is so.

1207. Then a woman who engages a learner or assistant is charged double ?—Yes.

1208. Have you made any effort on behalf of the Home Office to ascertain whether these are reasonable charges ?—Fairly, yes.

1209. Have they turned out to be reasonable ?—I do not think they have been unreasonable from the amount of gas which has been used.

1210. Then there are stampers and finishers as well as buffers. They are charged 10 per cent. for material, light and power, with occasionally an extra discount for varying circumstances ?—Yes. In the case of stampers until recently it was all handwork and they then had a net charge, but they got the assistance of a pulley that helped to drag up the weight (sometimes it is half a ton weight) to allow it to drop down in the form of the bowl of a spoon. Then it was found that a man could make so much more than he used to on the original wage list and now they make a charge of 10 per cent. off the wages for the power that has been given to the man to help him to do his work.

1211. Have you had any complaints of that system ?—None whatever.

1212. Then the burnishers, in addition to this, buy chamois leather rubbers from the firm ?—Yes.

1213. Have you found in experience that the firm charge only the actual cost ?—That is so. I am speaking of the rule. The workers get the advantage of buying in large quantities, or at any rate, the firm buy in large quantities, and there is not a firm who would not say to a workwoman: "You can buy your own if you like, elsewhere."

1214. Now I want you to give me a list of the payments for gas prevalent in factories and workshops alike for all trades ?—I have here a number of the trades in which we find these payments prevalent; scissors, spoons, forks,

saws, fancy boxes, horn, bone, and other scale cutting; buttons, burnishers, and small edge and other tools.

1215. In some of the trades the deductions are only made during the winter months?—That is so. In the chief of these trades, burnishers have a double system; if they pay the year round they will probably pay 2d.; if they pay only in the winter of the year they will pay 4d. to 6d.

1216. With regard to the charge for gas, is this what you were referring to when you instanced an excess charge of 500 to 2,000 per cent.?—I was referring to the three recent instances that I gave you in which we made out that the charge was excessive.

1217. In nearly all these cases there is an extra charge for the use of a vice?—Yes.

1218. What is the amount of the extra charge?—One of the best vices for the purpose will cost about 17s. 6d.; that is the charge for the vice itself—I mean the charge by the vice-maker. Now if the men are charged 6d. a week for the use of the vice, you will see that they will pay for more than one vice in a year's time.

1219. That is what we want to get at; do they do it?—They do it.

1220. Have you taken any action with regard to that?—I have required notices to be put up and am investigating the charge as to reasonableness.

1221. Can you give us any reason why that has not been taken any notice of?—I can. Though the staff have been cognisant of certain deductions of this kind, they have not had the knowledge that we now have; we have acquired this knowledge. These are quite recent instances now under investigation and have come to light in the course of special inquiries made with a view to evidence before this Committee.

1222. Then you think that the investigation of the subject on public grounds is an advantage to the workers?—If you take the question of light, I think so distinctly.

1223. I will take the question of vice also?—Yes.

*1224. In the instance you have given, where for the use of a thing, the actual cost of it is 17s. 6d., a man is charged 6d. a week, so that in nine months' time or so the capital cost is paid, that represents a profit to the employer?—Without doubt, if it should prove on investigation that the charge is correctly stated and covers no other service.

1225. You cannot defend a system of that kind, can you?—I cannot.

By Mr. Cawley.

1226. I suppose a vice will wear out?

By The Chairman.

1227. What is the life of a vice?—Oh, it lasts years.

1228. Now that you have been put to inquiry into the matter you have come to an opinion upon that?—Yes. I think deductions for light ought to cease altogether. I am certain that it leads to a certain amount of injustice and I think it ought to be disallowed straightaway. With regard to the vice, that is a matter that has only just come before us. We had an instance, I think it was about six months ago, where a man who was employing his own sister actually deducted 6d. a week from his own sister's wages for the use of the vice. This led me to undertake a wider enquiry, and then I found that it is quite common in some of the trades in Sheffield.

1229. Then with regard to the brass trades. Have you any instances of deductions there?—I have three specific examples of deductions.

1230. Will you just give us those?—T— M——, a youth aged nineteen, made four dozens of quarter-inch taps; price previously paid 5s. 9d.; on M—— going in on reckoning they only paid him 5s. 6d.; nothing was alleged in the form of any wrong work.

* It was found subsequently in most instances that the charge involved other considerations, as of repairs, tools, coal, etc. In a few instances Mr. Dodgson found, as a result of enquiry, that the charge had been swept away.

1231. That is to say he did not get his full wages?—He did not get the agreed wages. *Mr. J. Dodgson.*

1232. Why not?—That I do not know. I have not had time to make inquiry about it. It is information I have from one of the representatives of the Rotherham Brassworkers' Union. 13 June 1906.

1233. Shall we have him as a witness?—The Rotherham Brassworkers' Union is petitioning to be heard.

1234. You can really give no testimony as to this beyond the letter you have there?—I cannot. Then a second instance is rather a different matter. W— H—— made some half-inch taps; price should have been 10s. 6d.; on reckoning there was 5s. deduction because the nut at the bottom of the spindle was loose; H—— neither made the spindle nor made the nut which fits upon it, both being supplied by the firm.

1235. Again you cannot testify about that personally?—I cannot, except that this information comes from their union. Then, A— B—— fitted 100 cisterns and was stopped or deducted a sum of money because it was alleged some of the threads were stripped.

1236. Can you testify about that personally?—I cannot.

1237. Then if you will simply leave us the letter we will not trouble you further about those instances. Now you have something to say on the subject of wearing apparel?—You will hear better evidence on that matter from other inspectors in places where this material is produced on a larger scale than with us.

1238. The last point is with regard to bone-cutters. You say they pay 1s. 6d. each to pay a boy for boiling the bones?—Yes, that is something I do not understand. This is a case that was found out by one of my juniors; I have no personal experience of it myself, but it occurred in Sheffield.

1239. Can you give us the name of the firm?—I could forward it to you. This is a case that one of my juniors actually found. These men are piece workers, I think, producing so much per dozen from the bones; and because the bones have to be boiled before they can cut them there is a charge upon these cutters sufficient to pay the boys' wages for preparing the bones for them. I do not know why it should be so.

1240. Has the Department taken any action in that case?—Not up to this moment, This is quite a new case to me; I never heard of it before.

1241. This inquiry seems rather to have been a fillip to the operations of the Department. Is not that so?—To a certain extent, yes.

1242. I mean all in the way of good?—I think you may say so. Taking my own particular district I may say that I have been hampered very much as to what I was able to consider as within the Truck Act and what was not within the Truck Act, on account of these numbers of cases that have come down; as I say, from father to son, till they do not know what on earth to do with them. They may be wrong or they may be right, but at the same time it must have been that they had a system of adjusting their wages perfectly well understood by the men and perfectly well understood by the occupiers.

1243. In performing your duties you had just to take the system as you found it developed?—That is so.

By Mrs. Tennant.

1244. You told the Chairman that you were satisfied in certain cases that the charges for gas were fair. Could you describe the means you took to come to that conclusion?—Only by calculating the number of hours that the gas would be used and taking the burner that was used—whether it was a No. 2 or a No. 4 or a No. 5 burner—and then reckoning what the consumption would be.

1245. The employers gave you all facilities for seeing how much gas they did burn?—Yes. I may say that that only applies to individual cases, but if you take one case—for instance, take M., they deduct 2d. a week for their gas, and we find that that is a fair and reasonable charge, it is not an excessive charge, it is not one that you could say that they made money out of—then it is only fair to consider that another man would use about the same amount of gas charging about the same price.

Mr. J. Dodgson.

13 June 1906.

By Mr. Ramsay Macdonald.

1246. With regard to the notices of deductions. Do you, as inspector of factories require them to be posted outside or at the entrance to the factory?—We have them posted, as a rule, in every room to which these deductions refer; even as regards the "trades customs" which have given us so much trouble, and in respect of which we have had to exercise some option or discretion.

1247. May I take it that "optional" means that if the deductions seem to be reasonable to you you would pass them?—Yes.

1248. But would any notice be put up as to the deductions of say 2d. a week for light or 6d. a week for the use of the vice—would they be exhibited outside?—They would be exhibited in the room. As regards charges for light this has long been observed.

1249. Now with regard to that case where there was a disagreement as to the amount of deductions, would that be brought before you, or one of your inspectors?—Particulars of that case were given to me personally by the acting secretary of the Rotherham Brassworkers' Union.

1250. The brassworker approached his union and the secretary of the union came to you?—I went to the secretary purposely to ask whether there were cases of that kind.

1251. What were the circumstances that you think unjust?—One of those cases certainly seemed to me to be unjust, but the matter is still under investigation. I will see the whole of the brass factories at Rotherham.

1252. May I take it that you would recommend that every deduction that is possible should be posted up?—Oh, yes. Of course there is a difficulty on account of the hundreds of different kinds of materials produced in one particular place. I am quite right in saying that some of these places will produce 500 different implements. It would be a very difficult matter to lay down specifically in every case what they are going to charge for what may be a bad mistake or what may be only a trifling little error.

1253. Do you find in your capacity as inspector that the Trucks Acts want further defining?—Only to the extent that I have laid down here.

By Mr. Maddison.

1254. Have the trade unions never taken up that question of light at all?—They have not; they have regarded it as being a reasonable kind of thing. When a girl goes to work she accepts the conditions; she knows what she has got to make.

1255. The girls are in union, are they not?—They are not in union, but all the other trades in Sheffield are represented by very, very strong unions indeed.

1256. These very strong unions allow this gross overcharge for light to continue without taking any action?—I have never had any representations made to me of hardship in any shape or form.

1257. Have they not negotiated with the employers, or rather, as they are independent men, with the people that they deal with?—In the case of standing room for the electro-plating works, that is the silversmiths and so on, they formerly paid 6d. a man for what you may call standing room and light, but they had a strike and as the result of that strike that matter was swept away. It was a sort of general term "standing room and light"; they do not pay a penny for that now; there is not a case of a silversmith in Sheffield who pays anything.

1258. You consider that there are extremely unjust cases of charge for light where the people on whom the unjust charge is made have a strong union?—Yes, I think so. I think the Scissors Union is a very strong union.

1259. But they submit to this unjust charge?—They submit, yes.

1260. With regard to the instances you gave in the brass trades, I suppose those have been just given to you as instances that have cropped up, but there has been no time to rectify them?—That is right. I only received information of these the day before I came up for this inquiry, a fortnight ago.

1261. I mean, they have not tried to rectify them with the masters?—In two of those instances the man was not working at all, as the result of the fine, until the difference could be adjusted between the secretary of the union and the employer.

1262. But these differences are usually adjusted between the employers and the workmen by the trades union?—Quite so. I do not lay any stress upon those particular instances, because they do between the secretary of the union and the occupier or the firm manage to adjust their differences; they never come to me in my official capacity with complaints.

1263. I should like to ask whether in your view the reason the union men have not objected to several of these strange charges of which we have heard does not arise from the like of the men of the free sort of life they get, which they would not get if they were working under a regular system?—Distinctly. These tenement factory workers will go to a football match on a Monday—or on Tuesday if there is one—and they enjoy that freedom.

1264. One question about this charge for use of vice, which seems to some of us a very striking example of the things we want to see remedied; where a thing the capital cost of which is 17s. 6d. is charged for at such a rate that in nine months the capital cost is wiped out, although the vice has some years of life. Have you ever received any representations from the unions on such a subject as that?—Nothing.

1265. You told us very little about the file trade; I should like to hear something about the outworkers in the file trade. Is there anything arising there, do you think, with respect to truck?—Nothing at all; I never hear of such a thing; every fileworker works on his or her own account.

1266. I do not know whether there are any of these places that are subject to special rules and regulations?—I have several hundreds.

1267. Have they to wear overalls?—Yes.

1268. Is there any charge made for them?—Every person working in his own room puts himself in an independent position; he would be responsible for wearing overalls; they would not be "provided" by any other person.

1269. Then with regard to light. Are there cases where there would be a different charge made to a girl from that made to a man for using the same amount of gas?—Yes.

1270. Then one must be unfair?—I suppose it must; the girl is charged the best price, that is certain.

1271. I think you have told us that you consider 2d. is fair?—Yes.

1272. Then if that is so the man must be charged too much?—You see, this man is not a protected man in respect of hours of labour, and you will find that he will very often work a couple of hours later than a girl will; it is a common thing to see them at work till 12 at midnight in Sheffield in these places.

1273. Suppose you take an instance of a man, using his gas for the same time, charged three times as much as a girl, would not that be some evidence that the man was charged too much?—Yes, it would; there is difficulty, of course, in telling what length of time the protected man will work.

By Mr. Delevingne.

1274. You have told the Committee that you have not considered certain deductions and charges as coming under the Truck Acts, or at any rate that you have not enforced the Truck Acts against them. Just to get it clear, does that only apply to metal trades in tenement factories?—It applies likewise to the charge for side rent and for grinding hulls, but chiefly to metal trades, electro-plating, Britannia metal and silversmiths' work.

1275. Is that carried on in tenement factories?—No; you do not get electro-plating as a rule in a tenement factory.

1276. What action do you instruct your junior inspectors to take with regard to the enforcement of the Truck Acts when they go into a factory?—It is so very rarely we find that a deduction is made, except under the trade customs which I tried to explain to you. Taking the trades of electro-plating and cutlery manufacture,

with the exceptions I have given you I should be doubtful if many shillings are deducted a year from the whole trade.

1277. Would you say that in your district, outside the particular cases you have mentioned, there are practically no abuses which require the intervention of the Truck Acts?—No. I have inquired specially in the rolling mills and steel producing works and engineering places, and I cannot hear of such a thing as deductions, although there are a few routine fines on the notices. I have a few of them here. They do not strike me as being particularly severe. I have, however, met with deductions of another kind, hardly under the Truck Acts. One is the case of a burnishing and polishing factory in Sheffield, a very considerable place, employing a large number of girls. There, for the first few weeks of a girl going to work, they make a deduction of perhaps 1s. a week, until they have a full week's wages in hand. When they have a full week's wages in hand they hold it until the girl leaves work; if she leaves work without a notice, they retain the week's wages; if she gives notice, the money is paid over to her. A very similar thing applies to another place, a small manufactory, where there is a certain percentage deducted in the first few weeks until they get a week's wages in hand, and that is kept until the time the person leaves the employment of the firm, or in the case of leaving without notice it is reserved for the firm's uses. I do not know how far to regard that as coming within the law relating to truck.

Mr. J. Dodgson.
18 June 1906.

EIGHTH DAY.

Tuesday, 19th June, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P. (Lord Advocate for Scotland) (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
J. RAMSAY MACDONALD, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

Miss ADELAIDE MARY ANDERSON, Principal Lady Inspector of Factories, was called; and Examined.

By the Chairman.

1278. In the discharge of your duty as Principal Lady Inspector of Factories, have you specially in view the administration of the Truck Act?—Yes, we give a great deal of attention to that.

1279. Who is your immediate superior?—Dr. Whitelegge, the Chief Inspector of Factories.

1280. I undertand that the staff of lady inspectors has been gradually increased. Will you please tell us about that development?—When I was first appointed there were four inspectors in my branch, exclusive of myself, but that has been gradually increased until now there are nine, and the number is about to be increased again.

1281. What is the reason of that development?—It is owing to increased pressure of claims in the work.

1282. What I mean is, does it arise in any sense from an idea that previously there had been an insufficient inspection?—Ideas grow as to the work to be done.

1283. As to the extent and need for supervision?—Yes.

1284. The inspectors find their field of work in all the factories and laundries in the United Kingdom where women and girls are employed?—Yes, we do.

1285. And amongst out-workers?—Yes, they have found a good deal of work especially in connection with the Truck Act and the section of the Factory Act relating to particulars of work and wages for piece-workers, so far as women and girls who are out-workers are within the scope of the Factory and Truck Acts.

1286. We will come to the details by-and-bye, but will you meantime explain how far these out-workers are within the scope of your supervision?—Originally, under the last Truck Act of 1896, it was believed that they were entirely within its scope, but certain judicial decisions, one in Ireland and one in England, have altered that view.

1287. Do you mean the Donegal case in Ireland?—Yes, and the Midland Lace Company case recently in England. Before the latter decision we had obtained convictions in the Magistrates' Courts in England in connection with out-workers cases and penalties have been imposed.

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1288. Of course, your efforts must have been considerably paralysed by the decision to which you have just made reference?—Yes, naturally. But I should say the decision did not totally exclude out-workers from the scope of the law. The decision was to the effect that there must be a contract personally to execute the work; in the Irish case there was another point, namely the definition of manual labour.

1289. I suppose you make certain routine inspections, going from one factory to another?—My staff do so.

1290. The nine inspectors to whom you have referred?—Yes.

1291. And I suppose complaints are received from women workers?—Yes, and from their organisations and from friends of the workers.

1292. Is it your experience in managing your branch that it is as well to have organisations of workers so as to form a channel of communication with the Department?—Certainly, much good is done in that way. Organisation is in two forms in connection with women. There are voluntary associations of the workers themselves and there are also what one may call friendly associations assisted from other classes, which interest themselves in the work of women or girls, learn of defects or contraventions and report them to us.

1293. Of course women workers have trade unions, as such, in the ordinary sense, have they not?—There is comparatively little of that amongst women workers. They are highly organised in the textile trades, but in whole groups of industries there are no organisations worth speaking of.

1294. Do you make reports to the Department upon questions affecting women and girls?—Yes.

1295. Have you prepared a table as to women's employment?—I have not a duplicate copy of that table

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here, but it is published in the Chief Inspector's Annual Report.

1296. I have here a copy of that Report for 1903 ?—I refer to pages 238 and 239. I have brought the information together from a number of different sources in order that we might have a survey or a review of the whole field of women's employment.

1297. Is this the last available Report of the kind ?—Some figures have been published since that table was drawn up. I think it ought to be brought up to date and I hope to be able to do so, but approximately that table may be taken as a review of the field of women's employments.

1298. Might we, for the purposes of this Committee, accept that table ?—Perhaps it would be as well to have exactly the very latest figures available. That might perhaps help the Committee.

1299. When could these be compiled, without undue inconvenience ?—Within a few weeks.

1300. Would it suit you to have them prepared by the middle of July ?—Yes, I think so.

1301. We should rather like to have that information before we separate for the recess ?—I shall be glad to provide it.*

1302. For the purposes of your present evidence you are able to proceed upon the Report of 1903. How many women are there employed in textile factories ?—The total number of women and girls so employed is, in round figures, 648,000.

1303. I observe that in Table A. which is a table showing the women and girls whose work is regulated by the Factory Acts, that the number employed in textile factories is stated as 472,000 ?—That refers to women only, but I include girls in the total I quoted.

1304. Then we take it that there are 472,000 women employed in textile factories ?—Yes, women over eighteen years of age.

1305. And there are 151,000 young persons ?—Yes, ranging from eighteen down to thirteen or fourteen.

1306. And 24,000 children ?—Yes, from twelve to thirteen years of age.

1307. Then as to the non-textile factories ?—They represent 523,000 ; in workshops 356,098, and in laundries 82,652, but a large number of laundries are excluded from regulations. Textile factories, workshops, and the larger laundries are under regulations.

1308. In order to bring out the distinction of laundries you have prepared a separate Table B ?—Yes.

1309. The steam or factory laundries, of course come within your supervision ?—They do.

1310. Does that also apply to the hand or workshop laundries ?—Yes, except where there are only two or less persons employed who are not living on the premises. That refers to small laundries of a domestic character. They are excluded from regulation and they form a very considerable proportion as may be seen from the census return.

1311 Do the convent laundries fall within the scope of your inspection ?—They do not fall within the scope of the Act, but we have visited some of them.

1312. Are they not steam or factory laundries ?—There is a certain proportion of steam laundries among them.

1313. You have not inspected them ?—We have visited them with the permission of the managers or occupiers. Some object to this kind of voluntary visiting but others accept it.

1314. Do hand or workshop laundries come more under that head ?—As a whole there are rather more workshops laundries than factory laundries in convents and religious institutions.

1315. How are you excluded from the convent laundries ?—By the definition in section 103 (4) (*b*) of the Act of 1901, namely "Nothing in this section shall apply to the inmates of any institution conducted in good faith for religious or charitable purposes."

1316. Then as to Table C ?—I thought it would be interesting to show the proportion of women employed in the various important groups of industries. That is not an exhaustive list, but it includes every case that is of any significance down to 3,000.

1317. In the *précis* of your evidence there is a note as to some point overlooked ?—Yes, in the making of Table C, lace warehouses were overlooked. In these, over 7,500 women and girls are employed, and that total will be inserted in the revised table.

1318. With regard to out-workers, upon which we are anxious to obtain your views, I understand that complete returns are not accessible ?—No, they are not accessible. I tried to make a return roughly with the help of the census and such tables as were available from out-workers lists supplied to the local authorities under the Act, but it was not practicable to make it complete. In the Annual Report of the chief inspector—I should think it would be for the year 1899 or 1900—there is a table showing the total of out-workers in the kingdom as shown by lists forwarded at that time under Act.

1319. Is that the latest available ?—No, there are some later figures which I brought together and which were published in a paper written for the International Congress of Hygiene in 1901.

1320. Might we have the advantage of that for our proceedings ?—Yes, certainly. The most important industry in which women are employed in out-work is the great group of clothing trades, and the total employed working at home according to the census in these trades is 335,503; but that would include a certain number of domestic workshops where the people are working on their own account and not in the strict sense of the word as out-workers, so we are not able to get a precise idea of the number of out-workers connected with large industries.

1321. The inspectors furnish reports from their own centres, do they not ?—Yes. Under the Act of 1901 out-workers' lists were provided to the local authority in each district, and it would only be by a summary of all these returns that we should get the correct figures ; that, I believe, being prepared. In one district where women's labour greatly predominates, a lady inspector has been for some years in the statutory position of district inspector in charge of steam and hand laundries, and of factories and workshops in which the making of dress and millinery is carried on. This special district embraces seven of the west London boroughs and the urban districts of Acton and district. This method of organising part of the work of the lady inspectors will probably be extended, but the greater part of their work continues all over the kingdom by sample routine inspections in districts not under their charge.

1322. What is your ground for saying that it will probably be extended ?—We are discussing the question of slightly extending that district organisation where women are employed in great numbers.

*In regard to this the following letter has since been received by the Secretary from the witness :—

Dear Mr. Bettany,

On my return from leave I began to try to carry out my promise to the Chairman of the Truck Committee as regards revision of the figures given in the Tables of Employment of Women (Annual Report for 1903, *pp.* 238–9). *I found the way clear only as regards employment in factories and in laundries. Revised figures are accessible for these as late as* 1901. *Nothing, however, is obtainable as regards workshops later than* 1897, i.e., *the figures already given in my tables.*

To attempt to calculate percentages on an addition of those 1897 *figures for workshops to factories in* 1901 *would only yield misleading conclusions, for there is nothing to show the extent to which workshops have been transformed into factories.*

In the meantime, therefore, my tables put in as part of my evidence are as accurate and useful as it is possible to make them, and any attempt to revise them must be postponed.

The chief inspector informs me that the workshop returns for 1901 *were not tabulated. Those for* 1904, *however, will be ready in December. Possibly I might then combine the factory figures for* 1901 *with workshop figures for* 1904 ? *The distance between them would still be three years.—Yours sincerely,*

A. M. Anderson.

1323. Of course it is part of your duty, if you find anything in contravention of the provisions of the statute, either to prosecute or to endeavour to secure conformity with the law ?—That is so.

1324. Do the inspectors furnish the requisite facts to enable you to decide whether it is a case for prosecution ?—Yes, I do decide; but I have always access to the advice of the Chief Inspector and of the legal advisers of the Home Office—an advantage of which I make very free use

1325. Do you go into court to prosecute cases ?—I used to do so regularly, and all my staff now do so. I am so much occupied at headquarters that I have not much time now for that detailed work.

1326. Do you find such a system works quite well ?—Yes, it is a most important part of the work of the inspectors and is of great help to them.

1327. I suppose the experience of two or three prosecutions usually equips them for conducting cases ?—Yes. Some are more gifted than others in that way; but all acquire the power to do it.

1328. Then the Department does not go through the formality of engaging solicitors and counsel ?—No, that is not necessary, except when some special legal point is known to be at issue, and then it may be well to begin with counsel in order to prepare the case thoroughly for appeal.

1329. The prosecutions, of course, speak for themselves, but do they represent the full scope of the work ?—They form only a small part of the work done in the sense of action on contraventions found under the Truck Acts or Factory Acts. The greater part of our work is done in the factories, or is in correspondence, conference and conversation with the occupiers of factories and the workpeople. Advice, instruction and warning form the larger, and in many ways the most important, part of our work.

1330. I suppose you find your hands strengthened by the fact that a power of prosecution is always behind you ?—That is a most important leverage, but it is only used as a last resort.

1331. How many prosecutions have there been since the beginning of 1897 ?—The lady inspectors have, since that date, prosecuted under the Truck Acts forty-seven occupiers and contractors; or rather, I should say, forty-eight, because I see there was omitted from my original statement a case in 1897 which occurred shortly before my promotion to charge of the Branch in August of that year.

1332. How many convictions have there been ?—There have been thirty-seven occupiers convicted, and there were 108 convictions against them.

1333. One defendant might represent several charges ?—Yes.

1334. Summed up in one indictment ?—In Scotland one indictment, but, in England, in separate information indictments.

1335. How many appeals have there been ?—Appeals have been prosecuted in five instances. They relate to cases handled originally by two of the lady inspectors: Miss Squire and Miss Deane.

1336. Appeals against acquittals ?—Yes. There was the case of *Squire* v. *Sweeney* in 1900 *re* powers of an inspector to investigate observance of acts as regards out-workers at any part of a contractor's premises, and the decision of the High Court in Dublin was in favour of the full exercise of such powers. In the same year there was an appeal *Squire* v. *Sweeney re* payment otherwise than in current coin to out-workers in hosiery. The decision was that unless there is a contract personally to execute the work the out-worker is not a workman within the meaning of the Truck Acts. It was decided that knitting is not manual labour.

1337. Do I understand you to say it was decided that knitting was not manual labour ?—Yes.

1338. Was it supposed to be mental labour ?—Well, the idea apparently was that it did not involve muscular effort.

1339. What court decided that ?—The High Court in Dublin. The Court of King's Bench.

1340. Has that decision regulated your practice ?—Not that part of the decision. The question has never arisen again; but it is interesting that it has arisen once.

1341. It is. And now as to the other part of the decision ?—It prevents us prosecuting cases easily in Ireland in connection with out-workers. It would have involved a great amount of search to find out cases where the worker had pledged herself personally to execute the work, and as a matter of fact, in these districts, we find the contractors gave up paying wages in goods.

1342. Can you describe the kind of work that was done, and the kind of people who did it, and how they lived, and what happened ?—I think you will get the best and liveliest description of all that from the two lady inspectors who were there all the time, and who had hard work in the district. I refer to Miss Deane and Miss Squire.

1343. Then we will get that from them. What was the trade ?—Three trades were specially concerned in Ireland: the sprigging, or embroidery industry; the making of shirts and collars at home; and the knitting of hosiery. It was all light work, done at home by these Donegal peasants.

1344. Will Miss Deane or Miss Squire be able to give us details ?—Yes; and an account of the people's homes, and the nature of the contracts.

1345. I see you have a memorandum of a case prosecuted by Miss Squire in 1901 ?—Yes, that was a case taken to test the question how far the employer could be required to specify in the contract as to disciplinary fines, the kind of act or neglect which would entail a deduction from the worker's wage. The decision of the magistrates that such a rule as "observance of due order and decorum" was sufficient to cover the act of dancing to a harp in the dinner hour, was upheld by the High Court. We found, as a matter of fact, afterwards, that the advertisement thus given to that vague form of contract led to its being adopted in other factories.

1346. Is it not common under the Factory Act for prosecutions, although unsuccessful, to have a deterrent effect ?—Yes.

1347. But this instance is the reverse of that, as the result of this prosecution was to advertise a form of contract of which the Department substantially disapproved ?—That is so.

1348. And it has in effect spread ?—Yes, it spread directly afterwards.

1349. Then I may put this to you: would it suit the Department if the legislature were to correct that decision ?—It certainly would.

1350. And in what sense would you suggest the correction ?—It is difficult, without thought, to make a suggestion as to precise words in a matter that is so important. The point is, to get as close as possible to a definition of the action or omission which will entail a loss of wage to the worker.

1351. Let me put before you this broad question: do you think it an expedient thing to have a general rule of that kind about the observance of order and decorum under the sanction of a fine ?—I do not. There should be no such vague rule entailing a fine or deduction from the wage. The margin in wage is far too small. The payment, speaking generally for women and girls, is a subsistence wage, and it is of the utmost importance that they should not have deductions made unless it be for actions which they know they can avoid.

1352. Where there is definition in the contract ?—Yes. The workers should know that, if fines are to be allowed at all, they should be exacted only under the clearest possible contract.

1353. To begin with, this is discipline pure and simple ?—Yes.

1354. With a fine imposed at the will of the employer ?—Yes. I suppose the theory is that the worker agrees to it.

1355. Do you see any objection in principle to such a contract being made impossible ?—I think such a vague contract ought to be made impossible. There is too much at stake for the worker.

1356. On the other hand, do you think that the employers' powers of discipline would be invaded unduly

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if he were left to the ordinary alternative that he can dismiss a bad worker or commend a good one?—The best employers are gradually finding out that they can do better without fines. But that involves a good deal of special intelligence and cleverness in organisation, and it may be that in the existing state of affairs it is wiser not to push the matter to such a point that an employer might employ harder methods of discipline.

1357. Would you distinguish between cases of discipline and cases of actual loss that occur by wastage of material?—Certainly. Deductions of an excessive nature have often been made from workers' wages on account of wastage, and I should disapprove of these entirely unless it be in the form of a fair and reasonable disciplinary fine to prevent damage. Moreover, the employer ought not to be allowed to assess his own damage against the worker—that is, to be both judge and jury, and everything else in the case.

1358. Might not the rule, in the case of *Squire* v. *Bayer* have been expressed as, "observance of good discipline?"—Yes. But I disapprove of a vague rule, because I know of cases where a forewoman has been given absolute authority to fine promptly for anything she disliked in the workers' conduct.

1359. Such authority lends itself naturally to caprice, or it may be to tyranny?—Yes, it does, to a remarkable degree.

1360. Suppose the fines are for discipline for specified acts apart from loss; suppose, for instance, a rule that a person must not wear a flower in her coat, or that a worker must not whistle after a certain hour—that, although it is specific, is still pure discipline without any loss?—We object as a rule to fines of that kind entering into a contract, and we generally get them removed.

1361. Then there is the third class of cases associated partly with discipline, and partly with wastage, or loss of material?—In a good many cases the employers have fallen into the way of treating these as disciplinary fines, dropping the idea of restitution to themselves, and imposing a fine that will act only as a deterrent of real carelessness.

1362. In that case you will, I fancy, agree with me that there should be some judge of the fairness or reasonableness of the fine or deduction, apart from the employers themselves?—Certainly.

1363. Would it occur to you as convenient that the inspectors should settle such a point?—Of course, the inspectors are, to a certain extent, already judges upon many such points. The employers do adapt themselves to a considerable extent to the opinion of the inspector, but there is difficulty often in arriving at all the factors. There is the question of the workers' degree of skill, the amount of wage she can earn, the costliness of the material she handles, etc.

1364. Suppose this Committee recommended that in cases where actual loss occurred, and where fines were imposed, there should be an appeal to the inspector by either party, with power to the inspector to view the premises, to call for books and material, and to get full information, do you think that that would afford a convenient rectification of any trouble?—It would be a step towards it, but I think you would want something more. You would want some definition of fairness and reasonableness to help the inspector to decide. It would be a difficult position to put an inspector into to make him or her a judge.

1365. Can you help us towards any other suggestion?—I think one element should be a ratio to the wage.

1366. That seems a good suggestion. Now take the case of female workers; may we say that their average wage is about 12s.?—It ranges from 5s. or 6s. a week to 15s. a week, and rarely reaches 20s. or 25s.

1367. If we take an average of 10s. per week, is there any suggestion occurs to your mind, as to the reasonable ratio of fines to such a wage?—It certainly ought not to be a higher ratio than will let the girl take home enough to pay for her lodging and her food and her clothes.

1368. May I suggest to you a maximum of 1s. where the wages do not exceed 10s., that is 10 per cent. What do you say to that?—I should like to think it over.

1369. Now we are getting to close quarters with the question, and we do not want as a Committee to make any rash or abstract recommendations, but we want to take advantage of your experience?—Some of the inspectors have been pressing for a standard that the total amount deducted from the worker should not exceed 5 per cent. Note has to be taken of the distinction between piece-workers and time-workers. Supposing you have fines for coming late, the piece-worker would in any case lose her wage if she is late; so the same proportionate fine would not be equally fair for both the piece-worker and the time-worker.

1370. Might it be possible to work it out in this way, that loss of time is loss of wages, and that beyond the loss of time the deduction or fine for other causes should bear a proportion to the wage earned?—It would be a great gain to have that definitely stated in the law. We have lost one or two cases taken into the court as regards fairness and reasonableness, through not being able to convince the court of the importance of that element—the amount of the worker's wage.

1371. The suggestion is not that you should leave fairness and reasonableness out, but that you should have a maximum under which the workman would be guaranteed to have a living, so to speak?—Just so.

1372. And then, that being the maximum, that the doctrine of fair and reasonable in your judgment might have scope?—Yes.

1373. Now, the next case you refer to is the case of *Squire* v. *The Midland Lace Co.*?—That is a case in 1905 under Section 2 (2) (*a*) of the Act of 1896. That was about deductions from wages of out-workers in lace-making. The High Court upheld the decision of the magistrates, that as there was not a contract personally to execute the lace-work the out-workers were not "workmen" within the meaning of the section. That was substantially the second part of the decision in the Irish case.

1374. That was *Squire* v. *Sweeney* over again?—Yes, that was as regards lace out-workers in the Midlands.

1375. Now, would you again excuse me for asking you to put that into a concrete picture; that is to say, in the past you and your staff had been accustomed to supervise the operation of out-workers in the lace industry?—We had in that and other industries.

1376. And do you think the result of your inquiries had been helpful to both parties?—It had.

1377. In what respects?—That penalties were imposed by magistrates' decisions on employers for paying out-workers in silk sashes and button boots and things like that that the workers did not want, in place of paying them wages. I have a case in mind of a poor old bedridden woman who was paid by a silk sash; of course, she had to sell it before it was any good to her.

1378. Will you give us particulars of that?—I would refer you to Miss Squire for the precise details. There were cases in Somersetshire amongst the glove workers.

1379. Then the result of the two cases, *Squire* v. *Sweeney* and *Squire* v. *The Midland Lace Co.*, has been, I suppose, to impede to some extent your operations?—Certainly in the Midlands. We might possibly have found a case where it was clear that the person had personally undertaken to do the work; but the contracts are so loose between workers and their employers, even inside the factories, that it is very difficult to get evidence on those fine and subtle points.

1380. I do not say that it occurs, but if those decisions stand without rectification, abuses of that sort may grow up?—Certainly.

1381. Would it be your fear that they would grow up?—Certainly. I feel that in some cases these deductions and fines are decreasing under the close supervision of the inspectors as compared with what they used to be in the past, but there is always a tendency for them to arise again.

1382. Would there be any difficulty in making rules which would cover the case of out-workers; does it occur to you that there would be any difficulty at all?—I see no difficulty whatever. The ordinary out-worker wants protection even more than the in-worker, whether she is working with the help of her husband or somebody else at home, or whether she is working by herself. There would be a

limit; there would be a certain point; of course, if she became a contractor—a true manufacturing or merchant contractor—she might be held not to be within the limit.

1383. You have just touched the point there. The moment the question of a separate contract comes in, difficulties arise?—On a larger scale, yes. Might it not be possible to fix a limit of money—I mean the gross business that is being done by the out-worker. Something of that sort might come in, just as in some of the accident and invalid insurance laws for workers in Germany they have a limit. People making above a certain amount of income do not fall within the law. That occurs to me as a way of meeting the difficulty. If the worker is really a merchant or a manufacturer then she would not need protection in the same way.

1384. Then the next thing you deal with is the case of *Deane* v. *Wilson and Company Limited*?—Yes, that was a case in 1906; it has not yet been decided. We have not had a judgment yet in the High Court.

1385. That was an Irish case?—Yes. The question was whether a sum withheld by the employer, a textile manufacturer, from a weekly-paid wage-worker under the designation of "bonus" as a penalty for coming after the hour of commencing work—the so-called bonus being always paid for the week's work of fifty-five and a half hours—was or was not a "fine" within the Truck Act of 1896. The case was heard on May 15th of this year by the Lord Chief Justice and two other judges of the High Court in Dublin. The Lord Chief Justice said it was a very important case, and they would carefully consider it, and they reserved judgment.

1386. That is as far as you have got?—That is as far as we have got. The details in that case Miss Deane can give you at full length.

1387. She was the prosecutrix in that case?—Yes.

Since this evidence was given the High Court in Ireland have decided that the sum withheld by the employers in this case was not a deduction in respect of a "fine" within the meaning of Section 1 *of the Truck Act*, 1896.

1388. Then you are going to give us the figures as to prosecutions and convictions?—In all, forty-seven occupiers and contractors have been prosecuted and thirty-seven convicted for various contraventions (I am speaking of the Truck Acts only), the convictions amounting to 108 cases, or 75·5 per cent., of all cases taken by lady inspectors since the middle of 1897, the year in which my direction of the Branch begins.

1389. You have a table of the prosecutions since 1896 (*see Question* 1639)?—Yes, this sets out for each year the number of cases taken and the total penalties. There are columns showing which case fell under the sections relating to "Excessive, unfair, or unreasonable fines or deductions," "Deductions for rent," "Fines, deductions, and payments without a proper contract or particulars," "Payments otherwise than in current coin," and "Attempts to control the expenditure of wages." The majority of the cases fall under the contract question or omission to give particulars to workers, *i.e.*, 81 in all as compared with 16 for unreasonable deductions.

1390. I see that in each of the years 1903 and 1904 there were seventeen cases of deductions without proper contracts?—Yes.

1391. Do you happen to remember what was the particular form of that outbreak?—I should say that rather than an outbreak it was simply a concentration of the inspector on some area. I have a complaint table (*see Appendix IV., Table* 1) later that may throw some light on it. In 1902 there were thirteen complaints under that head; that is rather an unusual number and no doubt those were carefully followed up and led to proceedings and to the detection of new instances. I do not suppose it was a special outbreak of any kind; it was merely that the inspector had spare time to concentrate on to that particular group of questions.

1392. That table seems to suggest, however, the necessity of keeping up a pretty shrewd and careful inspectorate?—It does, I think. I could tell you the districts; I have the tables here for this year. These seem to have been mostly cases in factories—shirt manufacturers, wholesale tailors, clothiers, tentmakers, linen and cotton weaving.

1393. You say that the average penalty on each case under the Truck Acts is 32s. 6d. and in each case under the Factory Act 22s.?—There is one element of uncertainty there, and I should like to correct the last section of that table with regard to total prosecutions under the Factory Act. My clerk gave me the figures for the two Acts together. The penalty under the Truck Acts would fall slightly under 22s. and the percentage of convictions under the Factory Act would come slightly higher. I will have that worked out and give you the correct figures. These last three columns relate to the whole work—Factory Act and Truck Acts. The average of convictions under the Factory Act alone would probably be 96 or 97 per cent., and the average penalty would be rather smaller.

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1394. There is a remark in your *précis* which I am rather interested in. You say that, "Often the best practical results in administration arise in the years when difficult cases have been attempted with adverse or rather less satisfactory results in the way of securing convictions"?—I do not know that I should go so far as to say that the best practical results have been attained; but the results are very good. Sometimes, with the mere publicity bringing out these heavy deductions and fines, public opinion is so much against it that the abuses get rectified. It was so in a group of Bristol cases.

1395. What trade was that in?—Clothing. Decided reforms were introduced after those cases, even though we did not secure convictions. Again, in the case of a prosecution in the pen manufacturing trade, the manufacturer the moment he was acquitted came to us and asked us what he could do to meet our views.

1396. A prosecution seems to be considered quite a matter of routine?—Quite.

1397. I am saying this in the interests of the Department. The fact of there being a prosecution is just an element in your administration that is quite recognised by both employers and employees?—Quite. They are avoided if we can avoid them, if we can get results without them, as a rule; although, of course, occasionally glaring cases may arise when the only possible step is to prosecute, quite apart from the question whether the occupier will conform.

1398. What is the meaning of the remark that you make about "Contraventions, many easily provable, are daily found by inspectors under either set of Acts"?—There are technical infringements of the laws daily found by the Inspectors, it is very easy to prove them, but the most important thing is to get them put right at once, and reserve for severe measures cases where the contraventions are very serious and injure the worker.

1399. Where an employer refuses to take a warning?—Exactly.

1400. Or where it is a serious thing and publicity would have some advantage in ventilating it?—Exactly.

1401. What happens in those cases. You say that "The proof is not always easiest in those cases"?—It is not very easy to prove the unreasonableness or unfairness of a fine, because of all these elements of doubt; it is not easy to secure that the magistrates take the view of the Inspectorate. In that case that I mentioned in the pen trade, where the payments for damage amounted to something like £2 and £5 and even £10, and the worker could not possibly get out of debt to the employer, except by instalments spread over years, the decision of the magistrate was in effect that because only 1s. a week was deducted from the wages of the worker the deduction was reasonable. The worker was unable to get out of debt to her employer. We considered that unreasonable.

1402. That was on the principle of payment by instalments?—Yes.

1403. Then has local opinion assisted you after a matter of that kind has been ventilated?—It has; yes. In that case the deductions have been diminshed, but they are still very heavy.

1404. Your view is that the important thing is to bring serious cases into the court?—Well, in the meantime we have had sometimes to take the risk of not securing the magistrates' decision in our favour.

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1405. You mean, when you have brought cases merely in order to get publicity ?—Yes.

1406. Then you say, "The decision of magistrates, however, in support of the inspectors have often been of the greatest value both under heads (1) and (2) ?—Yes. There was a very good case in London where a magistrate cleared up a point of law as to the contract. He dismissed the point in the case, because he said there was no evidence that a contract had been made; there was a notice fixed in the workshop clearly stating the offence, but there was no proof that the girls' attention had ever been drawn to it, or that a copy had even been given to her, and the magistrate said, "I cannot agree that a contract was ever made here." That decision helped us very much, although in that particular case it was dismissed. The magistrate also in that case decided that it was quite unfair and unreasonable to deduct from the girl's wage the amount of wage that might have been earned in an hour if she had been there, when as a matter of custom she was not required to be there for that hour. The normal time for the workers to go to work was 9 o'clock; the employer could legally bring her there at 8 o'clock if he chose; if she came five minutes after 9 he deducted, not only the penalty for coming late five minutes, but the proportion of her wage that would be represented by one hour's time. The magistrate said that was quite unreasonable; he said it was impossible to prove that any such damage had been done to the business by the worker coming five minutes late. That ran rather closely on the lines of the bonus truck case in Ireland.

1407. A conviction was obtained on that ?—Yes, on the London case, not the Irish case.

1408. Now, you make an offer to give a detailed table of Truck Act cases, with the trade, the offences, the fines, and so on ?—Yes, I can give you a complete table if you wish it.

1409. We should like to have that if you will put it in ?—I take it it would not be necessary to give the name of the occupier; or do you think that is advisable. The cases have all been published originally in the annual reports.

1410. I think you had better put the occupiers name in too ?—Very well.

1411. Of course we are anxious to have the trade as well ?—I have these columns:—"Date," "Nature of the position of the occupier," *i.e.* whether he is a factory occupier or workshop occupier or a contractor, "Occupation," "Offence," "Act and section," "Number of cases," and "Result."

1412. Does "occupation" include the actual trade ?—Yes, sprigging, shirt-making, corset and court dress-making, and so on. There are about thirty or thirty-three cases of Miss Squire's and five or six or seven for each of the other inspectors.

1413. Then as to the cases where a decision has been adverse, you incline to the opinion that they have hampered generally the administration where there has been no appeal?—That is in some cases on the question of unfairness and unreasonableness.

1414. I am a little anxious to get that. Do you think it would be expedient to have an appeal about that ?—I suppose it would depend partly on the tests of reasonableness that might be put into the new Act.

1415. If you had an appeal, you must have it on both sides, you might get one magistrate to hold that it was quite reasonable, and on appeal, the Court of Appeal would upset that; on the other hand, the magistrate who had heard your evidence might hold the opposite, namely, that it was a perfectly unreasonable thing, and on appeal, the Court of Appeal, not seeing witnesses, might hold that it was reasonable ?—I think there is a danger in that way, too, and that the main point is to get into the Act some test of fairness and reasonableness. We have had cases both ways from the magistrates—helpful and the reverse.

1416. Then you say that there are technicalities of trade and relative circumstances of the workers, such as their skill and so on, which are extremely difficult of proof ?—Especially in connection with damage. Take, as an example, the pen trade, where each single pen passes through the hands of six or eight or ten workers; there was a very great deal of hard work to be done in that trade before we could get at the elements in the situation. Frequently the absolute smallness of the sum deducted from the worker's wages, say 2s. 6d., obscures the appreciation of the fact that, to her, it means losing one quarter or more of her daily bread through the coming week, for a fault or failure in skill for which she may really not be blameable.

1417. I want you to illustrate the last point—how she is made to suffer, although the fault may not relate to herself ?—I think there, again, the range of instances might best be given you at first hand from Miss Squire and Miss Deane.

1418. There has been enough of evidence to show that very often the penalty falls upon a worker who is one of a series of workers engaged upon what might be called a cumulative set of operations upon materials; not the whole set of workers engaged in the process is fined, but the fine falls upon one individual ?—We have had many cases of that, say, in collar making; at a late stage the worker declares that the damage is not due to her fault; that the injury was traceable to some earlier process; that she could not turn out good work because of something that had been done at an earlier stage.

1419. Instances were also given us from the tile-making trade—about the paint running and so on ?—Yes, Then, again, in weaving, the workers declare that the warps are what they call rotten, or that there is some fault in the machinery that they could not control.

1420. Are these explanations, do you think, true ?—In a certain proportion of cases I think they must be true; the worker has not had a fair chance.

1421. Would that incline your mind to the view that I have suggested to you, that a ready appeal in cases of reasonableness might be given to the inspectorate, who would examine the situation on the spot, rather than having the elaborate machinery of witnesses in a court of law ?—There, again, we do a great deal of that work already, and we only go into court where it seems better to bring the whole of the facts before some authority—before the ordinary courts of the country. It would be making the inspector into a kind of judge.

1422. That is what I am pointing at ?—It is a new idea; it would be easier if there were a test introduced into the Act—some standard—by which the inspector could finally judge; but I should like then an appeal to the Home Office.

1423. I put the point before you in order that we might consider it. You, I suppose, are almost painfully alive to the difficulty arising from the construction of "fair and reasonable" ?—Yes, it has been the greatest difficulty.

1424. If we could get some authority near the spot who would settle matters as between the parties, that would be a great advantage, I suppose you would agree ?—There is a suggestion I make in the paper headed "Suggestions" which I handed to the Secretary this morning. I suggest that we should rule out of the Act payment of damages *per se* assessed by the employer, and have a special court for disputes under that head between the employer and the worker.

1425. We will come to that presently. Then you are calling special attention to another kind of difficulty in columns five to nine in your prosecution table ?—The impossibility of directly attacking a particular instance of unreasonable or unfair fines where there has been no contract for such fines. We bring the case into court for fining in absence of a contract, and the defendant, if he has got a good lawyer to defend him, will not allow the prosecutor to say one word about the unreasonableness or unfairness of the fine in itself as an element in the case. That arises through the drafting. I do not know whether it could be in any way altered, or whether it is desirable that it should be altered; but the result is that we have to bring a great many cases into court which appear as purely technical, that is, failure to make a contract when a fine has been deducted, when really what we mind is the fact that an unreasonable fine has been deducted from the worker's wage.

1426. But have you not a procedure in England, under which you can bring your complaint and place it upon an alternative footing, that you, the defendant, we will say, have failed to conform to the Act, because you have not

had a specific contract, or, alternatively, that the transaction was one tainted by that other matter that you have referred to ?—We are instructed that we cannot lay an information under this existing Act of 1896 for making an unreasonable deduction, where there has been no contract. It arises through the drafting of the Act, I do not know whether it could be avoided.

1427. The assumption is this: first you have no contract, therefore you are an offender against the Statute; but then, supposing the defendant proves his defence—that there was a contract—cannot you under the same complaint say, "or alternatively, if there was a contract which should not have been made, which was itself an offence, because it was unfair and unreasonable;" you have never attempted that, I gather ?—No, I think not; and we would have been sure that there had been no contract before we made an attempt to lay the information for that.

1428. Is it your experience, by the way, that heavy fines are deducted from the workers' wages in the absence of contract ?—That is so, very very frequently, especially in the past; there are still cases arising where there is no contract. There may be some sort of contract, but one that does not cover that particular act or omission in question.

1429. And in these cases you can only prosecute for imposing a fine in the absence of such a contract as the Act requires ?—That is so. The majority of the complaints we receive, if you will look at the table of complaints (*see Appendix IV., Table* 1), fall under the heading of excessive, unfair, or unreasonable fines or deductions. We received 299 complaints out of 371 falling under that heading; only fifty-nine were complaints of the absence of contract. The total of our prosecutions is, eighty-one prosecutions for not making a contract, sixteen for the unreasonableness of the fine. The proportion is quite the reverse. The workers' grievance lies under the heading of the unreasonableness of the fine; but the great majority of our cases we have had to take under the section that there is no contract.

1430. Where your indictment or information is that there is no contract, you cannot get in the other matter at all ?—We cannot get it in, because of course the defendant will not allow us to speak of a matter that may influence the amount of the penalty imposed by the magistrate; naturally, if he can get it excluded he will.

1431. Then you were going to speak of the trades in which you have found most contraventions ?—The trades in which we have found most contraventions are roughly indicated by the distribution of prosecutions, thus: Textile trades, linen and cotton weaving, five occupiers prosecuted; worsted spinning and weaving five occupiers; hosiery and knitting, ten occupiers and contractors; non-textile trades, shirts, apron, blouse, collar and pinafore manufacture, five occupiers and contractors; wholesale tailoring, seven occupiers and contractors; corset and court dressmaking, two occupiers; patent buttonhole makers, one occupier; glove making, one contractor; sprigging or embroidery, one contractor; lace manufacture, two occupiers; bedstead maker, one occupier; steel pen maker, one occupier; tent maker, one occupier; steel pen maker, one occupier; tent maker, one occupier; earthenware and china, one occupier; lucifer match works, one occupier; laundries, one occupier. Many laundries use a form of contract that was submitted to the Home Office for criticism.

1432. So that the worst offences appear to be in the first three that you have named. At the head of the list stands hosiery and knitting; the next two worst trades are the linen and cotton weaving and worsted spinning and weaving ?—And tailoring; but then these are the largest industries, we must remember that. The majority of occupiers prosecuted have been occupiers of factories, thirty-four in all. Eleven contractors or givers-out of work have been prosecuted; the remainder of the persons prosecuted have been occupiers of workshops or a laundry. The outworkers in the lace industry in Nottingham, affected by the decision in *Squire* v. *Midland Lace Co.*, were employed by the occupiers of a factory. The outworkers in hosiery, affected by the earlier Irish decision in *Squire* v. *Sweeney*, were employed by agents or contractors for the big Belfast and Londonderry manufacturers

1433. Now will you tell us about the formal complaints from workers or organisations ? I think you have already said that they are helpful in drawing your attention to grievances ?—That is so; they are a great help. *Miss A. M. Anderson.* 19 June 1906.

1434. I suppose you examine both parties, you go and have conversations at the works ?—The complaint indicates the kind of grievance that arises in the industry, and the object is always to see as many of that class of worker and trade as can be fitted in.

1435. You are not impeded in practice ?—Oh no; obstruction of any kind is rare.

1436. Then your evidence is, that women and girls, and I suppose children, probably suffer far more than men in industry from truck in its various forms, as well as from the various uncertainties in piecework rates of wages ?—Probably, I should think; partly because the women's wages to begin with are smaller, and can less bear deductions, but also because the women are less organised, they have less general power of resistance. I think our record of prosecutions shows that they suffer more than men.

1437. With regard to women's wages, your view is, I think, that they seldom at best rise above a bare subsistence level ?—That is so; I do not think you can call 10s. to 15s. much above subsistence level.

1438. Any margin there is goes to the family ?—Broadly speaking, that is so. The married woman is very much liked, I think, as a worker, because she is so very steady, her great object being to work for her family; it is not for herself that she is working.

1439. Your evidence is that it is essential that they should take away all that they earn ?—Yes, that is essential for health, physical, social and moral.

1440. And that their wages should not be arbitrarily reduced ?—Just so.

1441. Do you feel strongly upon that question about a maximum for all kinds of deductions ?—Very strongly indeed. I do not quite see my way, through all the possible abuses that might arise, to absolutely prohibiting deductions or fines from wages, but if they are allowed I do feel that there ought to be a rigid maximum, leaving a margin for subsistence.

1442. Now will you give us your impression of the general results ?—My impression of the general results effected by legislation and administration in the ten years 1896 to 1906 may be summed up thus. (*a*) Gradual though slow weeding-out of the worst open examples of harsh contracts and long arbitrary lists of deductions for discipline and damage (by "open," I mean it has not been drawn to our attention; there may be cases still remaining). Still, very much work remains to be done under this head in the way of criticising and amending contracts, especially in the direction of getting clearer contracts.

1443. When you say clearer contracts, you would exclude such instances as *Squire* v. *Bayer* ?—Yes, the case in which the notice was a general notice as to "observing due decorum"; I should like it brought to a clearer issue. Then, (*b*) steady growth of understanding amongst employers and employed that deductions from wages may not be made in absence of a contract. This has been accompanied by the development of a tendency to evade the requirements of the Truck Acts by devices or arrangements (*e.g.*, suspension, so-called reductions of wages, so-called "bonus" systems, lock-outs for lateness).

1444. You call that evasion ?—Well, it leads to a serious reduction of the worker's wage. The intention of the Truck Acts, I take it, was to secure that the worker did not have her weekly wage arbitrarily or uncertainly reduced; I think that was especially the principle of the Truck Act of 1896, and if a worker who comes one minute late to the factory is locked out for two hours, and has not only the amount that she might have earned in those two hours deducted from her wage, but a so-called "bonus" in addition, I call that a clear evasion of the Truck Acts. A recent case arose where an inspector objected to the heavy penalties that were attached to certain acts in the factory, and the employer simply drew out a new contract, taking out the fines that were named, and saying that the worker for this would be put on a reduced wage for a week or a

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fortnight until she had learned to do the work properly. The inspector said that this was also a fine, in her opinion, within the meaning of the Act, and the employer then issued a third edition, in which, instead of the reduction, he said that the worker would be suspended for a week as the penalty for each of the acts that he objected to. Miss Paterson will give you evidence as to that sort of contract. Then, (*c*) there is a diminishing number of cases of payment otherwise than in current coin, but too little change in the situation as regards compulsory charges to workers for materials (including those supplied under special rules or the general law relating to factories), mess-rooms, hospital subscriptions.

1445. Do you think there ought to be progress in that particular ?—Yes. Then, (*d*) healthy signs of a growing objection on the part of working women and girls to unfair and unreasonable deductions. Progress in administration under this head is far too slow, partly because of the difficulties under legal proceedings to which I have alluded. Far too high a proportion of wages is deducted, without redress, for damages and disciplinary fines. In certain branches of the clothing trades charges or deductions for materials put into the articles produced are so numerous and complicated that the worker's wage is uncertain ; I refer to charges for cotton and needles and so on.

1446. Do those charges produce uncertainty to such an extent as seriously to invade the actual wage ?—Seriously, yes. In one week a worker's net wage may be only 1s. 8d. or 2s. at the end of the week, because she has had to buy a very costly kind of silk reel.

1447. What would be the wage obtained by such a worker ?—The net wage carried home that week might be 1s. or 2s., because of the sum she has had to pay for a costly reel.

1448. But will you give me the gross wage and the deduction ?—By looking up the cases I could give you that, but I think Miss Squire may have the individual instances ready for you.

1449. Those deductions that you have last referred to are deductions which would be spread over, so to speak ?—Sometimes the employer will spread them over, and let the worker pay by instalments ; sometimes the whole sum is deducted at once.

1450. In the case of what you have described as a bare subsistence wage, that is, of course, a serious hardship ?—Very serious, in so far as the woman is depending on that wage. She may have to get into debt for necessaries to the local shop in the meantime. Recent extension of the particulars section will in time, to some extent, help workers to formulate their grievances in this direction, and to ascertain the real amount of their wage. A great deal of work has been done towards helping us to administer the Trucks Acts through that section. Then, (*e*) instances, probably outside the present scope of the Truck Acts, have been discovered from time to time, of employers' methods of retaining part of wages in order to maintain control over the worker's movements, *e.g.*, 3d. a week deducted until the amount of one week's wages is in hand, to be given back ultimately to the worker if she gives full notice of leaving, or does not neglect some other rule, but to be retained by the employer if rules as to notice not observed.

1451. Have you taken any action about that ?—That is considered to be outside the Truck Acts ; it is a retention of wage. (*f*) Occasionally workers refuse to accept a contract for fines unless the resulting fund is given to some institution or public fund by the employer. Provided this is done they show less objection to paying a fine agreed on, than to having it deducted ; they feel that it is more within their own power.

1452. And it eliminates the element of private profit to the employer, which is a distinct advantage, I should fancy ?—It is. A great many employers are already now putting the fund from fines into public objects. Then (*g*) the absence of compulsory register of deductions for damage has certainly hampered the inspectors' work in reviewing all the circumstances in individual cases, including the relative loss to employer and relative responsibility of the worker. (*h*) There have been found a few instances of employers giving up all methods of fining for discipline or deducting for damage, and with good results. More instances have occurred of employers giving up deductions for damage in favour of a small disciplinary fine for neglect or default leading to the damage ; this also is a decided improvement. It is very much open to question whether an employer's assessment of damage, with power to impose it on the worker, ever is fair.

1453. Now, I am very anxious that you should give us, as far as possible according to your proof, the suggestions you have to lay before the Committee ?—My first suggestion is that the Acts should be consolidated and simplified, especially to include a clearer and wider definition of "workman," and to clear away all ambiguity about "out-workers" and about "manual labour" and "bonuses" and "wages."

1454. To begin with No. 1. Substantially you would like, with regard to truck anyhow, "out-workers" to be clearly defined as workers ?—They should be clearly included.

1455. Then as to "manual labour" ?—I would have everything included that is not clerical labour. Of course, it may be that in time it would become important to include clerical labour, owing to the condition of the clerical worker ; but that is outside the scope of the Acts that we have to administer.

1456. You give us an instance—the knitting case that you have referred to ?—It was that case that made me speak specially of the necessity of clearing up the position as to "manual labour."

1457. Then as to "bonuses" ?—We are waiting for a decision from the High Court in Ireland.

1458. Then as to "wages," we have had evidence from Mr. Cunynghame with regard to that ?—Yes, I feel it is quite beyond my power to go into all the legal difficulties connected with the question of wages.

1459. Now will you go on ?—Section 23 of the Act of 1831, antiquated and incomplete, needs adaptation to newer industrial conditions, and part of it is subsequently covered by Section 3 of 1896. Section 6 of the Act of 1831 can be evaded in the case of a married woman through the doctrine that goods, household necessaries, supplied to her are goods supplied to her husband. Miss Squire can give instances of that. We could not proceed, because the employers argued that the goods supplied to the woman were household necessaries.

1460. Although in point of fact she actually fingered so much money and the household got so much goods ?—Yes.

1461. May I ask you, has this case ever occurred to you—of goods being got by a member of the household of a worker and in your knowledge pawned before the week end for drink ?—No such case has been reported to me. Then I have this note : If the legislature were to decide to prohibit fines and other payments and deductions absolutely, I believe that, under present industrial conditions, such wholesale evasions would spring up that it would be found necessary to obtain power for inspectors to investigate and review the alternative methods of discipline which would be adopted by the less desirable sort of employers. That embodies what I think I have already said about the difficulty I see in the way of absolutely prohibiting fines—that we have enough instances already of employers trying to evade the Truck Act, and that we should find more cases of suspensions and that kind of thing arising. A much harder disciplinary method would be adopted probably by the less kindly employers if fines were absolutely prohibited. And, just because I feel that any uncertainty at all is a very bad thing for the worker with a small wage, I feel that more stringent regulation is needed to prevent cases of hardship. I suggest that as the worker evidently so very much prefers the method of paying over any penalty that is asked of her, it would be better to prohibit absolutely all deductions and stoppages—that is, that the worker should handle her gross wage.

1462. Now have you considered the alternative to that of the possible—I do not say actual—but possible dismissals being more frequent, supposing that no deduction were permissible by law ?—But of course I am assuming that payments might still be made by a worker under a contract to the employers.

1463. I am not quite sure that I follow that. Let us see how you work that out ?—I have already said that I think the absolute prohibition of all payments by way of fines is at present hardly practicable.

1464. For the reason I was suggesting, that it would induce probably more frequent dismissals ?—Yes, but my object is to give the worker a larger share in making the contract, a more clear position of right of control over his or her wages. I suggest it simply as a method of providing her a better position in the contract. There have been instances where the workers seem perfectly willing to submit ; they say " That was my own fault, and I paid it." There are cases where they feel that they must bear a share in the result of doing things that were entirely their own fault ; but the important thing is that the worker should handle the whole gross wage in cash. I am assuming that " wages " will be clearly defined so that it is the whole sum contracted to be paid. Payments and contracts to make payments out of gross wages should be regulated by or under the Act, *i.e.* the Act should enumerate the payments to be regulated, and the Secretary of State might be empowered to extend the list as need arises. For instance, we have discovered in recent years that further regulation is needed for deductions for messrooms and the services of a cook and the use of a kitchen, and so on. So often there is a gain to the worker in having these things supplied that I think they ought to be permitted, under proper regulations.

1465. The authority to regulate you suggest should be the Home Office ?—Yes, the Secretary of State for the Home Department. Then I would have the principles of the Act of 1896 extended and strengthened as regards contracts and payments out of gross wages. I mean that the worker should be absolutely assured that the employer cannot compel payment from him or her of any sum out of the nominal or gross wage except on the basis of a clear and reasonable contract, subject at any stage to the criticism of the Home Office Inspectors, to which the worker definitely consents, particulars in writing being furnished by the employer to the worker for each payment or instalment of a payment—that is, that at every stage, if you do spread it out at all, there must be clear particulars given about the instalments ; and there should be a register kept of each such payment, open at all times to the examination of the Home Office Inspector.

1466. Now, that is a very elaborate and significant suggestion. Do you adhere to that, and urge it, in view of your experience as an inspector ?—That is my suggestion. I do not know how far it could be worked out.

1467. But you think that would be a great social advantage ?—I think so. There are a good many things that it would be a hardship to prohibit absolutely, such as the supply of messrooms by the employer ; he can do it so much better than the workpeople, and it would be so much a gain to the worker to have it supplied under reasonable regulations that the employer should not be allowed to make a profit out of it, and that the worker should get good value for his money. Then my fourth suggestion is that the employer should be debarred from making any profit out of anything charged to the worker under the contract, or in any way charging to the workers the cost or part of the cost of any statutory obligation. laid upon himself, that is that for sweeping, supplying overalls, the prevention of accidents and so on, the employer should be absolutely debarred from charging them to the worker. Then my fifth head is this: Payment for damage to materials or other property through bad work or negligence should I think be required by the employer of his worker only by way of disciplinary or deterrent fine—that he should not have the power to assess his damages in the way that he has at present—and that the fine should be reasonable in amount in relation to the worker's wage and skill, and should not exceed a fixed maximum proportion of wage. For serious damage due to wilful neglect or misconduct, it is my opinion that the employer ought not to rely on anything but the ordinary civil law, in addition to his power to warn and ultimately dismiss an unsatisfactory servant. Possibly there might be some new development of courts to meet the technicalities of damages in industry. In Germany, I believe that they have special courts ; also in France—the *Conseils de Prudhommes*. That is a special court, composed of a judge or judges, together with representatives of the employers and employed, and disputes between workers and employers involving sums of money up to a certain limit may be decided by those courts as relating to damages done in work.

1468. We are just in the old trouble that I have been trying to get at, namely, who is to determine " fair and reasonable." I suggest this to you again : Do you think that it would not be possible to have the inspectorate which visits, to determine that in the first instance, with an appeal to the Home Office ?—That would be another method ; that would be quite a workable method I suppose, but it is bringing into the Home Office an enormous burden of new work with all the technicalities of trades and so forth, and I do think that the workers and employers, if the work is properly carried on, ought to be able to settle those questions themselves.

1469. Would you suggest an employers' and workers' committee for a particular district ?—With the help of a judge, so that really judicial training and experience should come in—that there should be proper evidence and proper procedure.

1470. Have you any personal experience of the working of those courts in France ?—I am sorry I have not. I have often wished to go and listen to cases being heard there. Then I go on to suggest that direct prohibition should be made of compulsory purchase by the worker of damaged work, or of any set off on account of damaged article.

1471. You are in favour of direct prohibition there ?—Yes, we have had some good decisions from the magistrates in respect of our contention that the workers should not have damaged goods given to them, but there is an element of doubt in the consideration. Then my sixth suggestion is that charges for the supply of power, machines, standing room, light, heat etc., are tending to lessen, or in some cases disappear. Charges for material such as sewing cotton or needles, used in manufacture, remain very general, (especially in cases where wages are lowest) and are very difficult to adequately control. As to Subsection (*b*) of Section 3 (1)—that is as to the real cost or the estimated cost, I suggest that the time has come for prohibiting this kind of charge on the workers' wage, because it presses most hardly and with greatest uncertainty on the poorest and worst paid labour. Recent instances where employers have abolished the charge show that it is possible.

1472. Could you give us any of those recent instances ?—There was a case in the bootmaking trade, where the employer set to work to make up his mind what was the cost of the materials used for the work paid for by the workers ; he made it $\frac{17}{20}$ths and $\frac{3}{20}$ths. ; $\frac{17}{20}$ths was the worker's wage, and $\frac{3}{20}$ths in his factory was the amount of charge for cotton and so on. So he abolished all charges, and agreed with the workers on the $\frac{17}{20}$ths wage. He was a good business man, and he did it in that way, and it worked, I believe, quite satisfactorily.

1473. In the case of this humble class of worker, where 1d. or 2d. is a great consideration, would there be any risk on the other side, namely, that there might be the removal of materials and use of them by the worker ?—I think that the employer ought to be able to control that by proper discipline and proper records.

1474. He would have, to begin with, a general knowledge of the material that was reasonable for a particular operation ?—Certainly. Then my seventh suggestion is this. I ask, in order to simplify and strengthen proceedings against an occupier who has unfairly fined a worker an excessive amount, or charged too heavily for materials or damage, and has made no contract for any such fines, etc., can the Act be so drafted as to enable an inspector to proceed immediately for the unreasonableness of the fine as well as for fining at all in absence of a contract ? As the law stands, the defendant objects to any evidence being brought on any point but the fact that a contract did not exist, and the offence is made to appear merely technical. I think a fixed standard of " fair and reasonable " is necessary. Funds from fines should go to some public institution or to a workmen's club, and should be audited. This is the law in Germany.

1475. On that head would you kindly have sent to Mr. Bettany copies of the informations upon which the inspectors have proceeded in this country and in Scotland, because I am not yet satisfied that it would not be possible to frame the matter alternatively ; the alternative that I suggest, if it were competent, would meet the case, would it not ?—Yes ; I will have copies sent to Mr. Bettany.

1476. The case is this ; that you could charge A.B., being an employer, with having no contract with C.D. ; or

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otherwise with having a contract with C.D. which was not fair and reasonable ?—Of course that would be a purely verbal contract. If it could be interpreted in that sense under this Act, well and good; but the whole Act of 1896 goes to make it that the contract must be in writing.

1477. I see the difficulty. Then you will give us samples of these informations; what I mean is, instances in which you have been obliged to proceed, charging the accused only with the absence of a contract, whereas you are aware in your own mind that the substance of the offence was something behind that, namely, that it was a bad contract that had been made; Do you follow me ?—Yes. Then my eighth suggestion is, that voluntary provision of mess-rooms, medical attendance, etc., by employers for workers (of course from dangerous trades, where they are obliged to provide mess-rooms) is a real gain in many cases to workers. I think it should be allowed, under regulations, but the use of and payment for them by the workers should not be compulsory or part of the contract of hiring.

1478. You say, under regulations; who is to make the regulations ?—I think that is covered by an earlier suggestion of mine—"The principles of the Act of 1896 to be extended and strengthened as regards contracts and payment out of gross wages." As it is, we have complaints from workers about mess-room charges, and it is very doubtful whether those are outside or inside the existing Truck Act. We see that it is a great gain to the workers to have the mess-room; the employers give us information about it quite willingly, and the workers tell us about it. Provided the workers are not compelled to use the mess-room and compelled to pay, and the charge reasonable, we raise no objection. It could be quite easily regulated, I think.

1479. But by whom ?—Under the Act. It is one of the subjects that might be put into the contract.

1480. Then about the living in system ?—Suggestions will be made by Miss Deane. That comes closely in connection with the voluntary provision of mess-rooms. Then the ninth suggestion is that the truck contract notice should be confined to truck matters, and should be inclusive. Stray supplementary notices should have no legal force as a contract. The worker should be assured that the one truck notice handed to her contains the whole of the contract.

1481. Are there instances of that ?—A great many. We endeavour to get them all on to one notice, but I think it wants making clear.

1482. So that the worker should know ?—So that the worker should know what is the whole contract. I think that those stray notices should not have any legal force at all. The original notice should contain the whole contract.

1483. Then there is one subject you have not dealt with, and that is shops ?—They come so little within our purview. We have a few cases where a worker is employed both in the workshop and in the shop; they come under Section 31 of the Factory Act.

1484. Have you any doubt that in the shops not a few of the abuses which you have been endeavouring to correct still prevail ?—I have no doubt about it at all; I think there must be still there in force long lists of fines such as we have gradually got rid of in factories and workshops.

1485. And, apart from the question under the Act, as to what is a factory and what is a workshop, the principle of the Act so far as effecting a remedy in the contractual relations between employer and employed is the same ?—It is the same, I think.

1486. And so far as you can see, the duty of the State with regard to interposing is the same ?—I think so, so far as I can see.

1487. You have no difficulty in figuring to your mind cases of possible severe hardship in shops ?—I have heard of very hard cases—enormous fines—fines really almost exceeding those that we have been familiar with in the past in factories.

By Mrs. Tennant.

1488. You have just given us an example of good resulting from abandoning a system of charging for materials and supplying materials instead. I think you also referred to good having resulted from the employer abandoning the system of fines for discipline. Can you give us examples of cases in which the employer has abandoned the system of fines and secured discipline without their aid ?—I think you will get the best evidence of that in detail from Miss Squire and Miss Deane, because they have been on the spot and have seen the factory under the old *régime* and under the new *régime*. I have heard them speak of the improved discipline in factories where fines have been abolished. I have had reports from both Miss Squire and Miss Deane as to that. They will be able to speak from personal knowledge of the general results in the factory.

1489. Do you think it would be better to ask them, or have you yourself thought of what might result from the prohibition of disciplinary fines; have you any hope that a new race of disciplinarians—a new race of foremen and forewomen or managers—might arise who would be able to obtain better discipline if the power of fining were removed ?—It is evident from those cases we have seen and heard of that to a certain extent there will be a supply of foremen and forewomen of that sort to the demand; when the demand arises for good disciplinarians who can work without fines, they will begin to come forward. But I have already said that I hardly think the time is ripe for requiring it of everybody. I think that some people would not have the patience—that is the risk—and that some worse method of discipline might be adopted.

1490. Your experience of the present attempts, and successful attempts, to evade the Truck Acts does not enable you, you think, to anticipate the result of further attempts; you do not think that these alternatives could be met by the law ?—I think that if the prohibition arose you would have to give power to the inspectors to survey those new methods of discipline, and it would not be possible to enumerate them all. Ingenuity is very great in those conditions. You might find some new method of discipline rise up that was injurious and resulted hardly to the worker, that was not included, if you attempted to make a complete list.

1491. And you do not think the results so far have been sufficiently widespread of cases in which the employers have successfully supplemented fines by better organisation and better foremen, to enable you to speak as to the possible results of further efforts in that direction ?—They are not sufficiently widespread for me to be able to form a conclusion. We have got cases of employers binding themselves together to improve their contract notices; that is to make them less harsh, but I know of no body of employers meeting together and agreeing that they will try to do without fines.

1492. The individual cases do not supply sufficient experience ?—No.

1493. Now, I see you suggest that among the charges—not deductions—but among the charges which might be made legal, are charges for medical attendance. You suggest that those should be subject to regulation. Would you include in the regulation any provision for criticism of the medical officer who is chosen—I mean as to his qualifications ?—I think it very important that the worker should be free—that there should be no compulsion in it at all—that it should be entirely voluntary.

1494. Then you would not take into account the fact that a thing may be nominally optional and may in fact be compulsory; certain suggestions are made and the worker is made to feel that if he does not accept the thing which is voluntary he will in fact not get employment at that place, though it is not directly so stated ?—Surely the ordinary provision for preventing incompetent doctors from practising ought to have some effect there, joined with the fact that the worker would be free. I am taking rather the existing law, which allows medical attendance to be included, and I have not enough evidence to make me feel that it ought to be abolished; it may be good; it may be greatly to the advantage of the worker; the employer may be able to make such a contract that it would be entirely to the advantage of the worker, just as in the case of mess-rooms.

1495. You would not say more than that ?—No I have not enough evidence to make me feel that it ought to be prohibited.

1496. Have you considered at all the fact that the worker may perhaps be a member of some society which

enables him to have the advantage of medical attendance ?—That is very important, and I do think that the inspector should have power to intervene and see that no sort of compulsion, direct or indirect, was brought to bear in any particular case. If I had any evidence of serious abuses I would be quite ready to go to the extent of prohibiting.

1497. I gather that you would be in favour of abolishing any possibility of the employer retaining wages in the circumstances which you have described; you would like it included in any amendment of the Truck Acts—that wages should not be retained for the purposes you have stated ?—Yes, I feel that very strongly. The money should be handed over intact to the worker, and the worker should be free to pay out anything agreed upon.

1498. If the permission to deduct from wages, or the permission to make charges (it is not necessary to call them deductions) were continued, you think the inspectors should be given power to demand books or other materials which would be necessary for calculation ?—Certainly.

1499. Have you considered the fact that for damage, that has really arisen out of the supply of bad material by the employer, the worker may already have paid for that damage in the loss of time which she has incurred owing to the difficulty of doing work with the bad material—that is in the case of a piece worker ?—That has been in my mind in the past; it certainly was not quite on the surface in my mind just now: but I think it is most important, and I think it would be one of the elements of fairness and reasonableness.

1500. Do you think any specific reference should be made to it as a sort of set-off which the worker should be entitled to ?—I think it would be a gain to have it referred to.

1501. Would you be inclined to recommend the prohibition of fining below a certain wage. You have suggested that, if fines are continued, they ought to be in a certain proportion to the wage earned by the worker. Would you go further, and say that below a certain wage no fine should be allowed ?—I think it is quite possible. I think it would be a good thing, where the workers' wage is very, very low. There are some instances that I could find amongst our papers of a wage that practically falls, already, below subsistence level, and where skill ought not to be exacted of the worker. In those cases certainly I think there may be a level below which no fining should be allowed. That is the principle, I think, of fixing a maximum.

1502. Would you care to suggest such a level ?—Not without thought. I think it would have to bear some relation to the conditions of local trade and the local cost of living.

1503. Do you think that the fact that an unskilled worker is employed upon valuable material could be so taken into account that it could be specified, and not merely left as among the matters which the judge or the inspector or the court would take into account in assessing the amount of compensation ?—I am not quite sure that I follow you; do you suggest that it should be specified in the contract ?

1504. In any form—either by law or in the contract. If an employer employs on valuable material a worker upon whose skill he cannot really rely, and who in the employer's own interest ought not to be employed on those materials, do you think it would be possible either for the contract or for the statute to refer to that as an element which should be taken into account in assessing the amount of compensation ?—I should be glad to see it in the law, if it could be put in; it is certainly a most important element, where the employer wilfully gives very, costly materials to a totally unskilled worker and takes the risk, and then tries to push off the result in the way of injury on the unfortunate worker.

1505. Have you formed any very strong feeling about the instalment system ?—Yes, there have been very bad cases of the instalments being continued over a very long period of time. There ought to be a time limit, I think, but then of course that time limit would come in if you fixed a maximum proportion of wage. The maximum proportion of wage being fixed would rule out nearly all these very hard cases that we know of, where a worker is £2 or £5 or even up to £10 in debt to the employer for alleged damage to work.

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1506. Then you suggest that it should be not only a proportion of the weekly wage, but a proportion of the total wage ?—Yes, and also that in piece work you should distinguish between one piece of work and another; that is, that the worker should not be penalised on another piece of work in which she has done good work for a mistake she has made on less well executed work.

By Mr. Ramsay MacDonald.

1507. Have you gathered any general impression from your experience during recent years as to whether offences under the Truck Act are diminishing, taking them all round ?—Certain offences are diminishing—the failure to make a contract, and formal offences of that kind, are diminishing, and I think many cases have been found and discussed and threshed out with the employers where we know now that they have ceased to exact such heavy penalties from their workers—improvements in those individual instances to our knowledge have taken place.

1508. Let us take one case—disciplinary fines of a general character, like the observance of due order and decorum—do you think that class of fining is decreasing ?—We have objected to a great many contracts, and the employers have accepted our objection and have improved them, but there are a certain number of cases where that vague contract was adopted and we were powerless to take action because of the decision of the High Court.

1509. And you know that that is still in operation ?—Yes.

1510. Then take another class of case—disciplinary fines of a more specific character; we have had some instances given to us, such as fines for sitting on a wheelbarrow, or a case of whistling, or a case of wearing flowers ?—Those particular instances have not come to my knowledge, but equally striking instances have.

1511. I mentioned those as examples of the class of fines. Do you think that class of fine is diminishing ?—We have ruled them out in many cases; we have got the employers to accept our opinion. In those cases they are gone where the employer has accepted our opinion, but there are cases where they still do exist.

1512. Am I right, do you think, in assuming that where those breaches of contract still exist is mainly in unorganised industries ?—No, I think we have found as many infringements in organised industries.

1513. As for instance ?—Well, in the cotton and clothing trades.

1514. But, as you very properly pointed out, an absolute statistic there is altogether misleading. If you take the ratio of cases reported in the clothing industry, and then take the number of working places, and still more the number of workpeople it would diminish very much ?—Yes, I dare say it would.

1515. And it altogether upsets the apparent lesson of your absolute statistic ?—Yes, I would only say that we find those cases; I have not summed up the proportion.

1516. I am trying to visualise in my own mind what the effect of the variety of suggestions that you have made would be, particularly in women's industries. My mind is fixed upon a certain class of workshop that is not very much inspected, where the women are not organised at all, and where the general industrial condition is very little above the minimum. Do you think I am right in assuming that in that class of workshop breaches of the Truck Act, or questionable actions under the Truck Act concentrate ?—Certainly, I think they do concentrate there.

1517. You agree with me ?—Yes.

1518. Then another question that I will put to you is this: There are a very large number of those places that would be very rarely visited ?—Yes, I suppose they are visited not more than once in eighteen months, perhaps, or even once a year.

1519. Would not you say, even not then; I mean in view of the figures that were given by the Home Secretary the other day about factories ?—Yes, I should say it was

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almost impracticable that they should be visited even as often as that.

1520. Then in addition to that there are a very large number of those cases that you have not discovered ?—I wonder if there are many cases that we have not discovered. The local authority has its agents going round, and they report the cases to the district inspector. In the district which is directly under the control of one of my staff, we get notices every day from the medical officers of health in seven boroughs.

1521. Is that in London ?—West London.

1522. That is where you have a specially organised department ?—Well, it is the same, or approximately the same, proportion of inspection. There is one lady inspector there in charge, and she has another lady to help her ; she may perhaps have a rather smaller number on her registers in proportion to the number of inspectors, but the difference is not very great. The officers of the local authorities are good; they are doing their work ; and they have got inspectors actively at work there in the west of London.

1523. You know that there is a Return about to be published which will throw light upon that point ?—Yes.

1524. I think you said in one part of your evidence that you did not think that the damage to goods should be assessed for the purpose of deduction by the employer. I want to get my mind clear on this point ; I thought you went rather further in one of your statements, and rather urged this idea ; that the damage should not be assessed for the purpose of bearing a deduction equivalent to the value of the damaged goods, but that the fine which should be imposed should be altogether for disciplinary purposes ? —Yes, on the general principle that I do not see my way to absolutely prohibit fines as a method of discipline.

1525. I was not thinking for the moment about fines ; I was thinking of the assessment for damage—the basis on which we should attempt an assessment, if we ever attempted an assessment at all ?—The better employers who have not yet come to the extent of abolishing all fines, quite clearly recognise that they cannot ask of the earners of a small weekly wage anything like the damage that is done, and all they want is to have power to impose a little penalty to draw the worker's attention to carelessness.

1526. Would you suggest it would be quite a practicable proposal for us to make that assessment for damages as such, should be discountenanced altogether, and that if we recognised deductions or fines, it should be for disciplinary purposes only.

1527. So far, at any rate, as damaged goods are concerned ?—Yes.

1528. For instance, in the case of the tile that has been brought before us, you would say: do not try and assess the damage done to the employer with respect to the loss entailed to him by this tile being damaged, but try and assess what fine would be necessary to make the worker—whichever worker is responsible—more careful in the future ?—That is my suggestion.

1529. Then with reference to this limit of fines and deductions in ratio to wages. Has not your experience brought you to this conclusion, that if you are going to set a limit like that—say a proportion, however small it may be—the bad employer seizes upon that admittedly reasonable proportion and makes it the minimum ?—Yes, I am afraid there is that difficulty always remaining.

1530. Then I am trying again just to visualise the sort of process. In the type of workshop that I have in mind that I have described, where there is a sort of constant tendency on the part of the employer to take back from the workman as much as possible, any attempt on our part to establish a sort of ratio between fines and wages would rather regularise the system of fining than tend to diminish fines ?—I doubt whether it would do so more than the existing law does. I think we should be taking one step forward from where we stand now, in the interests of the worker.

1531. I will put it to you rather in this way. If the law states that an employer may legitimately deduct 1s. in 10s., that is much more of an invitation to him to make the deduction than to say that fines are legitimate for certain things which we approve later on ?—But in any case you would have the indication of the limit in that direction in the existing law.

1532. So far as I have been able to grasp your proposal, my suggestion is that you give them a double invitation ; first of all you suggest the limit, and then you allow the way in which that limit may be reached ?—Well, I suggest the limit to rule out the worst cases that we know of as existing at present.

1533. That brings me to the point. Do you not think that really, as a matter of fact, what we want to do is to try and define somewhat more in detail, and more definitely than hitherto, what is "fair and reasonable" ? —Certainly ; one wants to get other elements of fairness and reasonableness brought in as tests. Mrs. Tennant has suggested some, I think. If I might give a parallel, we have a difficulty in the Factory Act in defining what constitutes overcrowding. The moment you state a maximum, you still leave cases of overcrowding, because other elements than cubic space come into overcrowding ; but, still, it is better to rule out the very worst cases of overcrowding by fixing a maximum—or rather in that case it is a minimum. It is the practical difficulty in all these problems to hit upon the essential.

1534. Then I think you suggested that we might legitimately recognise payments in respect of mess-rooms, and so on ?—I find cases where the workers gain, and feel that they gain, by the access to mess-rooms.

1535. And you would put those payments in the contract ?—I think that they ought to be reviewed so that any case of abuse, or profit-making by the employer, should be ruled out.

1536. If you put those payments into the contract, does it not really eliminate the voluntary nature of the payments ?—You might put it shortly in the contract itself that no worker need belong—that it is not to be a condition of hiring.

1537. But that if they do belong, they have to pay for such advantages ?—Yes. I think if you could get it put into the contract, that might meet the difficulty practically.

By Mr. Brotherton.

1538. The first note I have made relates to non-regulated laundries. You have had some little experience of them, because there are some that you have been able to inspect. Might I ask your views as to how you think generally they are being conducted; I mean, of course, in relation to where the Truck Act may come in as to the proper and full payment of the workers in them ?—I do not think we have investigated the question of the application of the Truck Acts to these institution laundries ; I have no information as to those.

1539. Then concerning fines ; you have expressed yourself more than once as rather against the total abolition of fines—I take it because you think that other evils might creep in which might possibly be worse than perhaps small fines ?—Yes, that is really the difficulty.

1540. Now, with regard to fines, you mentioned early on that some of the better employers, I think you termed them, had dispensed with fines ?—Yes, there are instances.

1541. If in these particular cases they find that they have sufficient for discipline without fines, there would appear to be no necessity for a power to fine being retained by the employer ?—The cleverer, the better, and the kindlier employers seem to be able to manage without ; the other employers are not all equally clever and well-intentioned.

1542. But by doing away with fines, would you not be likely at the same time to improve the employers and to make them better, both in intention and in act ?—I wish I could see my way to it.

1543. With regard to the amount obtained from the fines on the workers, I suppose you will suggest that the employers should not in any way benefit ?—That is part of my suggestion that the fund should be used for some public object or for the workers' benefit, and that the accounts should be audited.

1544. That is a little vague perhaps. Could you say to what public object or what particular benefit for the workers the money might be contributed ?—Sometimes they send the money as it is to hospitals. Sometimes they have an annual treat for the workers. Sometimes the money goes into some benefit fund for the workers ; we have great variety of instances. The German

Industrial Code definitely decides that it must be for the direct benefit of the workers in the factory, I think.

1545. For the general benefit?—Yes.

1546. Then you cannot see your way to recommend the total abolition of fines, but you do strongly advocate that the fines should not be in any way contributed towards the employer, but for the benefit of the workers?—Yes.

1547. With regard to the difficulties under legal proceedings, you mention that there has not been the desired progress because of difficulties in relation to legal proceedings. I do not know whether you have any suggestion to make as to how legal proceedings might be made easier?—I was referring particularly to the question of the definition of reasonableness and fairness. That is the main difficulty. There was, of course, at the outset all the uncertainty of a new Act, and there were various decisions, as I say, that we got from the magistrates which were helpful in clearing up the meaning of it all. As time goes on that difficulty lessens.

1548. With regard to the retention of wages, you mentioned a case where a workwoman contributed 3d. a week until the amount reached one week's earnings?—Yes, in order to enable the employer to control her movements.

1549. This retention of wages does not appear to you to come within the scope of the Truck Acts?—I believe it does not come in; it certainly does not seem so to me, and the Chief Inspector was of the same opinion.

1550. I must confess my surprise at that. I should take it that the object of the Truck Act is that the worker should receive wages, and the retention of wages is certainly the reverse of that?—Non-payment of wages is held to be outside the scope of the Truck Act. We cannot take action if an employer fails to pay the week's wages to the worker. We have many cases of that sort referred to us, and the worker is told that she must make a civil claim.

1551. I could understand a civil claim in the case of bankruptcy or insufficient funds, but I cannot understand that the civil claim can be the only remedy for an employer retaining wages for disciplinary purposes; surely that would come within the province of the Truck Act?—I am quite willing to test it if the legal advisers think it advisable.

By Mr. Cawley.

1552. Do you ever find cases where an employer really systematically tries to swell his own profits by means of fines?—I think there were a few instances a good many years ago where we suspected something of that sort, but I have seen nothing recently at all that would lead me to suspect it.

1553. May we say that in these times the day when employers would attempt to swell their profits by a system of fines has gone by?—I think they do to a certain extent increase their profits in what might be called the sweated industries by these charges for cotton and so on.

1554. But in any of the larger industries protected by trade unions such a thing you would say cannot happen?—No, I do not think it can happen.

1555. Should you say that generally speaking the cases of infringement of the Truck Act are greatly diminishing?—The description I gave, I think, goes as far as I can say—that certain classes of infringement are disappearing and certain kinds of charges are lessening, and we do not have these long lists of fines to deal with that we used to have in the past; the instances are rarer.

1556. Really the inspection that you and your subordinates give is being met in many cases by employers in a fair manner—I mean, your suggestions are being adopted?—There are many instances where they quite heartily adopt our suggestions.

1557. Then the increase of the number of factory inspectors would be an enormous advantage to the country, and without legislation would possibly lead to a better state of affairs, would you say?—Certainly, if you have the right kind of inspector, sufficiently trained and experienced to get this kind of co-operation on the part of the employer.

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1558. Your subordinates can only go into many places about once in about eighteen months or a couple of years, but if you had sufficient inspectors to take the whole country and visit every six months, would not that lead to a very much better state of affairs?—No doubt there would be an improvement if there were more frequent visits up to a certain point. I do not know that six months is an ideal to be aimed at in some cases.

1559. I rather understood from you that in many cases employers have met you. What I want to put before you is this. Seeing that you often are met reasonably, if there were a greater number of inspectors it would improve the state of affairs very much?—Surely it would; I think there could be no doubt that it would up to a certain point, but frequency of inspection would not meet the case of the employers who resist you.

1560. But is that frequent?—There are those cases that I have mentioned where the employers still adhere to a very vague contract with their workers, and they are upheld by that decision of *Squire* v. *Bayer*; and there are all the cases which are just on the border line, which would not be very safe to take into court, as to fairness and reasonableness of a particular notice, and where the employer does not meet you. There are a certain number of those cases.

1561. Therefore, you think the law in those cases might be strengthened?—Yes.

1562. Then, on this question of fines, I quite see the point that putting a maximum might be used by certain employers to put their fines up to the maximum, but do not you think that you could meet such cases by saying that no fine for spoilt or bad work must exceed 5 per cent. of the wages; do you think that that would be a good or a bad thing?—In a few cases where the employers have adopted that standard it certainly has meant an improvement in the individual factories. That particular scale was not suggested by myself, but some of my colleagues in certain parts of the Midlands had persuaded the occupiers to adopt that standard, and there is no doubt that it reduces the amount of deductions from the workers' wages in those cases; they were higher than 5 per cent. before.

1563. The difficulty would be in the case of people earning very small wages; you would have to take a lot of local circumstances into account, and it would be difficult to fix the point at which no deduction should be made. Seeing that 5 per cent. would not come to much on a very small wage, do not you think that it would be perhaps better to fix a maximum of 5 per cent. rather than to try to define at what point fines should cease altogether?—Would it not be easier to work?—I should like to think it out in relation to a certain number of individual cases before I finally expressed an opinion as to the exact standard.

1564. You see, it would not affect the class of work they were doing; I mean, if a poor worker were working on a piece of velvet and made a hole in it, she could not on that be charged on the value of the material that she was working on; it would be 5 per cent. of the wages she was entitled to, independent of the kind of work she was doing. I was wondering whether you would not think that that perhaps would be better?—A 5 per cent. deduction on a wage of 5s. 6d. would be about 3d. If it was the total for the week, I suppose if the worker had been really careless and all the circumstances tended to make her really responsible, it might possibly be fair. Of course there are other elements.

1565. To put it more easily, it could not exceed 6d. on 10s.?—It could not exceed that, and it might be much less.

1566. I was rather pressing the point, because it seems to me that that would be one way out of the difficulty?—I would only add that if the wage was below a certain amount there ought to be no deduction at all.

1567. You would have that as well?—Yes.

1568. Then you said there was a great difficulty in fixing that amount?—Yes; one would have to think about it.

1569. Now I want to ask if you have ever thought of any substitute that you could possibly make for a fine for bad attendance or for coming late in the morning.

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You spoke of some substitute for disciplinary fines ?—Will you kindly ask that question of some of the inspectors, who would give you the individual instances in the different factories where fines have been abolished ; they would be able to speak with certainty of the methods that have been adopted in the place of fines.

1570. Where needles and other things are part of the system—part of the system not only in the particular factories, but in the trade generally—you would suggest that by Act of Parliament we should alter the whole system ; there are trades in which materials such as needles are provided by the worker, and that is the system in the whole trade ?—That kind of intervention was attempted by the Hosiery Wages Act of 1874, and it practically did on the whole stamp out charges for frames. It was the system to charge frame rents when that Act was passed, I believe, and now it is not the system.

1571. But in cases where the articles could be easily purloined, would you say that that would be equitable ? —I think the employer could adopt methods of discipline to impose some check on the amount supplied to a worker, and if he or she required an unreasonable amount it could be dealt with partly by disciplinary measures, by fines if necessary, if the employer adopted that method, or warning, and ultimately, of course, the employer need not retain a very unsatisfactory servant ; he would always have that final remedy.

By Mr. Maddison.

1572. I gathered from your evidence that you were against deductions for spoilt work ?—On the basis of payment to the employer for the damage done by the worker.

1573. But that you would be agreeable to what you call a disciplinary fine to prevent that ?—In a limited sense.

1574. How would that be taken, do you think, by employers of women generally—I mean in the tailoring trades—say a worker spoilt a waistcoat or what not, how would that operate on them if they did not get what they called the loss to them ? I take it the fines that would be imposed would also be governed by your condition that they should not go into the funds of the employer in any way ?—Yes, I think there are really practically now only a few instances where the employer gets back what he has lost by the damage, it is generally only a proportion, because the worker is handling goods that are valued at a far higher rate than her labour.

1575. Then part of his loss under the present system is met ?—A proportion is met, but there have been cases, and Miss Squire could give you instances and proportions, where after a prosecution for excessive charges for damage the employers in that district have practically ruled out of their contracts charges for damage. I think in Leeds in many cases the employers have ceased to make those charges.

1576. Does your evidence on this point apply to what we may call the sweated trades ?—No, I think the cases I have referred to are rather better—they are well organised factories where a fair wage can be earned.

1577. But in the sweated trades themselves are there not bad cases of the employer trying to get back something to recoup himself for some loss ?—Yes, there are cases. Practically he cannot do it, because the wages are so low that he could not entirely repay himself.

1578. Therefore, if the employer got nothing but a part, and this occurs often, the mere fact that in this case he fined would not prevent him from discharging the girl or the woman ?—I think in a great many cases it would. He would be quite content to feel that he was able to bring it home to the worker that he objected to this kind of carelessness, if it was carelessness.

1579. Arising out of this matter of fines never going to the profit of the employer, but going into some fund for the general benefit either of the whole community or of the workshop, what has been your experience of the method of fining amongst girls (especially girls) where that system did prevail ; has it in any way operated to prevent arbitrary fines, and irritating and excessive fines ? —The administration certainly has operated to a considerable extent in different parts of the country to prevent that.

1580. What administration ?—I mean the administration of the factory inspectors generally.

1581. I have not made my point plain. We will take a factory where the conditions you have laid down about fines not going to the employer's profit are complied with absolutely, and the employer does not make a penny out of the fines. Have excessive and arbitrary fines ceased to a greater degree in those factories than in those where the other system operates ?—My impression is that the general scale of fines has decreased in those cases.

1582. I will put this further question : You would not in any way minimise your objection to fines of a particular kind because they are paid into a common fund which does not go to the employer ?—No, I certainly think that arbitrary and irritating fines should not be allowed any more. They need regulation just as much under the system of the employer not making profit out of them.

1583. I would like to know what is your experience and opinion of the effect of the exclusion of the weaving industry, especially as it affects women, from the Act of 1896. Do you think the women weavers have gained or lost by that exclusion ?—We have had complaints from the women, and we have found cases where they really had had deductions and fines that seemed to us unreasonable. Of course that exemption does not apply throughout the kingdom ; it only applies to a part of the kingdom.

1584. I am thinking of a part where it does apply. What would be your opinion there, or have you sufficient experience to enable you to form an opinion, as to whether they have lost or gained by being outside the Act of 1896 ? —The indications, so far as they have reached us, have tended to show that the women have lost by being outside the Act.

1585. Now what happens. A woman weaver in Blackburn or any other place spoils a piece of work ; she is outside the Act of 1896, and deductions cannot be made ? —Deductions can be made.

1586. Then it only applies to fines, does it ?—The Act applies generally to fines, damages and tool charges. The Act of 1896 does not apply at all in that district.

1587. I rather wanted to compare the case of a woman working in Blackburn or Burnley who does not come within the Act, and the case of a woman who does come within the Act ?—In Bristol and other places the inspectors have taken action in cases similar to those that arise among workers who were not in any trade union and were not organised.

1588. Your point is that the better organisation which undoubtedly exists in the the textile trades for women has not made up to the women worker the advantage which she would have got if she had been under the Act ? —I think not. The indications of complaints we have had are that way.

1589. Then about laundries in religious institutions, you say you have had no experience to make it possible for you to give us an opinion as to whether truck does prevail ?—They are many of them not paid any wage at all ; they are given food, and living. It would be rather under the living-in system that the question would arise.

1590. But you are aware that many do employ outside labour ?—If they employ outside labour then they are within the law.

1591. Are they ?—Yes.

1592. Even in connection with religious institutions ?— Yes.

By Mr. Delevingne.

1593. I did not quite gather from you what your general view of the value of the Act of 1896 was. In your annual report for 1901 you quote a passage from a report made to you by Miss Squire upon the working of that Act, in which she said : "The Truck Act, 1896, has now been in force five years and in my experience it has by degrees produced in that time in spite of limitations a most marked effect upon fines and deductions in all parts of the country to the advantage of the workpeople." Then she goes on to develop that. Do you think she went too far in saying that ?—Not at all. It has brought out into public view ever so many abuses and evils that were utterly unknown before and that we could

not deal with. Certainly the Act of 1896 has been a great step forward.

1594. You say that it has remedied to a certain extent abuses of that kind?—It has remedied a great many abuses that were legal until that Act was passed.

1595. But as regards the three great abuses at which it was aimed, do you think it has remedied them?—It certainly has done a great deal of good towards remedying those.

1596. And you think its main defects of detail might be remedied by amendment. The faults are not so much faults in the structure of the Act as faults of detail?—Certainly. I strongly believe in the principles of the Act being extended and strengthened. Abuses have come to light that never could have come to light otherwise.

1597. Then you went on to say that your suggestion was that all deductions and charges of all kinds from wages by the employer should be prohibited, but you would leave the employer to recover whatever charges or deductions he might be authorised by law to make by his ordinary civil remedy?—You mean as to damages, but, generally speaking, I would say that, under the contract, certain payments could be required in respect of fines.

1598. What you say is, "Deductions and stoppages of every kind from gross wages or the sum contracted to be paid as well as payment otherwise than in current coin," and so on, should all be made illegal?—Yes, and I go on: "So that the worker handles the whole gross wage in cash. Payments and contracts to make payments out of gross wages to be regulated by or under the contract."

1599. You mean you would not allow the employer to make any deduction?—He should not first deduct the amount that he thinks is his. He should hand the worker the wage and the worker should hand back the amount that he agrees to pay under the contract.

1600. Then how would the employer recover from the worker any fine or charge at all?—You mean suppose the worker were to walk off with the whole of her wage in her hand and decline to pay any of these charges.

1601. I want to see what your proposal is and what the advantage of it is?—It simply strengthens the position of the worker in making a contract, I think, that he or she is in a stronger position to agree to these charges on wages.

1602. Do you mean, supposing that under the contract whatever it may be the employer is entitled to impose a fine of 1s. upon the worker, that when pay day comes round the employer should hand over the full amount of the wages to the worker?—Yes.

1603. Then what follows; does the worker immediately pay back the 1s. to the employer?—Yes, if she agrees that it is a fair and reasonable amount. If she does not agree, I suppose she can appeal to the inspector.

1604. If she does not agree and refuses to pay the 1s. the employer's only remedy is to recover it by civil proceedings in the courts under the contract?—Yes. Of course the worker would then and there have to face immediate dismissal.

1605. I fail to see what advantage your suggestion is?—It is simply, I think, that it puts the worker in a better position with the employer; it treats the worker rather more as a willing agent in the matter, and as someone who has a right to make a free contract. That is my impression, from the statements of workers, who say: "We do not mind paying a fine for a thing that we know to be wrong, and that we ought not to have done."

1606. It comes back to the idea of some tribunal to determine between the employer and employed whether the fine is reasonable or not?—That is what it comes to. It is rather a fine point. I am quite aware that the difference between subtracting the amount first and paying the worker and letting her pay the fine back is a fine point, but I think something turns upon it.

1607. You advocate the abolition of all charges for materials and you think that the employer is sufficiently protected by his powers of exercising discipline in the factory?—I advocate the abolition of all charges for materials used in the work.

1608. And you think the employer is able to protect himself against waste by the exercise of supervision and discipline?—I think that is so.

1609. How about outworkers, when the employer gives not only the stuff to be made up but also the materials to make it up with; he has not the same power there of protecting himself, has he?—If he gives out the material to be sewn, for instance, it is only the stuff that is used in the material that the worker is charged for; there are so many yards on every reel, and an approximate estimate can be arrived at of the amount that should be used in any sort of garments.

1610. I suppose he must allow a certain margin in any case for waste?—He must, I suppose.

1611. Can he protect himself against the substitution of other material?—I suppose fraud of that kind might arise sometimes. I should think he would be able to see whether the silk that he gave out had been used; and he might ask for the reel to come back with what is left on it.

1612. That is not the best instance for my point, but I imagine that it might in certain cases happen—and that that is the advantage to the employer of the system,—that by making the worker pay for the materials he ensures his own materials being used?—Yes. Certain employers have renounced that system and find that they work better without it.

1613. Were those employers of outworkers or employers of factory hands?—I know of cases of employers of factory hands, and Miss Squire would no doubt be able to answer your question about the outworkers; I could not say off-hand.

1614. Your idea is that in factories at any rate the employer would still supply the material?—Yes.

1615. He would not leave it to the workers to bring their own materials?—No.

1616. On that question of fines which were legalised in *Squire* v. *Bayer*; you realise, do you not, that fines must be for something which causes loss to the employer or hindrance or interruption to his work?—Yes, I was thinking of that in the back of my mind when some of the questions were put to me to-day. Of course fines for such acts as whistling and so on may be ruled out simply through the proviso that they may not be imposed unless it is in respect of something that causes loss to the employer. In *Squire* v. *Bayer*, unfortunately, it was a case where the magistrates decided that dancing in the dinner hour might cause damage; it was not proved that it did, but they held that it might.

1617. That is the point on which they discharged the case?—Yes.

1618. Have you tried to follow that up in other cases where similar contracts have been posted up?—Not precisely similar cases—somewhat parallel cases we have discussed with employers; I do not think we have taken any cases into court that were at all parallel with it.

1619. I mean, have you in other cases tried to find whether or not the fines imposed or included in the contract were for matters which actually interfered with or were a source of damage to the employer?—Miss Squire and Miss Deane have followed up a number of cases.

1620. We shall get those from these ladies?—Yes, they are always examining contracts and workers as to the effect of a contract.

1621. In regard to that particular class of case, I mean?—Yes.

1622. One question on the subject of payment by instalment. Do you not think it would be a good thing and for the benefit of the worker that payment by instalment should be abolished altogether; though it may be hard on the worker at the moment, it would be really more for her ultimate good to have to pay the fine at once?—A good deal depends on what is done with regard to fixing the standard amount of fine.

1623. But even if the standard was fixed?—If a standard of 5 per cent. were fixed, I dare say it might be easier in the case of a very poor worker to pay 1d. a week for three weeks rather than 3d. all at once, because with a woman who is going home to buy little quantities of sugar

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and tea, and so on, that she wants for her family, every penny counts.

1624. But is not that system bad in this sense, that it gives an employer a hold over the worker which is bad for the worker?—Certainly, if the worker is in the debt of the employer to any serious extent it is very bad, but I would not like to impose a hardship upon the worker in that way, providing the abuse of long indebtedness went altogether.

1625. You could not impose a term, could you?—You might say that it should not exceed, say, three weeks or a month—that it should lapse at the end of a month.

By the Chairman.

1626. With regard to the cases of prosecution that you have given us, is there not another element to consider in arriving at the proportion, namely, the number of visits that you have paid in the respective trades. For instance, I give you these figures: your 500 visits to textile factories have produced five cases; 2,000 visits to non-textile places produced nine cases. Would not the frequency of the visits be an element in the case?—Yes, but I am afraid it is almost impracticable to get at that over so many years.

1627. Probably you will also observe that the existence of the abuses must first have been brought to your notice to begin with?—In a great many cases they have been, but the inspectors are not always investigating complaints; they are making routine inspections a large part of the time, and they would visit a factory and find quite as bad an abuse in a factory where there is no complaint as in one where there was a complaint.

1628. I am sorry to appear to be asking you over and over again the same thing, but would you permit me to put it in this way to you. I fancy you are in favour of a maximum quite irrespective of the destination of the fines altogether—whether they are destined for a co-operative object or not, you would have a maximum on the proportion?—Yes, I think so.

1629. A certain percentage as a maximum?—Yes.

1630. Whether the fines went to the worker's benefit or the employer's benefit, you say that you must have a maximum in order to leave, as you call it, a living wage?—That is so, because it is the only practicable test as it seems to me that can be applied; the other leaves a margin of doubt; other considerations may come in as to what is reasonable, but that one thing you can fix.

1631. Within the maximum you would also have the further direction that it would be fair and reasonable?—Certainly in regard to all the circumstances of the case, which vary in every case.

1632. And then outside the maximum you would leave the employer to the more drastic remedies of dismissal and the like; no law would deprive him of that?—No.

1633. Now assume the maximum. Would not the maximum kill the instalment principle?—Practically I think it would kill the abuse of the instalment system. You could not have a £2 or a £3 accumulation of damages.

1634. I put it to you that, whatever the offence in one week, the law has said or the regulations of the Department have said that the fines for these offences taken together should not be more than 5 per cent. of the wages; that would be the wages for that week?—The wages for that week.

1635. Then that kills the instalment principle?—Unless the employer said to some very poor worker: "You may pay that fine next week if you like."

1636. But would not that be an adjustment of something within the 5 per cent.?—That would be an adjustment of the time of payment.

1637. But the maximum would operate?—The maximum would operate, yes.

1638. So that you never could have the cases of abuse that you have experienced in past times?—No, you would never get those big sums. In the case of a woman having to pay 3d. or 4d. on a particular week's wage I see no objection (and it might be easier for the poor woman) to her paying 2d. a week for two weeks rather than 4d. straight away. I do not want to interfere beyond what is necessary.

NINTH DAY.

Thursday, June 21st, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
J. RAMSAY MACDONALD, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

Miss ADELAIDE MARY ANDERSON, Principal Lady Inspector of Factories, was recalled; and further Examined.

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By the Chairman.

1639. I believe you have some further particulars that you wish to furnish?—Perhaps I may hand in the modified table (*see Appendix iv, Table II*) as regards the average of factory prosecution, and the average penalty (*handed in*).

1640. How would you in general terms describe this table?—It is a summary of the prosecutions taken by the women inspectors since 1897, under the Truck Acts and Factory Acts, with more detail as regards the Truck Acts, in order to show the class of cases.

1641. You bring it down to 1906?—Yes, so far as regards the Truck Acts, but only up to the end of 1905 with regard to the Factory Acts.

1642. To the best of your knowledge, that statement is correct?—Yes.

1643. Are there any points you would like to direct attention to in this table?—I think not, beyond those that have already been put before you as regards the ratio of cases taken under the different sections of the Truck Acts.

1644. Does the observation you made with regard to the prosecutions being libelled under the schedule of having an improper contract, but yet, having at the back of them another illegitimate element, namely, an improper fi does that apply to this table as well?—Yes, and details can in some cases be given by Miss Squire and Miss Deane,

and Miss Paterson. I am under promise to provide you with draft informations used in these cases.

1645. You were going to bring up to date the schedule attached to page 238 of the report ?—Yes, I am going to do that before the middle of July, and, in addition, with regard to the tables on pages 238 and 239, of the Factory and Workshops Report for 1903, I will furnish that table brought up to date, to the best of my official information. (*In regard to this see note to Question* 1301.)

1646. Are there any other points you wish to mention ? —With regard to the procedure in preparing a case, I can provide the Committee with sample information forms for Scotland and for England.

1647. Do you happen to have any of these with you now ?—Yes, I have an outline form here, which is used in cases either under the Factory or the Truck Acts, but much depends upon the details that are filled in.

1648. You furnish the skeleton document ?—Yes, together with a file of papers, showing the procedure in preparing a case for prosecution (*documents handed in*).

1649. What is the special memorandum at the beginning of this file ?—It is used to provide additional information wherever it is necessary to expand details given in the Prosecution Report.

1650. Is it used by the inspector to whose knowledge the facts have come ?—Yes.

1651. And she forwards that to you ?—Yes, with the following form—the prosecution report.

1652. Is this prosecution report sent in order to enable a decision to be come to as to whether there should be a prosecution ?—Yes, and accompanying that is a declaration form used where it is necessary to have a full record of statements made by witnesses at the time they make them; that is under Section 119 of the Factory Act.

1653. What is the purport of the next document ?—If a lady inspector is visiting in a district not under her jurisdiction or mine, she would communicate with the inspector in charge of the district upon that form, and his opinion, or any facts he could furnish bearing upon the case, would be set forth in the second column.

1654. I see that the memorandum of the lady inspector is on the left hand, and the district inspector, having considered it and made his note upon it, appends his signature ?—Yes, and it is then forwarded, along with the other papers, to me.

1655. And then you adopt the procedure with regard to prosecution, the same as in any ordinary case coming direct from your sub-inspector ?—Yes, it simply secures that any information which the inspector in charge of the district may have bearing upon the case will be duly considered.

1656. Everything up to this stage is preliminary up to actual prosecution ?—Yes.

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1657. In your opinion, is everything done up to this stage absolutely unbiassed, without any ex-parte complexion at all ?—It is the result of as faithful an inquiry into the facts as the inspector is able to make.

1658. And a prosecution is only instituted when, in your view, there is sufficient material for laying before the court proof of an actual contravention which has occurred ?—That is so.

1659. That is done from the point of view of the department for the purpose of protecting the public, and having efficient supervision.

1660. Yes. I may say that up to April, 1903, a further step was taken. Up to that date after I had fully considered the papers and formed my own opinion upon the facts, and signified that opinion, the matter was forwarded to the Chief Inspector, in order that he might also signify his opinion. But since then that step has been left to my judgment, to be taken if it is necessary.

1661. I suppose it would be found in practice that substantially the Chief Inspector usually concurred in your view ?—Yes, that was practically so.

1662. We now come to the actual information; in what way is this document lodged ?—It is taken to the court by the inspector; a summons is applied for, and subpœnas are asked for for the attendance of witnesses. A date is then fixed, convenient to everyone concerned for the hearing of the case, and that is noted in the memorandum.

1663. Then the trial takes place, and the results are set forth in the last of these documents ?—Yes.

1664. All that refers to England, but what about Scotland ?—Most of the documents are the same, but the information forms would be different. Instead of laying a separate information form for each item, one information would be laid containing the whole of the libel. It is a much more complicated document in Scotland, and needs more care in its preparation.

1665. It becomes part of the criminal process, and a copy of it is served on the accused ?—Yes. And if there is any flaw of the most formal kind in the document, the case may be dismissed without being really heard on its merits. That practically never happens in England, where, under all circumstances, a case is heard on its merits.

1666. The flaw may be with reference to the relevancy of the complaint in Soctland ?—Yes, and may I add that Miss Paterson's evidence may be important as showing the differences in Scotland. She can give special information about cotton factories in Scotland. These do not come under the exemption which applies to Lancashire. She has knowledge of Lancashire and Yorkshire and Ireland. I think she would have some interesting information to give about Scotland.

Miss ROSE E. SQUIRE, was called; and Examined.

By the Chairman.

1667. I understand you were appointed an inspector of factories in December, 1895 ?—Yes.

1668. Does the previous witness, the principal lady inspector, receive your reports ?—Yes.

1669. Has your work been that of a peripatetic inspector ?—Yes; it has been chiefly in Yorkshire and the midlands, in Bristol and Ireland, and in Wales.

1670. Have you also from time to time done a considerable amount of work in connection with factories in London ?—Yes.

1671. From 1897 (after the passing of the Act of 1896) has a large proportion of your work been administering the Truck Acts ?—Yes.

1672. And have you investigated a very large number of formal complaints received from various parts of the country ?—Yes.

1673. And made prolonged systematic inquiries in many places respecting practices within the Truck Acts ? —Yes.

1674. Will you please turn to page 227 of Mrs. Tennant's book; and in connection with that, I am a little anxious that we should have from you a quasi legal view of the situation as you go along ?—Quite so.

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1675. Under the Truck Act of 1831, you have, of course, had to investigate cases of payment otherwise than in coin ?—I have.

1676. That is a complete contravention of the first section, at all events, of the Truck Acts of 1831 ?—It is.

1677. In what places do you find that, notwithstanding that longstanding statutory provision, this practice had to be dealt with and put down ?—In the north of Ireland and in Cornwall and Somerset.

1678. Please give us some details, taking the Irish case first ?—In Ireland I visited chiefly in Donegal and in County Down. In Donegal the workers take wool out from the shops in the towns to their own cabins and knit it up into socks and stockings; they then take back the socks and stockings to the shops from which they got the wool, and in all cases they received as payment, tea and other groceries. No money passed at all, and they could not obtain money. In all cases they were exceedingly poor. The men were away harvesting in Scotland in the summer time, and the women chiefly

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supported themselves in this way by knitting. When they brought in their work they took away the packet of tea with them.

1679. Can you tell me whether there would be any idea of how much in current coin these people were supposed to be earning?—Yes.

1680. Do you remember roughly what that would come to?—The rate would be 1s. 6d. a dozen in some cases, and 9d. or 10d. a dozen pairs in other cases.*

1681. Was that stockings or socks?—Stockings might be a little more—I mean the long golf stockings. Some of them were, I think, about 1s. 6d. to 3s. a dozen. But the shorter socks would be 9d. or 10d. a dozen. In some places they were doing gloves, which would be cheaper still.

1682. Knitted hosiery gloves?—Yes.

1683. Were these female workers?—Yes.

1684. What would be the ordinary output of such a worker? Take the case of socks, how many pairs would be produced in a week?—If a woman was supplied with wool, she might do about two dozen in a week, or if any member of her household helped her, she might do two and a-half dozen. She might do more of the smaller gloves or socks

1685. If she were paid in coin, that would mean bringing in 2s. 6d. or 3s. a week?—Yes.

1686. But instead of money she takes tea?—Yes. And the tea she would take is priced at 3s. 6d. a pound. The peasants do not drink tea at less than 3s. 6d. or 2s. 6d. a pound from the Truck shops.

1687. If there had been a free market, could they not get the same quantity of tea elsewhere at an easier rate?—They would be able to get a less expensive tea.

1688. Supposing they wanted the same tea, and had money in their hands and shops to go to, could they not get it cheaper than 3s. 6d. per pound?—It is almost impossible for me to answer that, because all the tea I saw passing was made up in wrappers belonging to the small truck shops, and I could not compare it with other tea. Nearly all the tea I secured as specimens, was done up in packets, and what was its quality, it would be dificult to say.

1689. From what one knows of the habits of that class of people, does not the idea of them paying 3s. 6d. a pound for tea not seem very extravagant?—It seemed to me so.

1690. Tea at about half that figure would have been good enough?—Yes.

1691. In point of fact, they have no free market, as I understand?—None whatever.

1692. And instead of getting their 2s. or 3s. a week, they get so many quarters of pounds of tea?—Yes, they do.

1693. Is there any other article of diet they get? Do they get sugar?—Yes, they get brown sugar and sometimes flour or maize.

1694. Have you any notion of the price of these articles?—No, I am afraid not.

1695. Have you any means of getting the information?—Yes, it could be ascertained; very likely Miss Paterson could give it. After so long an interval, I am afraid to quote any of the prices.

1696. Does the system you have described go on from week to week?—Yes it did.

1697. Was the employment steady or intermittent?—In some cases the employment was very steady. In certain districts people were kept in full work, but at other places it was intermittent, and the workers, counting the double journey to and fro, had to walk perhaps seventeen or eighteen miles, and then perhaps find there was no work for them. Most of them lived that distance away from where they got the wool. The distance I quote refers, of course, to the double journey, to and fro.

1698. Did they walk that distance?—Yes, they all did.

1699. Did you see any of them in their own homes?—Yes, I visited a very large number of cabins all over Donegal, and many in County Down and other counties.

1700. Please give us a description of that, so that we may have an idea of the ordinary home of the worker who works socks for a penny a piece, or stockings for 1½d. a piece?—Their homes would be isolated cabins; many of them on rocky soil; perched on mountain land, or on bog. They are low, one-storey cabins, with mud floors, very low roofs, often no chimney, sometimes a hole in the roof, but the smoke often finds it way out at the door. The fire would be in the middle of the floor, or at the side with no hearth, or actual fireplace. There would be a bed in one corner, and elsewhere a wooden dresser with a few pots on it; perhaps a chair, and perhaps not. Generally a cow, and perhaps a calf in one part; possibly a horse, and a pig always, with cocks and hens in the room. They would be all there together.

1701. Is there a patch of land along with such cabins?—Yes, on which they would try to grow something; but in these parts very little will grow. They may be able to rear a few potatoes, but the soil is very poor, and in many parts so rocky that it may be said there is scarcely any soil at all.

1702. Are these places storm-swept?—Yes, bleak and stormy.

1703. What does the household consist of?—Very often an old woman, the grandmother, crouching at the fire smoking a pipe; and then there are the daughters, sometimes an unmarried daughter, and a married daughter with two or three children. During a large part of the time the men are away harvesting; otherwise they will be in and out, especially at turf-cutting time.

1704. Do any of the population of that class go to the fishing?—Yes, some of them near Burtonport, and other places on the coast of Donegal, and many of the men take boats on to the lakes for trout-fishing.

1705. In such a household as you have described, would the old woman work?—Yes, she would do a little knitting.

1706. And probably so would one of the younger members of the family?—Yes, the younger women and girls.

1707. May we assume that the work of two women in such a household, if paid in current coin, would represent probably from 4s. to 6s. weekly?—Yes, frequently, but I should like an opportunity afterwards of making any necessary correction in these figures after reference to my notes.

1708. Our anxiety as a Committee is to get a picture of the whole thing, as we must describe this in our report to the Secretary of State?—Quite so.

1709. Having described the household and the dwelling, and the work, I want to ask whether, in your opinion, it is very important to have truck prohibited in the case of such out-workers?—Yes, in my opinion, most important.

1710. As we attach great weight to your evidence on account of your experience, please give us succinctly your reasons for that view?—The expenses which should be met by money extend beyond the cost of the tea and sugar and flour; there is rent, there are implements, there is help that the women need in getting in their crops when the men are away; there are seeds and necessaries for the ground and garden; there are the household goods to be renewed, and there is the clothing. The Truck masters prefer to give tea to any other thing, because I presume their profit upon it is greater, and the women drink a great deal more tea than is good for them. Many of them seem to subsist chiefly upon maize and tea.

1711. Have you any idea of the rate at which maize was debited to them?—I am afraid not.

1712. Now that you have described the condition of the poor workers, what about the other end of the scale? What kind of tradesmen deal with these people?—I should like to describe some of the truck masters. One of the principal truck masters in Donegal is the owner of what is a very fine house for the district, and a large provision shop in the main street. The women come daily to the shop in large numbers; the work they have done is taken from them and looked over, and then in direct exchange for it there is placed on the counter the tea or sugar or maize.

1713. Is the truck master a wholesale dealer in socks or stockings?—He is agent for large firms in Belfast

* Miss Squire has informed the Secretary that as no money passed, and the prices were never written down, she was dependent for information as to price upon the workers' statements and they upon an estimate of the value of the goods given as wages.

or some other town. He takes the wool from the warehouse and sends back the socks, and in the majority of cases there is no commission given to the agents by these large firms. Therefore the agent has to make his profit entirely from the workers. If more of the firms gave even a slight commission, there would not be the same temptation to the agent to make a profit out of the poor workers. The truck masters are reputed in their district to have made their fortunes entirely out of the truck system, and in many cases the chief house in a small town is the house occupied by the truck master. The truck masters themselves employ other men, who go into the more remote districts; at a cabin in a lonely district one will often see a number of women beginning to congregate. I have watched such a place, and found the man arrive with a cart, and unpack his tea and his wool, and remain there for the day giving out wool, and taking in work and paying for it in tea.

1714. The truck masters are usually the commissionless agents of more central establishments?—Yes.

1715. When the socks and stockings are taken away, what class of firms deal in them, or is that beyond your beat?—Yes, it is rather beyond my beat. I saw some of them in Belfast; large wholesale warehouses, but a number of them were in Scotland.

1716. In Glasgow, or Edinburgh, or where?—I am afraid I cannot exactly say.

1717. It may be curiosity, but I think we should all like to know what is the selling price of these socks and stockings? What would be their value?—It is a little difficult to say, as there are so many different qualities. I purchased several that appeared to me the same that I had seen made. In Belfast I purchased socks that I had seen knitted in large quantities; common socks, with a good deal of brilliant colour in them, magenta and green and orange and blue. The workers are paid 6d.* per dozen for them, and I bought them for 9d. a pair. The longer stockings sell from 6s. or 7s. to 12s. a pair, which might be made at perhaps 2s. 6d. a dozen. While I was there I had to get a good many knitted gloves, for which the worker was paid 6d. per dozen. I was charged at the place 9d. for a pair, but they would probably have been 1s. 6d. a pair in the shop.

1718. 18s. per dozen?—Yes.

1719. I think that completes the picture of the transaction so far as the woollen out-workers are concerned?—It does.

1720. Are the conditions substantially the same amongst the linen out-workers, so far as concerns the homes and the poverty of the workers?—Yes. In the sprigging and linen work I found the conditions very similar in County Down. The houses were perhaps not so poor, and the animals in them not quite so numerous.

1721. What about the method of payment?—It was about the same, and so were the truck shops, from the large buildings occupied by a comparatively wealthy truck master to the smaller shops of those who are just commencing this profitable business. The work was chiefly from Belfast. It had been sent elsewhere for the sprigging and embroidery, and then came back for thread-drawing work. In the cabins the floors are of mud, and the places are exceedingly dirty, and one of the great difficulties of the workers was to keep the linen, especially the handkerchiefs, perfectly clean. Accidents in this respect frequently happen, and then heavy deductions are made, so that, not only have the workers no money in payment for their work, but they have to suffer deductions for work damaged or spoiled. I am afraid to quote prices in general terms with regard to that class of work, because it is often exceedingly fine work upon articles of luxury, although paid at such absurdly low prices that I should almost be afraid to quote them. I would prefer to send afterwards a memorandum on the subject.

1722. Is the work done on the piece system?—Yes, entirely.

1723. Handkerchiefs at so much a dozen?—Sometimes at so much a dozen, but very good ones at so much each. The amount the workers should receive was never clearly made known to them. Often I found they could not tell me the money value of their work.

1724. What was the reason?—Neither the principal firm nor the agent gave the workers any particulars as to prices.

1725. What is said to the workers?—When the work is given out they are told to bring it back when it is ready, and the worker has to estimate the price from her knowledge of what she has previously received for similar work.

1726. But the estimate in the minds of both parties was not in current coin?—Not on the part of the trucking agent and the workers very often, but a system prevailed very largely of tickets, and there, when the worker took her work in, a piece of paper was given her on which a certain amount of money was written, and she would be able at any time to send to the shop this ticket and receive its value in goods; no money passed at all. In county Donegal tickets were hardly used; in county Down I found them very largely used. The excuse given by many of the truck masters was that there was no Bank in the place and that they very often ran short of silver, and that they very often used these pieces of paper, but, as a matter of fact, I found that no money did pass, and many instances were given me both in County Donegal and County Down of women who had petitioned very keenly for money for some immediate want, and had been refused.

1727. Instances were given to you from both counties of that?—Yes.

1728. Could you give us a date for that transaction—it was since 1897, I suppose?—Yes, those were in 1899, 1900, and 1901.

1729. Can you give us the names of the firms whose transactions were affected by those conditions?—I have not the names of the firms here with me.

1730. You will be able to furnish them?—I can furnish the names of all the trucking agents I have visited, both large and small—those who gave tickets and those who gave goods direct.

1731. I think you will appreciate for yourself the value of that; if you can furnish the list we shall be obliged to you?—Certainly.

1732. Then there is one point I omitted to ask you when you were describing the linen workers. Will you tell me how are the patterns for that fine work supplied; is that from headquarters?—From headquarters to the agent, and then by the agent to the worker. Sometimes the pattern was drawn, and the drawing was handed to the worker. That was the reason of a very large amount of heavy deductions for damage. I examined some of these patterns and they were so soiled and smudged (they were in pencil) through being taken from one place to another that it was almost impossible to trace them. In other cases just a sample had been shown to the worker when the work was given to her, and then she would have to walk back to her cabin and begin her work without any chance again of looking at the samples, and naturally it differed in some small way from the samples.

1733. Was she penalised?—Yes, in that case the agent would refuse to take the work, and would not pay for it at all; there would be nothing then. In some cases not only nothing would be paid for the work, but the worker would have to purchase the whole amount of the goods.

1734. Did you find that notwithstanding those squalid conditions that you have described those workers had intelligence enough to do this artistic work?—They did beautiful work.

1735. Such work as it would be a pleasure to wear, for instance?—Oh, quite. In many of the cabins I saw work done that I had only seen before done by women of culture who had been trained to do this exceedingly delicate work, and who asked a very high price for it—beautiful work.

1736. Then that work so performed goes to the trucking masters' agents or the shopkeepers, or whatever you call them; then it reaches the wholesale warehouses in the United Kingdom somewhere, and it is sold to the public no doubt through retail shops?—Yes, that is so.

1737. Now you gave us a comparison of the wage received, and the price received by the socks and stocking makers. Could you give us a handy comparison in any of those linen work cases?—I am afraid not.

* The Secretary is informed by Miss Squire that this is an error which escaped her in correcting the proof, and should be 1s. 6d.

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1738. Take handkerchiefs ?—I might quote a case of a handkerchief that remains in my memory, of exceedingly fine work; that was a handkerchief with every corner elaborately worked. For that the worker was to receive 3d., that handkerchief would certainly be at least 5s. or 6s.

1739. Was the work overlaid upon the linen or did it consist in extracting threads from the linen ?—Extracting threads from the linen and working with a thread connecting some and missing others.

1740. So as to form an artistic corner ?—Yes, an open-work corner.

1741. Is the household of that worker very much like the household of the worsted worker that you have described ?—Yes, very much the same. I might perhaps also mention that in that district the men are employed and some of the women for certain parts of the year in flax mills, which are also owned by some of the trucking masters, who have a shop, and there I found that in that time of the year the workers were paid in grocery.

1742. Now with regard to the linen work that you have described; these three things seem to prevail. In the first place they are not paid in coin, in the second place they are subject to deductions which are no part of any contract that they understand beforehand; and a third point that you mentioned was that they have no particulars of wage ?—They have no particulars of wage, but at that time that was no contravention of the Act; the orders had not been made that would include wearing apparel.

1743. Now we will go to Somerset, and take your evidence about the glove trade ?—I can give you evidence about the kid glove trade. In the district where I was they were given out by the large well known glove manufacturers of Yeovil, where kid gloves of all kinds are made. They are fetched out from the factories and also from the places where work is given out by what are called bag women—women who take large quantities of work; they are really contractors, and they take it out either by mail or cart to the villages at a distance from Yeovil, and there they give the stuff out to the women who reside in the villages. The gloves are cut out into the various parts of the glove, the thumbs and fingers and the little gussets and pieces; then the women take out the packets of kid and stitch them together by sewing machine in their own homes. The sewing machine is lately introduced there; some of it is still done by hand, but the majority is done by machine. Then it goes back again through the bag women to the factory in Yeovil. Then it often goes out again to other workers who do the sewing at the back of the glove, or the finishing, putting the buttons on. The bag women who take it out sometimes get a small commission and sometimes not from the firm; more often there is no commission given to them; their profit is made out of the workers. These bag women have shops, and the groceries and drapery are given to the women for the work. There this system is more highly developed, because there is a ledger kept which shows clearly that the two accounts are balanced. The groceries are entered under the name on the one side and the amount of work on the other.

1744. Does the money pass ?—No money passes; occasionally money can be obtained, but I found that was very rare. It is denied there, generally, that the two accounts have any relation to one another. It is said that the fact that the mother of the family takes out work has nothing to do with the fact that the householder, the father, gets his groceries there. That was a difficulty in the prosecution, but I was able to produce ledgers which showed that the two accounts had been balanced and settled.

1745. Have you yourself seen those ledgers ?—Yes.

1746. Do you know cases of balances on week's accounts or fortnight's accounts being paid in money, or are there no such cases ?—There were very few. There were cases now and again in Somerset where money had been obtained, but in the larger number of cases the two accounts had been balanced. Very often the worker was largely in debt to the truck shop—very largely in debt, and in a very large number of cases the work that I saw then being done was being done to settle an account of long standing.

1747. Was that piece work ?—That was all piece work.

1748. What was the rate of pay there ?—I am afraid I should have to look that up; I was not prepared for these questions.

1749. Have you any general idea how much in coin would have been supposed to have been paid ?—Some of the women make 5s. or 6s. a week; some even more and some less.

1750. Were there deductions in such cases ?—Yes.

1751. For what ?—For any fault in the work—cutting the kid and not putting the pieces together well, not sewing them properly; but not such heavy deductions as in many other instances.

1752. But as in the Irish case of the woollen and linen trades, the sole judges of the deduction were the masters, or the bag women ?—Yes.

1753. Then in Cornwall ?—In Cornwall it was the knitting of the fishermen's guernsey frocks. There also the drapers' shops in Liskeard were engaged, I found, in this work. Some of them were quite large drapers' shops, where they would have quite a good class of customer. They gave out the wool to these fishermen's wives, who came from Polperro and Looe, and other fishing places for the wool and then worked it up and knitted it into guernsey frocks. Some of the cases were particularly sad ones, because they were widows of miners who had been killed in the tin mines up in the country there. They were receiving 2s. 6d. a week from the Poor Law, and they were ekeing this out with knitting frocks, and they had to sell again the drapery that they obtained in order to get the money that was necessary to them.

1754. I do not quite follow that last.—They could only obtain in payment for their work, drapery, and as these were very old women who had no use for blue silk sashes, and lace and mantles, that were given to them by the truck masters, they had to negotiate a sale with their friends in the village, and sometimes they were very hard put to it to find a purchaser.

1755. I should like something more specific about that What they were working, I suppose, would be the blue worsted that fisherman have ?—Yes, blue and brown guernseys.

1756. They work say a dozen fishermen's guernseys and take them to the merchant; this I suppose is some old woman who is living in a humble dwelling ?—Yes.

1757. What does she get for that ?—Sometimes 6s. or 8s. they are very large and heavy things.

1758. But what does the old woman get for her work ?—She would get something from the drapery counter; they prefer there to pay in drapery; sometimes it was a petticoat or a jacket, or some stockings or some ribbon or lace. She would generally, I found, inquire among her friends what was more likely to have a sale, and then she would ask for that from the drapery counter; sometimes she was not allowed to have her choice, and she would bring back with her whatever had been given to her.

1759. So that this was a case in which the worker was actually needing the ready money ?—She was.

1760. But under the system prevailing she had to start with truck, and then become her own merchant and make any profit or loss as the case might be ?—Yes. Complaints were made to me by the relieving officer of the number of widows who were suffering from the truck system.

1761. I heard you say something about a blue sash ?—That was one of the cases I brought into court. There was a very old typical Cornish woman, a miner's widow, who had been in receipt of poor relief for some time; she was very busy knitting this frock when I visited her. When I asked what payment she had received I found she had received three yards of wide blue ribbon; it was of absolutely no use to her; she took it to two or three people in the village, and managed at last to find two children who were going to a school feast, and she sold it to their mother.

1762. Has any case come to your knowledge of their selling back to the merchant ?—No.

1763. Or of the goods finding their way back to the merchant ?—No, never. I have heard of one or two

cases where the worker herself managed to see the head of the firm and made an appeal to him for money, for rent, or for fuel (there was a great scarcity of fuel when I was there); and then money was given, but the next time drapery was asked for, for fear of incurring the displeasure of the shopman.

1764. Now alongside of truck were there cases of deduction in that industry also?—No, I have not met instances of deductions there.

1765. Of course you had to do your best to challenge that kind of case that you have been describing in the former parts of your evidence by bringing a sample case before the court?—Yes.

1766. Perhaps we will get a description of these prosecutions afterwards?—May I mention one other instance of outworkers being paid in truck which is not mentioned in my *précis*, or in the list that I have submitted, because those were lists of prolonged investigations. This came to me in investigating other matters and was an almost single instance in the city of Bristol. It was the case of a corset-maker—an agent who gives out corsets for a very large firm indeed—one of the greatest makers—to workers living in villages near Bristol. She keeps a shop. That was one of the most hidden kinds of truck, but following it out very carefully I am quite convinced that the payment was actually simply in goods from her shop. Those were chiefly young girls, and they were more or less willing to take hats and things of that kind. Complaints were made to me very much by the fathers, and by the husbands of two or three of the women that no money could be got. In one case where a woman died, the husband was sued a few months afterwards for a sum of over £3 that was said to be due to the truck shop from his wife for clothes. The man resisted the claim because his wife had been unable the whole of that time to get money; she had been obliged to take the payment in goods; but he was brought before the county court, and a judgment order was made for the money to be paid. He consulted a solicitor as to whether he could plead Section 6, Truck Act, 1831, that it was not a debt recoverable, but he was advised that he could not do so because the husband being liable for the goods and the wife being the worker he could not set up that defence.

1767. That same difficulty has occurred in other districts of the country, I suppose?—Yes, it has, notably in Somerset. The bag women were quite alive to that; they entered the goods under the names of the husbands generally, and the work under the name of the wife, and then when investigation was made they declared that the two accounts were quite separate.

1768. Now, all that you have been giving evidence about arises under the first section substantially of the Act of 1831?—It does.

1769. So that it is a mistake, I take it, to say that truck has disappeared?—Quite, in my opinion.

1770. Still it is in the department of outworkers that it has been able to survive?—Yes, it is.

1771. Now I must ask you your view about it. I take it that you totally disapprove of the system?—Totally.

1772. It tends to the impoverishment of the worker?—It does.

1773. And to uncertainty as to the reward?—Yes.

1774. In your judgment does it partake substantially of the nature of corruption. This is a serious question that I am putting to you. I want you to keep in view this, that you have a person ignorant of the terms of remuneration on the one hand, and on the other hand you have a highly skilled party to the contract?—Exactly.

1775. Does it give facilities for corrupt dealing?—Yes, to an enormous extent.

1776. Do you think that the general policy of the law, which is signified by the Act of 1831, by the prohibition of the system ought to be extended to outworkers?—Yes, quite clearly.

1777. Your impression, I gather, until you had the unfortunate experience in the law courts that you are going to refer to, was that the law would have covered such transactions?—Quite.

1778. Has it been a disappointment to the Department that it was found not to do so?—A very great disappointment.

1779. Have you any view as to whether the law should now be extended so as to include those cases?—My view is very strongly that it should include outworkers.

1780. Do you think that social misery would be avoided by that?—Yes.

1781. Now we will come to the Act of 1896?—Before we go to the Act of 1896 may I ask if you wish to hear anything on the subject of rent. That comes under the Act of 1831; I have had several cases, and I feel rather strongly on that point.

1782. We should be glad to hear you?—It is included in the list of prosecutions that was put in, but it is not mentioned in my memorandum here. As I have stated, under the Truck Act of 1831 I have taken thirteen cases; several of those were for rent.

1783. What section was that under?—Section 23 of the Act of 1831 provides for exceptions from the law that wage is not to be paid otherwise than in current coin. The exception is that rent, if there is a written agreement, may be deducted. It says that nothing shall prevent the occupier from demising to any artificer and so on "the whole or any part of any tenement at any rent, nor for making or contracting to make any stoppage or deduction from the wages of any such artificer for and in respect of any such rent," provided that "the agreement or contract for such stoppage or deduction shall be in writing and signed by such artificer"?—Yes.

1784. Now will you give us your explanation about that?—In the textile districts of Yorkshire it is a very common practice to deduct the rent of cottages leased to the operatives from their wages, and in several cases I found that the rent was deducted weekly from the wages of women who were not the householders, because they were employed by the owner of the property. There was not only no agreement to deduct such rent from their wage, but there was no wage book, and no statement given to the worker, and the rent having fallen into arrears at some time it was the practice on the part of the employers to deduct from the women's wages what he chose towards the debt owing to him. The woman had no statement as to the total amount that she owed for rent. There was one case where the rent of the house was 2s. a week, and from the wage book I saw that the woman had had deducted, week after week, such sums as 3s. 3d., 4s. 9d., 2s. 1d., 1s. 5½d. (her whole wage that week being 1s. 6d.), 3s. 4d., 4s. 2d. I could myself on investigating it find no connection between these sums and the amount of 2s. which she said she paid for rent. Then the occupier explained to me that during some slackness of work the rent had fallen in arrear, and he was deducting these sums from the woman in order to make up the rent, but she had no statement given to her at all as to what the rent owing would be, or how soon the debt would be completely wiped off. If the woman was not herself at work in a particular week owing to work in her particular branch being slack, the rent would be deducted from the wage of a child of her's—perhaps a half-timer—anyone in the household who was earning money would have their wages stopped for rent.

1785. Was that case brought to the notice of the court?—Yes, I summoned the owner, and he was fined.

1786. Then you found that the law could hit that point?—Yes, only from the technical point which alone I could seize upon that there was no agreement in writing. There was another case of a lucifer match manufacturer in Gloucester. He also owns several houses in one street, and in that case I found that a girl employed in the factory had the whole of her wage every week stopped by the employer. She was a pieceworker, so she earned a varying wage, and she never received any because it was always going to make up arrears in the father's rent. He had suffered from the epidemic of smallpox there, that you will no doubt remember, and had got into arrears with his rent, and everything this girl earned went to make up arrears of rent. There was no account here, but the wage book was shown to me, and I traced it back for two months, and I found that whatever she earned whether small or large, was kept back for the rent.

1787. Did you find the law sufficient to hit that case?—Yes, in that case I successfully prosecuted, but in

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that case also only because there was the technical absence of any agreement in writing. As a matter of fact, afterwards, the practice was entirely stopped, as it was in the case of the other firm in Yorkshire. Rent books were given and an agreement was made, and the back debt was cancelled by the employer. There was another case in Dublin, with the workers of a large spinning factory there; some of them were men, and their wage was stopped for rent, but in one case there was an old woman who had 2s. 6d. a week deducted from her wage for the rent of a single room that she rented from the firm. She was only a sweeper, because she was very old and almost past work; but whenever she was able to earn anything over the 2s. a week it was stopped for rent; she was fined 1s. every week because she was late; the work commenced at six and she came in at seven every morning, so that every week there was 1s. fine for being late. Then there was 2s. or 2s. 6d. deducted from 5s. 6d. or 6s. for rent. The room was unfit for habitation; it was dilapidated and dirty; she had no furniture, no fire and no food when I visited her. Her wage had gone in rent, and the tenement was not fit for habitation. In that case there was a conviction. There was a young girl employed in the factory whose father was a general labourer and occupied one of the houses; he was out of work, and the wages of this girl were stopped, sometimes the full amount and sometimes a proportion of it towards the rent, 3s. 6d. a week, of another miserable tenement, which I referred to the sanitary authority as being totally unfit for habitation.

1788. Do you find in the Statutes any authority for the proposition that there may be a deduction not only for one's own rent but for some other body's rent?—I considered that point in taking the case, and it seemed that if there was no agreement whatever there was nothing to fix the particular occupier.

1789. You had them under the fact of there being no agreement in writing?—Yes.

1790 And you obtained a conviction under that head?—I did. In the Dublin court I was asked by the magistrate whether it would have been possible for the occupier to have made such an agreement with a minor; I said I should have supposed not. That point seemed to impress him very much, but the firm pleaded guilty, and the counsel who was appearing for them seemed to admit that it was not possible that there should have been any agreement.

1791. There was no judicial decision to that effect?—No.

1792. Has the question ever been raised, do you happen to remember, whether you can take as a deduction from A. B.'s wages the rent of X. Y., being a father or a mother or a grandfather?—I have not been able to find that it has been raised. I tried to find that when I was taking these cases, but I could find nothing that would help me at all.

1793. Your evidence appears to suggest that a system prevails where they have, so to speak, a household working for a firm, and if there is rent due to the firm they will deduct from the wages of any handy members of the household?—Yes, and that is very much the case in Yorkshire.

1794. Have you anything further under the Act of 1831?—I think those are all the points under the Act of 1831.

1795. Now, under the 1896 Act you have some evidence to give us with regard to deductions for fines for bad work or damage?—Yes.

1796. Your experience has extended to Bristol and the case of wholesale tailors, corset makers, factory workers and out-workers there?—Yes.

1797. Is there anything specific affecting Bristol, or may we take the whole list of your other places. You have been in the villages of Somerset where there are tailor out-workers, and in Leeds where there are factory workers and out-workers, in Yorkshire woollen and worsted spinning and weaving, in Birmingham hardware trades, pens, umbrellas, etc., in Nottingham lace finishing, factory workers, and out-workers?—Yes.

1798. You have prosecuted thirty-three employers altogether. The number of cases have been, under the Truck Act of 1831, thirteen, and under the Truck Act of 1896, thirty-six cases; total forty-nine?—Yes.

1799. Do those prosecutions represent only a very small proportion of the cases in which serious breaches of the Truck Act were found?—Yes.

1800. A large number coming within the 1896 Act were not taken into court?—No.

1801. Why was that?—Because the experience of other cases showed that most of these cases turned upon whether the deduction was fair and reasonable, and the magistrates in other cases had either dismissed the cases or shown a great reluctance to give a decision upon the point as to whether the deduction was in fact fair and reasonable. In cases where we had been defeated it was impossible to appeal, because the decision had been one of fact.

1802. There being no appeal except upon a question of law stated?—Except upon a question of law.

1803. Had you yourself, with your experience, an opinion, and had the department formed along with you the opinion, that in those cases the prosecution should take place because in your judgment it was not fair and reasonable?—It was not fair and reasonable in my judgment and in that of my department.

1804. And you adhere to that notwithstanding the decisions?—Yes, and that view was in practice in most cases adopted by the employer. In cases where the conviction was not obtained the employer subsequently altered the deductions in accordance with the view expressed to him.

1805. Did you find that the force of public opinion aided you by the publicity given to such cases?—Yes, it did.

1806. And the exposure of the practice, although the prosecution was unsuccessful, was beneficial?—It was. It led in every case to my being consulted by other employers so that they might bring their practice into conformity with the view I had expressed in conducting the case.

1807. Is your experience that the opinion of persons holding your position under the Home Office is followed by both employers and workmen alike?—Quite so.

1808. Do you see any objection in principle to making the inspectorate have a *prima facie* judgment upon fairness and reasonableness, which must be accepted by courts unless it is rebutted?—I think it imposes a very great burden upon the inspectors and involves investigations of a very wide character.

1809. You mean if they have affirmatively to establish the proposition?—Quite so, and not only has the inspector, of course, to consider every point of the deduction and so on, but he also has to make a very large acquaintance with the industry in question, and that involves great technical acquaintance with various trades.

1810. In the majority of those cases coming within the scope of these Statutes the occupiers have been dealt with by persuasion or caution?—Yes, in the very large number of cases.

1811. And in such instances I think they have refunded large sums?—Yes.

1812. What was the nature of these refunds?—The whole of the money deducted in many cases.

1813. Deducted for what?—Stoppages for bad work where a sum had been deducted because the work was said to have been damaged or not particularly good. On it being represented to the employers that this was not, in the opinion of the inspector, fair and reasonable, the employer has in a large number of cases refunded the whole of that money deducted from the worker.

1814. Have you any recollection of the kind of sums that would be refunded in such cases?—There was one case I remember where girls had had 6s. or 7s. deducted from their wages—some more—week by week for some months in respect of sealing tins of condensed milk. They had been expected to reach a certain maximum in their work, and, if they had not done so, so much had been stopped from their wage. It was found that the minimum of work was fixed by the best week of the best worker, and that the others always fell below it—in fact, could not reach it. These sums had been deducted

week by week and became a tax upon the worker's wage habitually week by week. It was pointed out to the employer that that was not a fair and reasonable deduction, because it was based upon a tale of work that could not be reached by the ordinary worker. The wage books were produced by the firm and it was found that a very large sum had been deducted from some twenty girls. The week following that I received from the firm a letter that they had gone carefully through the sums that had been shown to me and they had refunded to all those girls the amount that had been stopped in the six months previously.

1815. That would amount to a considerable sum ?—A very considerable sum; and I found that that had actually been done. I visited the girls at their homes, and found that the girls had received the whole amount, which came to many pounds.

1816. Have you any notion of the figure ?—I am afraid I could not quote it now.

1817. I meant, would an individual worker receive as much as £1 or £2 ?—No, they would not receive as much as that; it would be 5s. to 15s.

1818. We will now take from you the enumeration of the chief practices which affect women and girls unjustly—I mean the chief practices coming within the scope of the Truck Act. You have begun with payment otherwise than in current coin, and you have given us all the Irish instances of that ?—Yes.

1819. That payment otherwise than in current coin is divided into two heads; giving goods instead of money, and deduction of rent (or rather of other people's rent) from wages ?—Yes.

1820. Then the second great branch is the case of fines. Now, upon that I want some detail. First, fines for unpunctuality. Would you refer me to the section of the Act of 1896 upon this subject ?—Section 1 deals with fines.

1821. What is your evidence with regard to fines for unpunctuality. What was the penalty for the rate of fine and what trades are you referring to ?—It seems pretty universal. In the textile trades there is almost universally the system of "pennying," as it is called, the imposition of a fine of 1d. for being late; sometimes five minutes is the limit, sometimes ten minutes or even a quarter of an hour, but generally five minutes is the limit, and then the pennying system applies.

1822. Have you experience of cases where if they are five or ten minutes late it is counted to them as an hour's deduction from wages ?—Yes, I have. That is the system in vogue in a great many factories, especially where they are paid not so much as piece-workers as a fixed wage reckoned as wage for so many hours a week, and that total of hours—perhaps fifty-seven hours (that is a very common number)—was paid so much for fifty-seven hours a week; as a matter of fact, the factories generally close earlier, and they work fifty-six or fifty-five hours, and they are paid for fifty-seven all the same, but if they are late five minutes on any morning they lose the penny fine on that and also the wage for the hour or two hours that the work is not actually required of them.

1823. Now, this fine for unpunctuality is imposed upon piece-workers ?—Yes, and that is the great grievance I found among the workers of all classes.

1824. That applies to married women ?—It especially works hardly upon and is objected to by married women. All classes of piece-workers, in my experience, have a fixed idea that a fine on a piece-worker is illegal, because she is only earning during the time she is in the factory; and the married women who come late, as a rule, and work well while they are there and reach a wage that compares favourably with the wages of others in the factory, owing to their experience or good work, they being fined the same as the others for losing time, have a very great objection to the practice and consider it unjust.

1825. In the case of married women particularly, they may be precluded by household cares from coming early ?—Yes, those with young children generally.

1826. May I ask, is there any loss in the case of piece-workers—I mean loss to the employer ?—If she is on a machine there is certainly the loss of power, and perhaps others are dependent upon her for their branch of the work; she feeds them.

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1827. So much with regard to fines for coming late. Then the other item, fines for breaches of disciplne ?—Yes.

1828. You think that power is exercised in an arbitrary and tyrannous fashion in some cases by the foremen ?—Yes. In a great many instances the rule is published which is very often a very vague rule, "Any act of misconduct, 6d." That is the kind of rule I have found.

1829. You have had instances of that ?—Yes, several.

1830. We are very anxious as a Committee to get your evidence at first hand about those rules, and I will be very glad if you can send us copies of the things which have actually occurred in your experience—copies of those lists of rules. You can cross any items that you would desire to call our particular attenton to. Will you favour us with that ?—Yes, I shall be very pleased.

1831. Now, what is the first great head of fines ?—Under those breaches of discipline I have had constant experience of fines for such things as sneezing, laughing, singing, "cheeking the foreman"—put down simply as that—wearing hair-curlers in the hair; that is a very frequent source of fines.

1832. Do you mean keeping pins in their hair ?—Yes, curlers for putting a curl upon the hair; a girl may have a hair-curler fixed in front; it is a breach of discipline to go into the factory with a hair-curler in the hair.

1833. It is not that it troubles the æsthetic taste ?—No. The girl in most instances who would do that in a well-conducted factory would be just asked to remove it; but I found many cases of 6d. and 1s. fine for that.

1834. Have you any other instances of that kind of triviality ?—There are a great many fines in one or two factories for sneezing, and I was unable to find that there was anything very special about it—I mean no uproar caused or anything of that kind; but the foremen seemed to think it was the only way of enforcing their authority to inflict a fine of 6d.

1835. What would be the charge for a sneeze ?—6d. Just as an instance of the trivial kind of thing that is solemnly told to one even by the occupier as a reason for fining, I will mention this. One was put down as a breach of Rule 4 which was that the worker should "observe due order for decorum in the factory." A girl had been fined 6d., and there seemed great differences as to why this had been imposed, and I was told that it was because she picked a spider off the wall of the factory and put it down by another girl. I thought this perhaps had caused some uproar, but I was quite unable to find that it had disturbed the work at all.

1836. With regard to all these, may I ask you this. Have the department considered carefully the application of Sub-section 1, of Section 1, of the Act of 1896, in particular head (*c*) that the fine imposed under the contract must be "in respect of some act or omission which causes or is likely to cause damage or loss to the employer or interruption or hindrance to his business" ?—Yes, very closely, but every point of the most trivial kind has been said by the employer to cause interruption or hindrance to his business. Since the case of Bayer, the appeal case, where the decision was given that the contract was sufficient that "due order and decorum" must be maintained, and that to fine for dancing to a harp in dinner time was no breach of the Act, we have been quite unable to impress this upon the occupiers; and the contract that was the subject of that case has been reprinted and placed in a number of factories and pointed out to me as being the only rule that had now absolute sanction.

1837. Now have you any view to present to us as to these disciplinary fines ?—Yes. I should say from my experience that they are quite unnecessary; that if a foreman or forewoman knows his or her business there is no need whatever for a disciplinary fine. I think that is exemplified in certain factories where there are a very large number of departments and the departments all resemble one another very closely—perhaps 300 girls in each department, with some one in charge; the work is very similar. Each foreman or forewoman is provided with a book to register the fines for breaches of discipline. I found on

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examining those books that some forewoman will have their book almost filled up in six months, and others will never enter a fine of any kind; they are quite able to maintain discipline by their own influence.

1838. Have you experience of cases where there is no such thing as a system of fines at all?—Quite so. In the larger number of factories there is no system of fining for breaches of discipline.

1839. And are those factories well conducted?—Very well conducted.

1840. So that upon the whole your experience would incline you to say that that system of fines for merely disciplinary purposes should be abolished?—Quite.

1841. The first head of your observations was upon payment otherwise that in current coin; the second was with regard to notice; and now the third is with regard to deductions or charges for spoilt work or damage. You have had experience with regard to garments damaged which are sold to the worker under compulsion?—Yes.

1842. Will you just illustrate that?—That is very largely the case in the wholesale clothing districts, especially in Leeds and Bristol and London. The worker who damages any garment, either through her own fault or through something that she could hardly avoid, is told that she must become the purchaser of the garment. She very generally raffles that in the factory. This occurs generally in men's wholesale tailoring works, and the garments are of no use to the women at all, so that the practice is to raffle them. In some factories the number of cases is so great that it is a weekly tax upon the workers to contribute 1d. towards these raffles. In other cases the workers are sometimes able to dispose of them. The charge is generally made at the cost price of the garment. The case of greatest hardship perhaps would be where a vest hand for instance spoils the vest and is made to take the whole suit. I have instances where a worker has been of that kind—a vest hand—and the wage that she would receive would be 7d., the charge to her would be 11s. 10d.

1843. Sevenpence you mean for the stitching of the vest?—Yes, and she would become indebted to the firm for 11s. 10d.

1844. That being the wholesale value of the vest and the coat and the trousers?—Yes. I had a list supplied to me by one firm and I obtained particulars from others showing the garment damaged, the price charged, and the price of making.

1845. Would you give us some details of that?—There was a pair of trousers damaged by a worker; the price charged was 1s. 4d.; the price of making entirely was 4d. Then there was another pair of trousers, price charged 6s. 6d., price of making 6d. In another case 1s. for making a coat throughout and the worker was charged 13s. 11d. Another worker received 2s. for making a coat throughout—that was an overcoat—she was charged 22s. 6d. She has eight children, one an infant, and is already in debt to the firm for loans that had been made to her while she was laid up. Another case, 6d. for a vest and the worker was charged 18s.; the vest only was damaged, but the worker had to purchase the whole suit. Another case a worker was charged 18s. 10d. for two suits on which she was paid—she could not tell me the price, because it was three years ago, and she had been paying off the debt as she could bit by bit.

1846. You have told us the prices upon which they were, as it were, handed over to the worker; what prices could she realise by raffling?—Very often when they were raffled they would get the whole sum for the garment; but when they were sold to friends they would generally be sold at a loss, and very often they were not sold at all and were cut up by degrees for the children; or they would be produced to me years after from where they had been put aside. In the case of khaki suits made at the time of the war they could not get rid of those at all, because the men would not wear them even in the fields, so that they had no sale for those; that was a dead loss. In one case that I took (that was a Bristol case), the girl had been given a dozen pairs of trousers to make; she had to put curved hip pockets in: she had not any pattern and had not done that work before; when she took them back to the shop they said that the pockets were put in at the wrong angle and therefore she had to buy the whole of them; they were £3, and she had been paying for a whole year before I found her; she had already paid £1 or 30s. for them. For those she had no use at all, she had got them still there.

1847. Now, have you challenged any cases of deductions—I mean, have you brought any into Court?—Yes, I have, a number altogether.

1848. How did you endeavour to hit them under the Statute; was it because of the lack of a written contract?—Yes, or the deduction not being in accordance with such a contract as the Act requires—generally by reason of there being no limit placed to the contract that it must be fair and reasonable. The usual clause in these contracts is, "All garments spoilt must be paid for."

1849. How could you hit that under the Statute?—Under Section 2, sub-section 1 (*c.*): "The amount of the deduction or payment is fair and reasonable having regard to all the circumstances of the case." I could not use that section in regard to the deduction, but only in regard to the contract under which the deduction is made.

1850. Could you not hit it under sub-section 1 (*b*): "The deduction or payment to be made under the contract does not exceed the actual or estimated damage or loss occasioned to the employer?"—Generally it was not possible to do it under that, because it was difficult to get proof of his actual or estimated loss. I always went into that question, and I found that he was always prepared to give so much evidence as to the price of the work and the price spent in wages, and that he had not charged the worker more than the cost to himself putting everything together, that it was not possible to take action under that, because these garments would no doubt have cost the occupier wholesale price, what he charged the worker.

1851. But the policy of the Act was against the payment of wages in truck?—Yes.

1852. Do you not think that the same policy might hold to apply against making deductions in truck?—I should have said—I think that is an answer to your question—that in several cases I did prosecute under the Act of 1831 and not under the Act of 1896, where the garment had been given and where part of the wage was not paid—I took it as "payment otherwise than in current coin," namely, in a damaged garment.

1853. Did you succeed in that?—Yes, I succeeded in two or three cases, and I lost two cases.

1854. Why did you lose?—There was the case of Broderick, in Bristol; that I took under that section and lost. There was no sufficiently clear evidence the magistrate said that these garments had been given as wage.

1855. That is just my point. My point is that the Statute says you are not to pay wage in truck; that was how I started; but is not the policy of the thing that when you come to make deductions you shall not make them in truck either—I mean apart from the Factory Act?—Quite.

1856. Would not that be a sound policy to try to get the law altered to?—I think so.

1857. Now, apart from the legal view that I have presented to you, would you think that harm would ensue by making the whole of this system illegal?—Harm to whom?

1858. Harm either to the employer or to the workman. The system I am referring to is the system of making a workman take over damaged articles and take the chance of loss or having to retain them—taking the chance of total loss or partial loss. Do you think any harm would ensue if that were forbidden by law?—The employer would have his loss.

1859. He would have his loss, but he would have his remedies, which would be the dismissal of an incompetent workman, and then he would realise the damaged goods in what market he could find for them, and then he could ascertain his loss definitely and know whether he would retain that workman in his employ or not?—Quite so, and perhaps I might add that in a large number of cases where a conviction was obtained for the kind of thing that I have just been quoting the employer gave up entirely letting the worker take the work or charging

her in any way ; he put the work into a job department and he has told me that he has found no need whatever to charge the worker ; there has been no appreciable loss. There is a sale for those things, and if the worker was incorrigible he got rid of her ; if it had been an accident by a good worker, as many of these cases were, he suffered not in the least by passing it over.

1860. The goods would be sold to that large company of people who are looking out for cheap bargains ?—Quite so.

1861. So that so far as practice goes you see nothing against forbidding this altogether ?—No, and to the worker I see an immense gain. The cases are so numerous and so sad of deductions in various trades, not only in those we have just been dealing with, but even still more in other cases.

1862. In cases where the goods have been left permanently with the worker—take the khaki cloth case that you referred to—in all those cases it simply means that the worker has incurred a total loss of the wages earned ?—Yes.

1863. And these are cases of humble householders ?—Very.

1864. Cases in which the wages are almost a prime necessity of an urgent kind ?—Yes. Many of these girls would be for some time the wage earners of the family, and others would be living in lodgings and supporting themselves entirely.

1865. You have now told us about the garments sold to them. The next thing is, there are deductions for spoilt or imperfect work ?—Yes.

1866. Does that sometimes amount to more than the wage ?—It does very frequently, and in that case nothing is given in exchange at all ; there is no chance even as there might be in other cases of the worker making anything. It is a dead loss to her.

1867. Would you give us an illustration of that ?—I think perhaps the pen trade is the best. There the work is skilled work and it is entirely hand work. With each article made—each pen—its perfection depends entirely upon the judgment and skill of the worker ; there is nothing automatic about it ; each pen must be perfect or it is no use to the penmaker, and it depends actually upon the woman's right judgment and manipulation of the tool and of the pen as to whether the pen is successful. In the pen trade there are a very large number of processes, a pen passes through sixteen or seventeen processes, and in each it may receive some injury that will prevent it being any use whatever as a pen ; as it goes higher up the scale in manufacture it becomes of course of more value, and some defects may not appear until it is examined pen by pen under a magnifying glass or upon a white board in a finished state. In each branch of the manufacture the worker receives the pens in a large quantity ; a pan containing eighty or ninety or a 100 gross ; they are paid so much for 100 gross. The wages vary very much, but they would be from 1s. 9d. per 100 gross to 3s. 6d. per 100 gross. Then if there is any short weight in that, or if the worker has to put aside any of the work that she has found herself perhaps to be imperfect, she would be allowed in some cases to make one gross or two gross ; then after that the rate varies ; in some factories 6d. a gross would be charged ; she would therefore be paid 2s. 3d. for perhaps ninety gross in a lot, and out of that she would make three or four gross of waste, and she might be charged 6d. a gross for those ; so that it is not uncommon to find a woman who would be earning 2s. 3d. for doing ninety gross, and would be fined 6s. or 7s. for the waste.

1868. What does the woman do in that case ?—The employer—and that was considered an element that made it "fair and reasonable" by the magistrate in Birmingham—would not deduct the whole at once ; it would be impossible, because the wage would not allow it ; but he would take off 1s a week until the whole amount had been deducted. Meanwhile, if the worker made any other waste it would be added to her general debt ; so that the result is that in some factories the workers are many shillings, often pounds, in debt to the employer.

1869. Would you mind telling me the nature of the operation that that worker would have to do—take a pen for instance ?—It is a hand process, with a die press, and a heavy handle weighted ; the worker takes up each pen and places it upon the bed, and brings round the handle —shifts it round by hand—and the die comes down and impresses the pen. There is the cutting out first of all, of the steel, into the blank, and then it goes afterwards on to the different processes ; there is the slitting of the pen down the centre, and other processes.

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1870. What would be the nature of the error in those cases ?—The tool might have been faulty and not struck exactly in the centre, or it might not have been sharp enough, or the pen might not have been held exactly in the centre. If it is the tool that made the fault the employer says she should have called the attention of the toolmaker to it.

1871. Have you brought any cases of that kind before the Court ?—I have.

1872. And have you ever succeeded ?—No, not in that industry.

1873. Has the result of the prosecution been to abolish the practice ?—Not to abolish it, but to modify it so that the rate per gross for bad work was reduced, but there are still cases now and again of very very heavy deductions.

1874. Do you see yourself any objection to abolishing that ?—No, I think it should be abolished.

1875. Leaving the worker to earn a good or a bad reputation according to results ?—Quite so.

1876. And to be employed or not employed accordingly ?—Quite so, and leading to greater care being exercised in supervising the tools. More "toolmakers," as they are called, to adjust the tools would be provided if the loss fell entirely upon the employer and not on the worker.

1877. Then the worker is involved under that system in debt for years often ?—She is, and the wages are extremely low. I think when I quoted the rate you would appreciate that, because it takes a very long time to put through that amount of work—2s. 3d. for 100 gross ; that would take her a day and a half or two days. Many of the workers do not earn more than about from 6s. to 10s. a week ; and then there is the delay in fetching their work and bringing it up and waiting for it to be weighed, and waiting for the tool to be adjusted, which is often a considerable time. It is one of the low paid trades that requires training and skill and care and judgment.

1878. With regard to these deductions for spoilt or damaged work, that of course covers cases where the plant is insufficient ?—Yes. I have here a certain number of instances that have come under my notice of some typical charges.

1879. I would like you to give us a few instances that you think might be useful to us ?—There is a case of a patent buttonhole maker ; two dozen and four hunting ties were charged to the worker at 14s. 7d. ; the wage earned was 2½d. per dozen, that is 5d. These were raffled by degrees. The only fault was that the buttonholes were too far apart. The contract was, "All goods damaged by the hands must be paid for."

1880. But it was "paid for" by handing over the goods ?—Yes ; the hunting ties were delivered to the girl, and she paid by degrees. She paid in that case ; it was not deducted ; it was a debt ; she received her wages, and she paid 14s. 7d. Those ties were absolutely useless to her ; it was a dead loss. Then there was a case of a collar manufacturer, the wage was 3s. 6d. a gross, and the worker was charged 3s. 5d. a dozen for the collars. In another case, on six dozen, the worker earned 1s. 9d., and bought the cotton out of that ; she had to pay for a whole six dozen, £1 0s. 6d. There was no fault in the workmanship ; the work was very well done, but the collars were stitched nearer the edge than the sample ; she had not sufficient instructions given to her when they were given out.

1881. Was that case tried ?—Yes ; there was a conviction. In another case the wage was five farthings a dozen, and the charge made to the worker was 1s. 6d. a dozen. In a case of a handkerchief manufacturer, the worker was paid 9d. for one gross of handkerchiefs, and she had to buy four dozen out of the gross, and was charged 1s. 5¾d. ; the rest of the work was perfectly done. There

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was a case of an apprentice in Wakefield, at a confectioner's; all "spoils," that is, cakes burned or not made well, were sent to the girls parent's charged at full price; if they were refused, the occupier entered the amount in a book, and threatened to deduct from the girl's wages as soon as she was out of her time. In that case no proceedings could be taken, as there was no deduction from wages—in fact no payment of wages, as there are no "wages" to an apprentice. Then, in the case of two breweries, it is the custom to pay for the washing of bottles 2d. a gross, and to deduct 2d. for one bottle not perfectly washed. There was one case of a girl who earned 2d. a gross for washing these bottles, and there was a fine of 2s. 6d. for a trolley full, or about three gross.

1882. Did you get a conviction in that case?—No. The owner afterwards refunded the fines and stopped the practice. There was a difficulty in fixing dates, so it was considered impolitic to take a prosecution.

1883. That was a case of a refund?—Yes. Then in the case of relief stamping of private notepaper. The price paid was 9d. for one ream; that occupied a girl from eleven in the morning till four in the afternoon. She was charged 3s. 10d. for bad work. The paper was produced to me and looked all right; no one could say exactly why it was bad; 6d. a week was deducted. In another case there were 1,000 sheets of notepaper stamped for 9d.; the weekly wage was 7s. to 14s.; the worker was charged for the 1,000 sheets of notepaper and 1,000 envelopes, £1 0s. 6d. The work was perfect, but some of the sheets had been stamped plain and some coloured, and she reversed the order.

1884. Had you a prosecution in that case?—No. In that case there were one or two technical difficulties, and the occupier at last refunded the amount, so proceedings were not taken; but the practice is still continuing in relief stamping; it is a practice that is known by the trade.

1885. Now let me put the matter to you in this way. In case of deductions for spoilt or imperfect work the penalty is sometimes in handing over the goods?—It is.

1886. You object to that?—Yes.

1887. But then the penalty, whether in handing over the goods or in deductions, is suffered sometimes for a fault of the worker and sometimes for a fault of the machinery, and sometimes for the fault of the other workers, in the case of a process?—Yes.

1888. Looking to all that, what is your view with regard to deductions for spoilt work; is it your opinion or is it not that that system should be continued by law?—It is my opinion that it should not be continued. If the loss is serious, the employer would have his remedy in another way to recover from the worker.

1889. No doubt he would have his civil remedy, but above all he would have the remedy of better supervision?—Yes, I think that is a very strong point.

1890. And always he would have the sanction of dismissal as the last resort?—Yes.

1891. But a very important remedy in your view would be not only that he would supervise their work, but that he would supervise his plant?—He would. He would also, if I may add this, take more interest and more pains in the training of the workpeople. Unskilled workers are put upon work for which they are not fit, because the employer does not take the whole risk of putting a woman upon work that she is not able to do, and the foreman will very largely put a girl or a woman on to work because the machine is idle or because they are in want of someone to do the work, and they will not satisfy themselves of her capability to do it properly, while if she does it badly they will fine her.

1892. They can be recouped by this system of fining?—Yes, and there is not the same interest shown in these trades in getting a perfect worker or training her satisfactorily.

1893. Then we come to "Charge for materials, tools, machines, etc." There is cotton and stitching material, whatever it may be, that is charged sometimes above cost price, is it?—It is very frequently.

1894. Of course you can check that by prosecution if you find it out?—Yes; the difficulty is really to find it out. The employer may or may not produce his invoices or any particulars. I have been refused those particulars, and the retail price at which one can buy these materials is not always a guide.

1895. Will you give us a list of those charges?—Charge for cotton above cost price; charge for motive power; that is often ½d. in every shilling earned; charge for gas for lighting the factory; charge for cleaning floors, windows and sanitary conveniences; charge for parts of sewing machine and other machines and tools; charge for books for entering wages, etc.; then vague charges such as "room," "hot water," "factory charge" frequently covering many conveniences or services, as cleaning, water boiled for tea, errand girl, etc. Then charges for overalls, aprons, sleeves, caps, clogs, uniforms.

1896. Now we cannot go into this in full detail, but with regard to all these things like motive power, lighting, cleaning, books, room, factory charge, overalls, and so on—these are all fixed charges, are they not?—Fixed by the employer for the worker.

1897. But I mean they are definite. The employer will know exactly what is the cost of his factory, the lighting of it, the cleaning of it, the overalls necessary for the workers, and so on?—Yes.

1898. Do you see any objection wherever there are fixed charges of that kind to abolishing the system of deductions altogether and enabling the workman to know that he enters a factory with all these fixed charges paid by the factory and his wages are so much?—I think that ought to be distinctly the case—that he enters the factory with that knowledge.

1899. Saving the investigation on possible prosecution of the technical point where the deductions are fair and reasonable, do you think it would be better to abolish the whole system?—Yes.

1900. Now do you find that good factories have abolished the whole system?—Yes.

1901. So that there only remains the kind of thing like cotton and materials that are handled by the workman where wastage may occur?—Yes.

1902. What do you say with regard to that?—That is so much a question of wage. The fair employer would estimate exactly the proportion that is spent in material and cotton, and so on, and he would pay the worker a wage which would include that, merely to prevent the waste, but he himself would bear that expense, because the wage would be inclusive of the amount for cotton.

1903. He would know from the experience of his working life what for particular operations would be the amount of raw material required on the article?—Yes, and I find that the employer does know exactly the percentage of wage that goes in material.

1904. So that even in that case, where wastage might occur by the misconduct or the carelessness of the worker, that would simply result in being a demonstration that the particular worker was not sufficiently trained or sufficiently careful?—Yes.

1905. And he could be dealt with by the ordinary discipline of suspension or dismissal?—Quite so.

1906. Would you favour that instead of the existing system?—Yes, I would.

1907. Do you think it would operate harshly on the workwoman?—No, I feel convinced that it would not. It has not done so in cases where it has been already adopted. The uncertainty at the present of the woman as to what is really the wage is very great. They are not able to calculate the wage without the material. I might quote a striking instance. In the corset trade, especially the common corsets, a large amount of cane is used, which is an expensive item, and a large amount of thread; the workers receive a very, very small wage; it is quoted to them as a wage; it may be for instance 1s. 6d. a dozen. The amount of cane and cotton used for which they have to pay really reduces that wage to 10d. a dozen and even less than that. The women are not able to calculate and realise that part of the wage that is quoted will be repaid to the employer in the shape of material. Therefore they are not able to bargain for an increase of wage; they merely submit week after week to the deduction of a large proportion of their wage for the material, and they do not realise what is the exact rate at which they are being paid. If the

employer were obliged to supply that material the inadequacy of the wage would at once be apparent.

1908. We now come to a more difficult part of the inquiry, namely, deductions for sick clubs and hospitals They are made in most factories, are then not ?—Yes.

1909. Have you had complaints about that ?—Yes, I have from time to time—very largely from those who have left or are leaving, and sometimes from the women with a very small wage and from young girls with a small wage.

1910. In principle of course you would object to all kinds of fines and deductions becoming a source of profit to the employer ?—Yes.

1911. But in regard to this deduction you will observe that it is distinctly in the interests of the workers ?—Yes.

1912. In fact it is a kind of co-operative enterprise among the workers under which they can get sick attendance and the like of that ?—Yes.

1913. You do not object to that in principle ?—No, I do not in principle.

1914. Is there substance in any of those complaints that you have had; I mean, are there any of them that you think might be rectified ?—I think where a wage is very low and the proportion deducted is high in respect of that wage, they might reasonably make a complaint. The men have a good wage, and they are able to pay their 2d. a week, but the women and young girls very often seriously suffer from any loss on their wage which is necessary to them; and, though they might be quite willing to pay a certain amount towards the sick club and the hospital, they are not willing to have this 2d. taken off in the office week after week, without their being consulted at all.

1915. A suggestion has been made to us that in the case of any deductions still to be permitted by law there might be a provision for a committee of workers and employers in the locality fixing the reasonableness and the ratio to wages. Have you any views with regard to that ?—Yes, I think that would be very good if it were really representative, but I find so often where there is something of that kind that all classes of workers have not been included; it has been framed too much from the men's point of view; the women have not been sufficiently consulted, so that they accept what has been done for them very reluctantly and feel that their view—taking into account their small wage and their having to be absent sometimes and lose work—has not been sufficiently represented and the scale of pay has not been fixed within the limits that they feel they could legitimately spare.

1916. I suppose I might take it from you that, running all through your evidence there is the great hardship that occurs, or may be rendered deplorable by the fact that there is little or no organisation of female workers ?—That is so.

1917. If they had organisations that could articulate their complaints and emphasise them, some of those things of which you have given us samples might disappear ?—Yes.

1918. Then there are deductions for cook or mess room. These are becoming increasingly common, you say ?—Yes.

1919. But they are not ordinarily objected to ?—No, they are not. *Miss R. E. Squire.*

1920. Except by those who never use the facilities provided ?—Yes, 21 June 1906.

1921. But upon the whole you think that is rather a good thing ?—I do; where the workers actually use it I think it is very good, and they appreciate it, as long as they get value for their money.

1922. And in your experience you have found value got ?—In certain cases good value; in others, very poor indeed; they would pay for a gas stove week after week that was in bad order and that was not sufficient for the requirements of the number, and matters of that kind that want carefully looking into.

1923. Then you say that a widespread idea exists among factory operatives that all deductions from wages were rendered illegal by the Truck Act, and that agreements respecting them have no legal force ?—Yes, I found that almost universally.

1924. How has that arisen—I suppose just because the Statute began by saying "deductions are illegal" and then all the rest was exceptions ?—I think that is it. The fathers and husbands of these women always meet me on that ground, and I fail to convince them, generally, that deductions can only be regulated.

1925. Then you say, "In not a few instances fines and deductions have been altogether abolished, or greatly modified, in factories, where formerly they were largely used, and the occupiers have expressed themselves as entirely satisfied with the result as regards punctuality, discipline, and quality of work. I have specially watched such cases and can quote instances." Will you give me those instances ?—There are one or two large factories where there were very heavy fines and deductions when I first visited.

1926. In what district of the country ?—In Bristol and in Birmingham; the practice of fining is very prevalent in both those districts. When these things were represented to them, and especially after conviction had been obtained in the neighbourhood and a press notice had appeared, the occupiers either asked advice, or pressure was put upon them to give up these practices—both fines and charges for bad work—and they did so, in tailoring, corsetmaking, pen factories, chocolate making, and many others. When I visited some time afterwards to check it, I found no grievance at all; I had to introduce the subject in order to find out whether the employer had suffered, and he treated it then with indifference—that he had no case at all.

1927 Then you say that "charges for damaged work have ceased in all the factories where convictions were obtained for illegal deductions or charges under this head, or where a severe caution was given" ?—Yes, and even where the case was dismissed.

1928. Has any complaint been made by the occupiers that the amount of work damaged has increased in consequence ?—No.

1929. What has increased, you have no doubt, has been discipline in the correct sense—watchfulness and supervision ?—Yes. And a large number of these cases have not been due to any real faultiness of the worker; in many cases they had been the accidental fault or misfortune of a good worker.

TENTH DAY.

Tuesday, June 26th, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Miss ROSE E. SQUIRE, one of H. M. Inspectors of Factories, was recalled; and further Examined.

[*Miss R. E. Squire.*]

26 June 1906.

By the Chairman.

1930. I am desirous of asking you to-day with regard to the litigations to which you have been a party, so as, if possible, to obtain the advantage of your experience as to the contraventions that you have either checked or attempted to check, and your observations upon them. Would you mind taking in the first place the cases which have gone to appeal?—The case of *Squire* v. *Sweeney* was the first that went to appeal.

1931. That appears in the Irish weekly law report of the 30th January, 1900, upon a preliminary point, but the real decision appears to have been on the 27th of June, 1900. I understand the question in *Squire* v. *Sweeney* was whether Section 3 of the Act of 1831 could be effectively appealed to in a case which you allege as one of paying a worker otherwise than in current coin of the realm?—Yes.

1932. Please tell us in your own words the facts of this Sweeney case?—Messrs. John Sweeney & Sons are a firm of grocers in Dunlow, county Donegal, and they are also agents for Belfast firms in giving out wool for knitting into hosiery. The defendants paid the persons who knitted hosiery by handing to them either grocery or a ticket with a value in money marked upon it. In the particular case that went to appeal Mary McGeogeghan, a woman living alone in a cabin at some distance, took out wool which she knitted into hosiery, socks, and received in exchange a ticket with, I think, the sum 2s. 3d. marked upon it. She returned to the shop with that ticket and received groceries for it. The summons was for paying otherwise than in current coin, that is to say, by a ticket with the money value upon it.

1933. You refer to Section 3 of the Act of 1831, which stipulates that the "entire amount of the wage earned and payable by any artificers in respect of any labour by them done shall be paid to such artificers in the current coin of the realm and not otherwise." ?—That is so. The case came before the court seven times; for the first two or three times the witnesses could not be obtained, they had absconded. In the first instance a warrant was issued, but they were not to be found the second time, and in the third some technical objection was made to the summons. Finally it was heard on the 6th of March, and the bench then was divided, nearly half of the magistrates being in favour of a conviction.

1934. Was it a large bench?—There were eight magistrates present. An objection was taken to four of them, first by myself when I conducted the case, and then by, Mr. Murphy, who appeared for the Attorney-General of Ireland.

1935. What was the ground of your objection?—That four of the magistrates were engaged in the same trade and occupation as the defendants, and that a fifth was a nephew of the defendant. The magistrates refused to withdraw and the case was heard. The five who were interested in the business were the five who were against a conviction. Four similar cases had previously come before the courts and convictions had followed in each of those cases; but this case was very hotly contested, and finally the summons was dismissed, the majority of the magistrates being for a dismissal on the facts. Application was then made that they should state a case and they refused. Finally they agreed to state a case, but the two resident magistrates and two other magistrates refused to sign that case as being grossly incorrect and misleading. Finally a mandamus was issued and a case was stated for the High Court. When the case came before the High Court, two points were raised which had not been raised at the hearing. They were that the work was not manual labour, because knitting did not exercise the sinews and muscles, therefore that it could not be manual work, and the second point was that the woman did not come within the definition in the Employers' and Workmen's Act of an artificer, in respect that there was not a contract of service or a contract personally to execute the work. The Lord Chief Baron in giving his decision stated that he was of opinion that the work was not manual labour, and that the workwoman was outside the definition of an artificer.

1936. Would you please explain the second point more clearly?—It was argued that the woman who took the work did not agree with the person who gave out the work that she would do it herself personally. It was said that the only verbal understanding with them was "here is certain material, bring it back in the form of knitted socks," and it was not asked or required that the work should be done only by the person to whom the wool was given; that it was in many cases, as a matter of fact, done by relatives of the person who took the wool, and that it was essential to the meaning of an "artificer" within the Act that there should be a contract of service, that is, a contract for a definite period of time, or that there should be a contract personally by the workers to execute the work with their own hands. I was not able to prove that either of these conditions existed in the case of the out-workers in Donegal.

1937. There was no writing of any kind?—No. Persons came to the shop and asked for wool, which was given to them, and they brought it back knitted. Some of these persons did the work themselves and some employed relatives at their homes. In the case to which I have referred the woman had done the work herself.

1938. It appears from your narrative that upon both points the prosecution failed?—Yes, that is so.

1939. Take the first point, that the work was not manual labour. I suppose that followed other decisions?—It did.

1940. And was largely governed by precedents in England?—Yes.

1941. Have you any view about that?—My view was strongly represented at length by counsel at the hearing, namely, that the movement and the use of the hands in knitting was distinctly manual labour.

1942. Do you think there would be harm to anybody in getting the definition of manual labourer or manual worker or artificer extended to cover such cases?—I think it would be a very necessary step.

1943. You do not think any harm would ensue?—No.

1944. But good?—Good decidedly.

1945. Then with regard to the second point. Will you explain what is your view about that?—I hold a very strong view that the number of out-workers throughout the country being so great, and the oppression exercised by the persons who give out the work to them being of such a very serious character, it is essential that they should be protected by the Truck Act as much as any worker within a factory or workshop.

1946. I gather that the question in *Squire* v. *Sweeney* did not so much turn on the definition of outworker as on the absence of a personal contract.?—That was so. The same point as was raised in the Midland Lace Company's case.

1947. The point of the decision seems rather to be not that it was an out-worker who was concerned, but that it was a person who had entered into no contract for personal service ?—That was so.

1948. What is your view as to a remedy ?—That the Act should be amended by a clause providing that nothing in the definition of a worker should exclude persons by reason of the fact that they do not make a verbal or written contract to do the work personally.

1949. Was there any evidence given in that case as to how the actual knitter was paid ?—Yes, the evidence was quite clear, as in the other cases where there had been a conviction, that the worker was paid in goods, and that no coin at all passed in the transaction.

1950. But there was a middle hand in the case between the person who did the work and the person who got the work and supplied the material ?—In the case in point the person who actually did the work came from her cottage to the place where the wool was given out, then she knitted the wool, and brought her work back, and was paid in groceries.

1951. I understood that members of her family have assisted ?—There was nothing in the arrangement to prevent it, but as a matter of fact, that was not so in the case.

1952. Was it true that it was the direct knitter who furnished the goods ?—Yes, that fact was proved—the direct knitter.

1953. So the difficulty arose out of a simple abstraction or possibility that that knitter might have farmed out the work ?—Yes.

1954. But as a matter of fact nothing of the kind was established ?—Quite so. We selected the case of a woman who herself did the work so that there might be no flaw.

1955. I suppose you have a strong view on the subject ? —Very strong indeed.

1956. Do you think it would be a valuable improvement in the law if it were held to apply where it is proved in fact that the work is done by the recipient of the goods ?—I think that would be an improvement, but I do not think from my experience of the out-workers that that would go far enough.

1957. As a second step, do you not think the law might, with advantage, be made strong enough to meet the case of an outworker, whether under direct contract for the supply of goods or not, who is paid in goods ?—I think so.

1958. Have you any further view on that subject that you would like to state ?—I should like, if possible, to see the law extended in such a way that it would not only include the person who actually did the work, but say the mother of a family who employs her children to help her with the work, or who has been helped by her sisters, she herself going backwards and forwards. I think it might also be well if the law could include what we know as small contractors—that is, persons who do work themselves but also make a practice of giving quantities of it to others. In such a case the woman herself deals entirely with the giver-out, and if there is any flaw in the work, she is made to pay for the loss or damage, although she herself may not have caused the loss or damage.

1959. Under the decision in *Squire* v. *Sweeney*, it would be impossible to catch that case ?—Quite impossible.

1960. I assume you think the law should be made so as to get at such a case ?—Distinctly.

1961. Do you think there is often hardship caused in such cases ?—Yes, a great deal of hardship. I have had a large number of cases where I considered there should be prosecution, before the decision in England was given, when we were still prosecuting in respect of outworkers. I refer to cases where I found the woman suffering severely and in debt to the employer for perhaps over £1, herself a widow in very straitened circumstances, not able to do much work, but doing a little herself, and giving the rest out to neighbours. She might have large sums deducted from the amount due for the work in respect of damage which she herself had not caused, and being a sub-contractor she might be unable to trace the damage to the person who had actually done it. In fact, the damage might only be found out at the warehouse, and the poor woman, although herself in great need, might have to pay for that damage. I could not prosecute, however, in such a case, because she was a contractor, and what she was receiving was not wage but profit.

1962. Has your experience ever covered a case of this kind ? That the person so hit by deductions has passed off the blow to the actual knitter ?—Yes, that does occur sometimes.

1963. But the law is practically powerless, is it, where there is an intermediary ?—I think that in such a case we might have proceeded, but for the decision that an outworker is altogether outside the provisions of the Act, unless she personally contracts to do the work.

1964. I think the next step in your litigation was the case of *Squire* v. *Bayer*, decided in May, 1901, and reported in 2 King's Bench, 299. I understand that in that case you founded upon the Act of 1896 ?—Yes, that was so.

1965. And your anxiety was to enforce Subsection 1 of Section 1 of that Act which prohibits contracting for any deduction from wages unless the contract specifies the acts or omissions in respect of which the fine or deduction may be imposed ?—Yes.

1966. We have heard the details of that case, and I think the rule of the works was that all workers shall observe good order and decorum while in the factory ? —Yes.

1967. And your view, not unnaturally, was that that was not a sufficient specification of the acts or omissions ? —Yes, that it was too vague.

1968. But the court held that although the rule did not specify the particular acts or omission, still there was a sufficient compliance with the requirements of the section ?—Yes.

1969. What happened in that case was that somebody was playing upon a Jew's harp ?—Yes. The girls were left in the workroom during the dinner-time, and they had been amusing themselves. One girl playing on a little mouth harp and others dancing to it.

1970. The difficulty arose in that case largely because of the finding of the magistrates upon the facts ?—Yes.

1971. What was the composition of the magistrates' court in *Squire* v. *Bayer* ?—It was a justices' court, there were two justices, they found, as a fact, that the act was unruly, one which caused dust and that dust might cause injury to the work or materials of the employer.

1972. What was the nature of the work ?—Stitching corsets. The corsets were left lying on the benches during the dinner-time, and the magistrates found that the dust might be raised by dancing, which dust might reach the corsets and injure them.

1973. Do you think you could frame a form of words more clearly than those already legalised by Parliament to meet such cases ?—It seemed to me before the decision was given that the words as to specifying and describing the acts or omissions were sufficiently clear.

1974. Of course Parliament would proceed negatively, and say that no general rules would satisfy these words ?—Yes.

1975. Does this case suggest to your mind anything about the whole system of fines ?—It appears to me that fines of that nature should not be permitted in a factory, because they are open to such abuse. There are fines of a kind that no regulations in the Act would prevent the creeping in of injustice to the worker.

1976. Of course the rule in question was purely disciplinary ?—It was.

1977. Suppose all fines of that character were abolished, what do you think would be the result upon discipline ? Do you think there would be confusion or loss ?—No; I think the same good discipline would be maintained as is now maintained in large works where there is never any fine, but where it is understood clearly by the worker that no act of insubordination will be tolerated. The manager and foreman control the girls by influence and by other means, but there is no fine of this nature, to my knowledge, in most large well-conducted factories.

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1978. Do you think that the ordinary reluctance of the workmen to do an act which may produce dismissal might have a disciplinary effect ?—Yes, I think that is sufficient in most cases.

1979. Coupled, on the other hand, with the requisite supervision ?—Quite so.

1980. Now we come to the important point of *Squire* v. *The Midland Lace Company.* That was decided in 1905, and is reported in 2 King's Bench, page 360. That was taken under the Statute of 1896, Section 2, Sub-section 1 (*b*) ?—Yes. Sub-section 1 (*b*) is : " The deduction or payment to be made under the contract does not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman, or of some person over whom he has control, or for whom he has by the contract agreed to be responsible." I should have read Subsection (*c*). " The amount of the deduction or payment is fair and reasonable, having regard to all the circumstances of the case."

1981. That being what you founded upon, will you just narrate the circumstances briefly ?—The firm are manufacturers of lace, and they give out the pieces of lace to have the threads clipped and the necessary threads drawn to separate the lace into lengths. This lace is given out to a large army of workers, who take the work to their own homes and bring it back clipped.

1982. What was the locality ?—This was in Nottingham. They also employ a certain number of these women from time to time inside the factory. Of these women one was employed outside and one inside the factory during a large part of her time. The lace work is paid at a very low price, and if it is not done perfectly, if there are any holes cut in it, or if it is not good work, the amount is stopped from the worker's wage. In those cases the deductions varied from 4d. to 6d.—chiefly 6d.—a week, and the wages varied from 10½d. to 2s. 6d. in the week. The worker during her work in some weeks would get very small wages ; this one sometimes 10½d. and sometimes 2s. 6d.

1983. How many hours would she be engaged earning her half-crown ?—It works out, as a rule, about 1d. an hour, sometimes ¾d. or less. In this case, on the date in question—Thursday, June 30th—a deduction was made from this worker's wage to the amount of 6d., the total wage being 1s. 11d. That 6d. was part of a larger sum deducted week by week. She was a policeman's widow, and she lived by herself, and she took this work out to aid her pension ; she was not a very skilled worker ; when she took the work in she had 6d. deducted from the sum due to her, and she found by degrees that week after week 1s. and 6d was deducted ; then she asked the reason, and found that she was paying for work that she was said to have damaged. That is, work that she did herself.

1984. Will you tell me what she got and what she brought home ?—She took out a piece of lace as it came from the loom, just at it was woven ; then her work was to separate this lace by drawing the back thread ; then it would be separated into lace such as is sold in the shops by the yard. Then from the back of that lace she would clip the superfluous threads that connect the pattern. The machine makes the pattern and then the threads on the back connect the sprigs and leaves, and they have to be cleared away. That requires very good sight and care, or else the worker's scissors will clip into the fabric and make holes.

1985. This widow discovered that she was having deductions made ?—Yes. The point in the Act that there should be particulars in writing showing the acts or omissions on each occasion had not been complied with, and this worker was in ignorance as to the total amount, and the time that she might be paying for this work. That I ascertained at the factory. Then I took proceedings because of the general unfairness and unreasonableness, as it seemed, of the deductions. There was, as a matter of fact, no contract with the outworker, and therefore the proceedings were taken for the deduction being not in accordance with the contract—not in pursuance of any contract—as required by the Act.

1986. Although in point of fact you had the two points behind, namely, that the deduction had been made exceeding the actual or estimated damage, and also that it was not fair and reasonable ?—Quite so. Those two points were argued and pressed upon the Bench, the technical offence being to make a deduction in the absence of any contract whatever, such as the Act requires.

1987. Still, your complaint was that there was a violation of the Statute in respect of there being no written contract ?—Yes, that was the complaint.

1988. I mean there was no part of the indictment or complaint that referred to the other things as substantial offences ?—No, the whole indictment was that they had illegally made a deduction in that the deduction was made in the absence of such a contract as required by Section 2.

1989. Now will you give us the decision in that case ? —The decision in the High Court was that these workers were not within the Statute because they did not contract to do the work personally. The magistrates found as a fact that the work was done by the women themselves in their own homes, but that there was no undertaking on their part to do the work personally, and that the firm did not require such an undertaking—that the whole transaction was the lace being handed over to the worker to be brought back clipped ; no questions were asked as to who did it and no undertaking was given.

1990. Now there, as in *Squire* v. *Sweeney*, the same thing was found in fact, namely, that the worker whose case was in question, had actually performed the work ?—That is so.

1991. But as in *Squire* v. *Sweeney*, so in *Squire* v. *The Midland Lace Co.*, there was a possible abstraction behind, namely, that she might have performed her contract by getting somebody else to do it ?—That is exactly the position.

1992. And it was upon that abstraction that the Courts thought that they could not decide, or that they did not require to decide the case upon the proved facts ? —No. It was dismissed entirely by the magistrates at the petty sessions on the point of law, and it was decided in the High Court on exactly that point without any reference to the facts.

1993. Now just take that case. You think that that is typical of an outworker's case ?—Quite typical.

1994. And that it would be open in all outworkers' cases to make the same defence that was made successfully then, namely, that there was no contract for personal service ?—Quite so. In the numerous cases of hardship and complaints made to me by the outworkers since that case, I have endeavoured to establish that there was some contract, some verbal understanding or some agreement that would come within the definition of a contract under the Truck Act of 1831, with the outworker to do the work personally, but I failed to find it ; it is so indefinite.

1995. Now, that depends upon this, that in the case of persons engaged inside a factory or inside a workshop there is a personal contract which can be enforced by their presence there under supervision ?—Yes, that is so.

1996. What is your view as to the principle of outworkers' work being protected by Statute ?—I think it is most essential that the outworkers should be protected by a Statute that would definitely include them, without any possibility of their escaping the definition.

1997. Are you able from personal experience to testify to the hardship, and possible misery, that is caused by their non-inclusion ?—I am, most emphatically.

1998. How does it operate ?—In the first place, the outworker never knows how much he or she is going to pay ?—No ; there is a general vagueness of the contract altogether ; then, the payment may be made, as it is in the instance I have already given and elsewhere, otherwise than in current coin.

1999. Once the outworkers are outside the Statute, then of course all the things that the Statute aims at lose their effect, that is to say, fairness and reasonableness, not exceeding the actual or estimated damage, not being paid in current coin, or anything at all, all the protection of the law fails ?—Quite so, and all the fines that may be imposed for trivial acts are largely imposed on outworkers.

2000. In all these respects is it your opinion that the hardship continues to be inflicted ?—Yes, I know it does up to the present.

2001. And you are somewhat urgent, I understand, as to the law, if possible, being amended in that respect ?—Very indeed.

2002. Again, if it were amended, do you think harm would come to anybody ?—I cannot see how harm would arise at all from that. They are a class that deserve every protection that they could have. Under Section 3 they require protection, because they buy very largely their materials to be used in the work, cotton and so on, from the employer, and I find very, very heavy charges are made for the materials, far in excess of what the occupier himself pays, so that he is making a profit out of the outworker in many cases by the cotton he sells to them; that we can now do nothing to prevent.

2003. All that is completely blanketed or kept out of view by the fact that you cannot put into operation in the case of outworkers the Statute ?—It is, quite.

2004. Now, you have given us very clearly the important litigated cases. Would you now indicate those cases where the prosecutions have not gone to the Appeal Court, because of the findings of fact being so clearly against you ?—Yes. There have been numerous cases which were taken under very much the same circumstances as the others, but, as they were dismissed on the question of fact, I was unable to take them to the High Court. I will mention the case of C. Brandauer and Co. of Birmingham, the steel pen manufacturers. There were heavy deductions made from the outworkers in respect of pens that were alleged to have been damaged by them, and the magistrate dismissed the case, because he found as a fact that the deductions were fair and reasonable. He based his decision entirely upon the fact that the deductions did not exceed the damage or loss occasioned to the employer. That subsection in my experience has made more impression upon the Courts than Subsection (c) that the amount must be fair and reasonable having regard to all the circumstances. The previous subsection is that it does not exceed the actual or estimated loss or damage. That is a matter that can be very well pressed home by the occupier, who is able to bring a good deal of evidence to show the amount that he has lost by the worker's carelessness, and the magistrates in nearly every instance where these cases have been dismissed have placed very great stress upon the loss of the occupier.

2005. Now, can you give me the proportion to the wages of the sum deducted from the worker ?—I will take the first case I mentioned, the case of Brandauers of Birmingham, the penmakers; a girl of fourteen earned in a week 8s. for every 200 gross and was fined 6d. a gross for eight gross; that was 4s. That meant that she did 100 gross, admittedly perfectly, for nothing. Another girl did ninety gross and earned 2s. 3d.; that took her a day and a half; she was said to have made bad work to the extent of six gross at 6d. a gross; 3s. was deducted from her wages. That meant that she did a day and a half's work for nothing and made eighty-four gross of pens perfectly without wage. A married woman, a grinder, a good worker, who had never made waste before and had been employed for eighteen years, earned 2s. 3d. on ninety gross and was fined 15s. 3d.; the deduction was made by 1d. in every shilling earned week after week until the whole had been deducted. The magistrate in his decision stated that he considered that that was a great element of fairness and reasonableness in the deduction—that the whole was not taken at once—but it resulted in the workers getting permanently in debt, many of them, to the employer; the penny in the shilling deduction went on every week because before one set of waste was paid another commenced, and several workers in the factory were £5 and more in debt.

2006. So that in these cases the proportion of fines relative to the total wage was enormous ?—It was.

2007. In the first case you cited it amounted to 50 per cent. ?—Yes.

2008. Have you any views as to fines in such cases for damaged work ?—I think in the large majority of cases that have come before me there was no case made out by the employer for a fine at all. In many of these cases the worker was known to be a good worker, and there was some fault which would require very careful inquiry to elicit whether it was the tool that was to blame or whether it was the actual carelessness of the worker. In many similar factories a case of that kind would be met by caution to the worker.

2009. Do you favour the total abolition of deductions for waste for spoilt work and damages ?—I do.

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2010. Failing the total abolition, would you favour at any rate, that in no week should more than a certain percentage of the wages be deducted ?—Yes, and with piecework I should like to go further than that—that the deduction on a certain piecework should not exceed a certain proportion of the piecework rate on that particular work. The wage that is earned in the week is due entirely to the effort of the worker, and she is employed continuously on small jobs at a low wage, and in every one of those she takes a very great risk if she is to be made to pay for any damage. My opinion is very strong that any liabilities of hers should be limited to some fair proportion of the wage on that particular job.

2011. Now to come back to the critical question. If the deduction for wastage were made illegal do you think there would be worse work than before or less work than before ?—I do not think so, because in every one of the cases that I have taken, the deductions that were complained of have been immediately stopped, whether there was a conviction or whether the case was dismissed. I have taken pains to ascertain from the employers whether their work has suffered afterwards from their greater leniency to the workers, and I have not had a single case of complaint from the employer that there has been any increase in bad work.

2012. Then have you any other case on facts which you have not appealed ?—Yes. There was the case of *McBride* v. *Williams*; that was an Irish case, in which the question of appeal was considered, but that was dismissed on the facts. In that case the conditions were much the same. A girl was fined 1s. 5½d. for soiling four dozen handkerchiefs; her wages were 9d. for twelve dozen; they were a common type of handkerchiefs that had to be very rapidly passed through the machine, and the wage would not allow of very great care being taken; they were rough coarse work.

2013. Just see that I am right. She was paid ¾d. a dozen ?—Yes.

2014. And if one of any dozen was spoilt, it reckoned as a dozen spoilt ?—Yes.

2015. And for that dozen she was fined 4¼d. ?—Yes.

2016. Her total wage for the dozen was ¾d., and she was fined 4¼d. if any one of the dozen was spoilt ?—Yes. There was no evidence there at all that the soil was occasioned by the worker. The handkerchiefs were found soiled and she was fined. There was admittedly in that factory no effort made among such a very large number (between 400 and 500 workers) to trace the damage to the worker. Work that had passed through a particular set of hands was reckoned to that worker if not found satisfactory.

2017. What did the girl do with the handkerchiefs ?—Sewing machine hemming. Another girl was fined 5¾d. for damage to three dozen handkerchiefs; her wage (she was only a learner) was from 2s. to 10d. a week. Another girl earned 7d. on handkerchiefs for which she was fined 5s.

2018. Now let me ask you this. Many of those fines are imposed irrespective of whether the workers are skilled or only learning their business ?—That is so.

2019. Does not that seem to you to be a case in which the learners for instance should be paid so much less and not subjected to fines at all ?—Yes. They are as a matter of fact paid less than the others, they get a lower rate more often, and if they do not get a lower rate they are put on to the very low class of work that is otherwise distributed together with better work.

2020. You mean that they actually get a lower rate as learners and have the reduction made from the lower rate ?—Yes. The magistrate in giving his decision there said that on the facts he could not say that the deduction was unfair, because it had been made by instalments and did not exceed the damage or loss to the employer; he considered that the deduction from a learner was reprehensible but he did not consider it a sufficient evidence of unfairness for him to convict.

2021. Have you any view having regard to those cases as to whether it is possible to have an independent authority like the inspector pronounce an opinion as

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to unfairness or unreasonableness, or, if not the inspector, a joint committee of workers and employers ?—I think the joint committee is preferable to the inspector.

2022. Then have you any other case to put before us ?—In the case of the Green Mount Spinning Co., also in Dublin, proceedings were taken under the same section that the fines were not in accordance with such a contract as is required by the Act, not being fair and reasonable. In that case the magistrate also on the facts dismissed the case. He held that the fine was reasonable. In one of those cases there was an old woman, a sweeper ; every week she was fined 1s. from a wage of 6s. for being late. The magistrate agreed with the counsel for the defence that the wages were to be regarded as a charitable dole to which the firm attached the condition of punctuality, and as this had not been fulfilled, as she had been late, they were entitled to make this fine, and it was, in the circumstances, not unfair or unreasonable.

2023. There was no writing there ?—There was a contract in that case—a contract to make a deduction. The offence was not that there was no contract, but that the deduction was not in accordance with the contract, not in accordance with such a contract as the Act requires ; in that it was not fair and reasonable.

2024. At all events you did not appeal there ?—No, because it was entirely a question of fact. And there was also in that case a question of deduction for spoiling work. A quantity of waste was found in the spinner's bag ; she objected that she did not make the waste ; that it was put there by another spinner, but she was fined a considerable sum for that. The element of unfair and unreasonable was considered in that case to be that the amount of the waste was very small in proportion to the fine, that the woman was a careful worker who would not be likely to make waste ; that she had worked for many years without doing so and that the wage in that factory is exceedingly low. We have had great difficulty in laying the informations under that section for what was not fair and reasonable, because of sub-section (*c*) merely being attached to the contract and not to the deduction, so that the deduction had to be attacked in every case through the contract. In the first case that was taken for an unfair and unreasonable deduction, the information was laid solely under sub-section (*c*) and stated that it was an illegal deduction in that the amount was not fair and reasonable having regard to all the circumstances of the case. That case was dismissed by the magistrate as he said he could not hear evidence as to the unfairness and unreasonableness of the deductions because there was no contract of any kind, and therefore, the firm were not at liberty to make any deduction.

2025. I am not quite sure that I follow that ; it is my fault I have no doubt ?—It was rather a curious case, and we have always since that case laid the information through the contract, attacking either the absence of the contract or the fact that the deduction was not in accordance with the terms of a good contract, or that the contract itself was bad because it did not include the limitation that the deduction must be fair and reasonable.

2026. I fancy the judge would rely upon the operative portion of Section 2, the beginning being "The employer shall not make any contract with any workman unless" so and so ?—Yes, that is so.

2027. He thought that all the rest of the section was ancillary to the operative part ?—Yes, and that the information should merely be laid under Sub-section 2, "An employer shall not make any deduction or receive any payment unless the payment is in pursuance of, or in accordance with, such a contract." Three cases were taken in Leeds for the sale of damaged garments to workers. There was a conviction there, but they illustrate the point that I am upon: for this cause they were specially taken. In the first case there was no contract whatever and a deduction was made. In the second case there was a bad form of contract ; it merely said any work damaged will be charged for, and there was a deduction. In the third case there was a good form of contract which followed the terms of the Act exactly, but the deduction was not in accordance with it as it was not in itself fair and reasonable.

2028. Now does the whole of that suggest to you that this bit of legislation about deduuctions in accordance with contract needs to be overhaled ?—Yes, very much.

2029. Would it be an improvement even as things stand that, instead of the provision being a contract with a deduction, the law should directly hit at a deduction from wages ?—I think myself it would be a very great improvement, once allowing that deductions for these matters are to be permitted.

2030. Of course you do not grant that deductions should be permitted at all ?—No, I do not grant that, but if I had to proceed under any Act that allowed them, it would be a very great help in proceedings before the Courts to be able to attack the deduction itself. I have known great difficulty in many cases in getting in any evidence at all. The defence has treated it entirely as a technical matter ; the magistrate has been inclined to agree, and sometimes no evidence has been allowed at all as to the unfairness and unreasonableness, and I have been left merely with a conviction and a small penalty upon the technical matter.

2031. The major grievance is the existence of the possibility of making deductions at all ?—It is.

2032. You are against that ?—Yes.

2033. Is there any other case you would like to call our attention to on the facts—I mean of any different character to those you have dealt with ?—I think not. There is one point—I do not know whether I should mention it now—in laying the informations. The Act makes no provision that the ostensible occupier may be proceeded against, as in the Factory Act and that has occasioned great difficulty under the Truck Act. In all cases under the Factory Act it is quite sufficient to proceed against the ostensible occupier.

2034. Would you mind calling my attention to the section ?—This is the Act of 1901, Section 146, Sub-section 3 : "It shall be sufficient to state the name of the ostensible occupier of the factory or workshop, or the title of the firm by which the occupier is usually known."

2035. That is a convenience in factory prosecutions. In the Truck Act you say there is no similar provision ?—There is no similar provision, and we have no power to obtain the names of the firms. That has occasioned great difficulty, because in some cases we have proceeded against the firm, and the proceedings have gone on with no question being raised ; in others, immediately the defending solicitor has made objection to the summons because it was in the name of the firm and not in the name of individuals. In Ireland that led to the adjournment and to the obstruction case, because we could not find out who were the persons against whom we should proceed, and when we went to inquire we were not allowed to make the inquiry. In another case where a firm was being proceeded against I found as well as I could from inquiries in the town (it was in Leeds) the name of the occupier, and laid the summons against him ; when the case was heard the solicitor said that the man had been dead for some years ; we could not find out then the name and an adjournment was asked for, but I happened on that to see the two gentlemen in Court that I had seen in the factory, and I was able to point them out to the stipendiary magistrate, and he had their names put in ; but I did not know them, and I had no way of finding out who was the person against whom I should proceed.

2036. Have you any other suggestion to make ?—I think that is all that arises out of those cases.

2037. Now, your operations of course are covered by the Factories and Workshops Act and the Truck Act ?—Yes.

2038. Neither of those Statutes applies to shops ?—No, not at all, only to places where work is given out.

2039. You would describe those things that you have had to challenge by way of prosecution as abuses ?—Yes, I should.

2040. Have you any reason to doubt that there are similar abuses in connection particularly with large shops ?—No, I know that there are very similar abuses.

2041. Have you any view as to law affecting such cases ?—The Truck Act does apply, does it not, to shops ?—It is only that the factory inspectors have no power to administer it. The law does apply to shop assistants.

2042. The difficulty we are confronted with is this : that we can get nobody apparently who can give us anything like official information as to malfeasance, if you like to call it so, in shops ?—Yes, but the employees themselves will be able through their organisations to give you that.

2043. Do you not think it would be expedient to have some systematic inspection of shops ?—I think very much so, and I have been asked by shop assistants as I passed through on my way to the workrooms very often whether I could not do something for them.

2044. Your own personal experience, as it were, has not covered shops ?—No. Miss Deane, I think, has some information on that point.

2045. I wonder if you could tell me your view upon this, or if you have any view upon it. Suppose, on the one hand, central Government inspectors like yourself; suppose upon the other hand municipal inspectors who examine about sanitation and things like that. Between these two sets of officers, which would be the more efficient for inspection of shops, do you think ?—The municipal inspectors already have certain duties in shops with regard to seats and hours, and I should imagine that they would be able to enforce the Truck Act as regards shop assistants in matters of discipline. The question must already arise sometimes with regard to the seats, I should imagine.

2046. You have no experience as to whether, as it were, the municipal screw could not be applied to a local officer on similar matters to this ? We recognise very gratefully the entire independence of the inspectorate of whom you are one. Do you think there would be the same independence on the part of municipal inspectors ? —I think it would be a very much more difficult matter for the local inspector, where the feeling was very strong in a particular town; it would be far more difficult, because in the case of shops where I know these fines exist they are shops that belong to persons of very high standin the town, members of the council, and so on; it would be a difficult matter no doubt for the inspector who served under the Council.

By Mr. Ramsay Macdonald.

2047. I should like to ask you first of all if you have any experience in the exempted cotton districts ?—A slight experience.

2048. Have you formed any conclusions as to the effect, particularly upon women, of those exempting provisions ? —Yes, because I have been approached by the women very largely in the cotton districts to extend the same help to them that I have extended in the neighbouring woollen and worsted districts, and I had to refuse, pointing out to them that they were exempt. But the details of the cases were placed before me, and there was nothing to distinguish them from similar cases where I had acted in the woollen and worsted districts.

2049. Would it be possible, either now, or by way of supplementary information, to give us a list of typical cases that have been brought before you explaining the nature of the fines about which complaints have been lodged with you ?—I could get one or two instances, but they would be more representative than exhaustive, because as the matter was outside my powers, and I was engaged then under great stress upon another inquiry that was within the Act, I did not make the same notes of those as I should of any matter with which I could deal. There would be only one or two that would be representative of others.

2050. I think it would be interesting if we had details so far as you can supply them relating to those cases, in the same way that you have given us details relating to Ireland, Somerset, Cornwall and other places ?—I will endeavour to get one or two instances; they would be only representative, and not exhaustive at all.*

2051. Speaking generally, how far would you say those conditions which you say have existed in Ireland, Somerset and Cornwall exist now in those counties ?—I believe they are very much the same.

2052. Just as bad as ever ?—When I made inquiries more recently I found that the workers told me they could get money sometimes when they asked for it, but it was an understanding that they should get goods.

2053. The actual cases that you brought before us were cases that you experienced three to six years ago ?—Yes.

2054. Have you any idea of what the effect of those legal decisions that you have been referring to has been upon these practices ?—In Ireland I made an enquiry to find out, and I found that most of the persons engaged were impressed with the fact that there had been convictions, and they considered that it was illegal, and therefore it was most difficult to get any information. The fact that the High Court decision had really put those workers outside did not seem to have impressed them so much as the convictions actually in their own neighbourhood. The practice was still going on, but it had been driven deeper in, so that it was difficult to get information.

2055. So that it is more important than ever that we should have legislation on the subject ?—Quite so.

2056. I rather gathered from your evidence, taking the general impression that it has made upon me, that Ireland is particularly bad ?—I think it is. There are some parts of England that are as bad, but only here and there.

2057. Is that owing, in your opinion, to a lack of sufficient inspecting staff ?—That I could hardly say; it is some years since I was in Ireland, and the Truck Act, 1896 was comparatively new then.

2058. What I should like to have your opinion upon, if you would care to express it, is this. How far should we recommend a very substantial increase in the inspecting staff as a means of securing the carrying out of any improved law that we should also recommend ?—There is no doubt in my mind that with matters of truck the inspector must be constantly there, so as to watch the way that matters are conducted, and to detect anything that arises in this way. Deductions, of course, are made from time to time that require careful watching.

2059. Have you any information as to what the Irish staff is ?—No, I am afraid I could not tell you.

2060. I think it is very small ?—Yes; I know approximately.

2061. Now, if fines were abolished, would it not lead to forms of more severe punishment; for instance, suspension ?—I think that is a danger.

2062. There is a double danger, is there not; because the reasonableness of that punishment could not in any state of things be the subject of inspection ?—It could not under the present Act, unless it was specially made a subject which the inspectors absolutely had power to investigate as being a method of fining.

2063. Suppose if all forms of disciplinary punishment had to be entered in a book that was open to the inspectors of a district, then the inspectors would be able to keep an eye upon what was going on ?—Yes, they would.

2064. And to examine that book with a view to discovering whether the punishment was fair and reasonable or came up to any other standard that the law should prescribe ?—Quite so.

2065. Would you be inclined to place much inportance upon a register of fines and deductions and punishments ? —Very great importance. It has been one of the chief difficulties in detecting abuses of the Act that the register is confined only to Section 1, which has to do with fines. That has been one of the very, very great difficulties in administering the Act.

2066. Do you think the register should be co-extensive with the powers of fining and punishment ?—Certainly, and that it should be in a prescribed form that would give all the details—the date, the name, and so on. The date is very often lacking, and I have had to abandon several prosecutions myself merely because the date could not be fixed.

* Miss Squire has forwarded to the Secretary the following particulars :—

E. J., a weaver aged 16. Minding three looms, frequently fined 6d. and 1s. for "taking wrong ends up." The overlooker at last mended the looms for her, as he said she would always be fined so long as they continued in the state they were in.

The same girl was required by the occupier to buy a piece of cloth which she was said to have damaged. The price she was asked to pay was 26s., the wage due to her for weaving was 8s. 11d.

E. F., a weaver age 15. Minding three looms. She was fined 9d. for bad work. The girl complained that new work which she did not understand was given her to do and that she could not get the overseer to show her how to go on with it.

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2067. The form of the register should be a prescribed form, giving all the details necessary for proper examination ?—Yes.

2068. In view of the statement that you made of the fines and deductions in the case of Brandauer's, the pen makers, would it be possible for us to get the gross annual or weekly total of those fines ?—Yes, they are all shown to me. I go through the books whenever I visit there; there are eight or ten very thick books, and I go through those when I visit there, so that the gross amount is available for the register that the firm is obliged to keep.

2069. I suppose that gross must be over £1,000 per annum ?—I should not like to say what it is; it is certainly a large amount.

2070. Would there be any means of giving us that information ?—I should not have it to give to the Committee, because, of course, with the large number of books to go through and all one's work to get through, I look them through and note any that seem to me in any way to contravene the Act, and then make a special investigation of those, but only by sample. I have no record of numbers or amounts.

2071. We should be glad if you would give us a list of the firms who do make these deductions ?—I will get that out for you. I may mention that their procedure has been very much modified since this case was dismissed. Most of the firms have given it up altogether; and on my last visit I only had occasion to take exception to three or four, and in each of those the amounts have been immediately returned. So that the control that has been exercised has lessened this evil considerably.

2072. Then another piece of information which I think might be very useful would be a list of the fines that used to be in force in places like Messrs. Cadbury's and others ?—I have such a list with me to-day. I brought examples of them; but I hesitate to put them in, because they have the names of the firms upon them, and they were given to me, of course, in official confidence. Extracts could be made from those if it was desired, and if there was the clerical assistance given to do it, but they were given officially in confidence to me, and they have the names of the firms upon them.

2073. My point is this: I am not at the present moment so much interested in the list of fines in force now, but I want to get a list of the fines that used to be in force by firms who, a few years ago, did not believe that they could conduct their work without fining. —Just so. The lists that I have, have all of them been objected to, and have been the subject of correspondence, and are now modified.

2074. What I want is a list of the fines that used to be in force by firms who now find that fining is unnecessary, and have withdrawn all forms of fines ?—Quite so.

2075. You can get us such a list ?—Yes.

2076. Then with reference to sub-contractors. Do you see any objection to including all sub-contractors under the Truck Act—anybody who takes out work from a principal giver-out of work ?—No, I see no difficulty myself. It has been said to me that it would include very large firms, but I cannot see that that would do any harm, because if the practice went on I think they might be glad of the protection afforded them, and if it did not there would be no harm in their being included accidentally.

2077. It is not a question of how large the firm is; it is the question of a certain practice of payment; the payment may be technically profit or it may be technically wages, but nevertheless it is the subject of a contract. If it is good to compel the employer to pay the actual workman in current coin of the realm, it is also good to compel the giver-out of work to pay the person who takes out the work also in current coin of the realm ?—I see your point; but it seems to me that that person is the employer within the meaning of the Act. However far you drive it from the principal agent, every person who gives out work to someone else, on however small a scale, becomes an employer within the meaning of the Act.

2078. But not subject to the Truck Act unless he makes a personal contract to do the work himself. ?—It is on the side of the employee, is it not, that the flaw is ?

2079. I am thinking of an undertaker, as you might call him—a person who goes to a chief giver-out of work and takes a certain amount of raw material and gives out that raw material again to the worker. Why should not that middleman himself, whether he is a big middleman or a little middleman, economically speaking, have the benefit of it as against a chief giver-out of the work ?—Certainly, and that is my point. It affects the Jew tailors very largely, the lace clippers, the glovers—nearly every kind of out-worker I can think of is affected by that.

2080. You see no practical objection to that ?—None whatever.

2081. You recognise that those people are very hardly done by by the fact that at present they are not subject to this law ?—Not subject to it by reason of the decisions in *Squire* v. *Sweeney, and Squire* v. *The Midland Lace Company*; yes.

2082. Now, in your experience, has any attempt been made to apply the "fair and reasonable" provisions of the law to fines for unpunctuality. I mean this. A worker will arrive say five minutes late, but owing to the rules of the firm for which he works, he is not admitted at the end of the five minutes, but has to wait half an hour; then the fine imposed is not one on a five minutes basis, but on a half-hour basis. Has any attempt been made to protect the worker against that ?—Yes, very frequently. It is a cause of constant complaint, and it has been represented continually to occupiers that that is not "fair and reasonable"; but I do not think they are ready at all to admit it. There has never been a prosecution, at least, not of my own, and I do not remember one of any of my colleagues. There was a pieceworker's case of Miss Deane's, I think, that turned on that point.

2083. I don't remember that you expressed an opinion about the desirability of retaining these fines for unpunctuality. Do you think that those ought to go too ?—Yes, I do, especially for pieceworkers.

2084. In the case of time workers it is a little different ? —Yes; in the case of timeworkers I think there are other ways of meeting the difficulty.

2085. You think that discipline, so far as punctuality is concerned, may very well be enforced without those fines ?—Yes, and it is in many cases.

By Mrs. Tennant.

2086. There are two important facts, I think, brought out in your evidence, that I want to deal with for a moment. One is, that in your experience most well-conducted firms do not rely upon disciplinary fines to secure the good conduct of their business ?—Yes; that is so, very strikingly.

2087. And the other is that in the cases in which you have taken proceedings, whether those proceedings have been successful or not, the system of fines has been abandoned ?—Yes, abandoned or modified.

2088. Now, do you think that if the system of fines were made illegal there would be many employers who would have recourse to other methods ?—Yes, I am afraid there would be a good number.

2089. And do you think that among the other methods that they would have recourse to would be suspension ?—Yes.

2090. And I suppose what one might describe as a sliding scale reduction of wages ?—Yes.

2091. Have you thought out any way by which those alternatives to fining might be anticipated by the legislature ?—Yes. It is a difficult question, but I think it might be done by an agreement. I feel strongly myself that the whole matter of wages between women and girls and their employer is exceedingly vague, and that there should be a definite agreement in writing to employ them at a certain wage, for a certain time, or whatever the agreement might be, but that it should include some protection against this lowering of wage either temporarily or on a sliding scale, or suspension; that the contract of hiring should be produced to the inspectors in order that they might judge whether the contract was being carried out, and that that would disclose the irregularity. If the worker at the time of the inspection was on a

lower wage, the employer would have to explain the reason: and it seems to me that it might be possible to safeguard that in some way; that the suspension should not exceed something that was reasonable, and should not be made except under certain conditions, and that if it is a matter of lowering the wage, that also should be safeguarded by conditions as to how much it might extend to and during what period and for what offences.

2092. But if you were to allow suspension under limitations, and a sliding scale of reduced wages under limitations, you would be getting back, would you not, to a system of regulating fines?—I think you would.

2093. You are anxious to avoid the principle of fining altogether?—Yes.

2094. And your experience is that there is really better conducted business when that system is not relied upon?—Distinctly, and a better understanding between employer and employed.

2095. Much less friction?—Much less friction and more loyal working on the part of the employed.

2096. Would you think it possible for the legislature, should it prohibit fines, also to prohibit the alternative systems, and not to prohibit one system and then turn to the regulation of what might really be a substitute?—I think it might be possible, because otherwise, if you leave out altogether any question of suspension and lowering of wage, you leave this to be carried on as it will be and as it has been, but the inspectors will have no power to enquire into it, and we shall not know to what extent it is growing.

2097. But if you prohibited what you thought would be the alternatives, and at the same time made provision for such a wage contract as you have just described, that wage contract would supply the inspectors with a basis for inquiry?—It would; that would be the great benefit of it.

2098. And at the same time the workers would be protected from alternatives if those alternatives were specifically prohibited?—Yes I think so.

2099. May we take it that that is what you would recommend?—Yes it is.

2100. I want to get, if I can, a sort of balance of the difficulties; first, the difficulties which would arise if fines were prohibited, and secondly the difficulties which would arise if an attempt were made to expand the present system of control. On the one side you suggest such difficulties as suspension and sliding scale reductions, which would have to be anticipated, and on the other I suppose you would say that it is exceedingly difficult to define a really adequate system of control?—Yes, very difficult.

2101. There are difficulties which have been brought out in this evidence, and which would, of course, be within your experience, of dealing with cases in which the worker is one of a gang?—Yes.

2102. And other difficulties of the same kind; so that, however excellent the intention of the legislature it is very difficult for it to achieve its purpose?—Very.

2103. Then I gather that you would go so far as to say that, in great measure, if not in total measure, fines fail to secure their object?—Yes, I think that is so, very largely.

2104. You therefore would be of opinion that their abolition would be not only a service to the workpeople but a service to the employers?—Yes,

2105. And further would secure the wider object of greater industrial efficiency?—Yes, I think so.

2106. Now I want to have clearly your opinion with regard to the record which the employer ought to make. Mr. Ramsay Macdonald asked whether you do not think it desirable that the register should contain more particulars than it does at present; but, if fines were abolished, and the inspector were relying for the collection of his information upon such a wage contract as you have outlined, it would not be necessary to keep a register of punishments, because the only punishment, so far as we see, left to the employer would be dismissal or proceedings against the worker for the recovery of damage done?—Yes; there would be no suspension.

2107. There would be no suspension, and there would be no sliding scale of reduced wages?—Nothing that entailed a loss of wage.

2108. So that really there would be no fine record?—No; there would be no need of a register in that case, only if suspension or sliding scale or any form of lowering wages were allowed instead of fines.

2109. That in your opinion would be better than the present position, but not so good as the other position to which I think you have given your adherence of prohibiting fines, and anticipating the alternatives and prohibiting those too?—Yes.

2110. Then I want to ask you one or two questions about the Shop Clubs Act. Have you any opinion to express to the Committee as to the desirability of the Act or a portion of it being put under the jurisdiction of the factory department?—I think it is very desirable, because one generally finds, in every factory, deductions being made for a sick club, and at present as the Act is not administered by us we can make no inquiry on the subject. I have only incidentally been able to discover that there have been hardships, and I have been able to point out to an employer who has been quite willing to have the matter brought to his notice, that his notices with regard to such deductions were not in accordance with the Shop Clubs Act, and that the club was not registered under the Friendly Societies' Act.

2111. Have you experience in relation to any particular district, or do you find that generally?—It is very general, and I think it is increasing, but it is a very serious matter in Wales in the tin-plate and ironworks there; the deductions for sick club are almost universal, and among the girls there is some grievance.

2112. Without taking charge of the administration of the whole Act, or going into for instance the details with which the registrar should be satisfied, the requirement that subscription to the club should not be made a condition of employment would give you a basis of inquiry?—Yes. I think we should be able to make some inquiries, and to follow to a certain extent the conditions under which these deductions are made, and whether they are to the general good of the workers or not.

2113. Have you any experience of the fact that workers subscribe to medical attendance which they do not use?—Yes, I have constantly met with it, that the girls and women will be subscribing sometimes (the women) for years, and that they will never use the medical attendance, sometimes because they do not like the doctor who is appointed, and in other cases because they have never been ill, and in others because they have got their own medical man or their own dispensaries that they have always subscribed to and prefer to go to. I have found widows who have been in receipt of poor relief when, as they pointed out to me, they were entitled to medical relief without any subscription at all, and where attendance was given to them free, obliged to subscribe at the factory.

2114. Has there been clear evidence of compulsion in those cases, or do you think it was only the general sense that they would be in better favour if they paid their subscriptions?—I think it would be almost impossible, in those cases, for an individual worker to resist this custom of deduction, they would not be strong enough to do it.

By Mr. Cawley.

2115. I understood you to say that in one of the cases you mentioned five of the magistrates were actually engaged in supplying material and goods to workers or sub-contractors?—Yes, they were givers out.

2116. And I suppose, being magistrates, they were men of some position in the neighbourhood?—Yes, supposed to be.

2117. Yet apparently engaged in squeezing money out of the poorest people in the district?—Yes.

2118. With regard to fines, your idea is that they can be abolished altogether?—Yes, I think so.

2119. What alternative would you suggest. How do you propose the maintaining of discipline, and that there should be order and punctuality?—By cautioning the worker that unless she is punctual and orderly, her services will not be required. A black list is kept in many factories. Very often in my experience the fine is imposed upon a person for being late, a person who is a piece-worker and who works while she is there and is only

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paid for what she does. Where the fines have been abandoned there has been no punishment for such workers, but very frequently she is recognised as worth more in the time she works than others who do not come late. Sometimes the late arrival occurs in the case of a married woman who has children, or owing to ill-health, or living at a distance.

2120. But suppose the woman is not really a great expert at her work, and she comes late in the morning, do you not think it would be better for her to be fined sometimes than to be dismissed altogether?—It certainly would be better for her so far as the wage goes, but unless there is some insuperable difficulty, she would certainly be brought up to time by being made to understand that she must either be in time or not work at that place at all.

2121. Still, the end is dismissal?—Yes, I suppose it would be if she did not conform to the rules of the factory.

2122. I take it your contention is that a really good worker can afford to disregard the rules a little because she is such a good worker that her employer will not dismiss her, whereas if an ordinary worker behaved in the same way she would get dismissed?—I think that is the way the factories are regulated very much.

2123. Do not you think that that points to the poorer workers being thrown out of work entirely?—I do not think so, unless there is very little demand for workers. Generally in these trades there is a great demand for them.

2124. But would it not work in that way—that the poorer workers would have more chance of being thrown out of work?—I think not, because punctuality would be a thing quite within their own control under the circumstances; they would be able to be sufficiently punctual to merit continuous employment.

2125. If it is under their own control, does it strike you as any hardship that they should suffer a small fine if the employer thinks that discipline is thereby maintained in his works?—Yes, there is in many cases a hardship, and in other cases if there is no hardship it does not achieve its object; the worker pays, and still it does not achieve its object.

2126. Then the end of it is that you think dismissal is preferable to fines?—Dismissal of an incorrigible worker I think is preferable.

2127. Do you not think that employers would differ as to incorrigibility; one employer might be strict, and say that three times late meant dismissal; another might be easy-going and say he would allow them any time. Do not you think at the end it is better for the worker to be fined, and to have a system of fines for unpunctuality, rather than the only alternative being dismissal?—No, I do not think it is either better for the financial position of the worker or for the character of the worker.

2128. You have quite made up your mind that there should be no fines even for being late, or in fact any punishment for being late, because there is no other punishment, is there?—Except dismissal. I have considered the matter very carefully for a good many years, and that is the conclusion I have come to after much thought and after much discussion with employers all over the kingdom.

2129. Even if the fine is put to a general fund for the benefit of the workpeople, so that the employer does not benefit at all?—Quite so.

2130. I have only one other question to ask upon this point with regard to deductions for bad work. Do you think, if the law was made so that not more than 5 per cent. of the total wages earned in a week could be deducted, that that would meet the case?—No, I think that the total amount earned through the week is not quite a sufficient basis. That has been the standard that has been sometimes set up as an element of fairness and reasonableness, but, as I said before, in all cases of piecework it should have a relation to the amount of wage which the employer thinks is a fair wage for good work. Sometimes elaborate and difficult work is put into the hands of a worker at a very low wage. There should be some relation between her liability for damage or loss and the wage that she is paid for that particular work.

2131. Do you think it would be possible to elaborate a scheme which would embody your ideas in that respect?—I think so. In these cases of pens, for instance, where you give 100 gross out for 1s. 5d. and then you fix your damage at 6d. for one gross, it is out of all proportion to the wage. I think that in each case you could regulate the amount that the employer would be allowed to consider the worker liable for.

2132. You quite understand what I mean—that the worker could not be fined more than 1s. in the £ on the wages received?—Yes.

2133. That would be 6d. on 10s.; so that if the girl was only entitled to 5s. she could not be fined more than 3d. on the 5s. Would not that be something like what you think would be right?—Yes, I think it would, but it does not seem to me to give the same security to a worker as it does speaking of piecework. I think that would do for a weekly wage, but with piecework it does seem to me that there ought to be some relation between the value of the material, or the value of the labour put into the work, and the wage that is paid for it, that would enable the worker to have less loss—to have no loss upon that particular work. I am afraid I do not make it very clear, but I gave in some of those cases instances where the worker had done a large amount of work perfectly and had received no wage.

2134. That would be covered, I think, by my suggestion that no deduction could be made from the total amount of wages exceeding 5 per cent. of the wage—there would be a maximum of 5 per cent?—Yes.

2135. That would, I think, cover all you mean?—Perhaps it would.

2136. You said something about working on expensive materials, and the worker being charged on the amount of the damage that was done to the expensive material. That would not come in in this case at all?—No.

2137. Then you think that 5 per cent. putting it broadly, might answer?—Yes. I think anything of that kind that would prevent this discrepancy between the wage and liability for damage would be advisable.

By Mr. Delevingne.

2138. I take it that your evidence chiefly relates to factories where women only are employed?—Yes, it does.

2139. You have not had much experience as regards mixed factories?—Only incidentally. I have had experience of mixed factories. I do not make exhaustive inquiries with regard to men, but the fines imposed upon them come constantly under my notice, and very strikingly. In the register, if there is one, as there often is, kept of deduction for spoilt work as well as fines, men and women are put together, and naturally I pick out those that are the heaviest, and I constantly find that no further inquiry on my part is possible because they are men, but they would be considerably heavier than anything that has come to my knowledge with regard to women.

2140. That is interesting; it is rather contrary to some other evidence that we have had—that the abuses are greatest among unorganised women and girls?—My experience is so much greater among woman and girls that it is overwhelming in amount, but there have been a number of cases that I have had to abandon; they first attracted me on account of their unfairness and unreasonableness, and I had to abandon them because I found that they were men's cases. I then picked out cases belonging to women, and all my action followed upon that, so that it was not necessary for me to hand them over to one of my colleagues.

2141. But you found that men were subject even to heavier fines?—Very much heavier fines, and larger in number.

2142. Could you specify any particular trade or industry?—In almost every trade where men and women are working together. I mentioned some relief stamping works the other day, where there were very heavy fines on girls. There I remember that when I was looking through the books that contained the record of those fines, I found a great many more that belonged to men, and the amounts were very much heavier, amounting to

many pounds. In some perambulator works the men who were making the body of the perambulators were subject to very, very heavy fines. In the metal trades, in the potteries, in the lace factories—wherever men and women are working together and the employer is fining heavily and making heavy deductions for damages—I think in almost every case men would appear quite as much on the lists as women, if not more so.

2143. Can you suggest any reason for heavier fines being imposed on men ?—The wages are larger, and they do more responsible work generally than the women. The amount of damage that results from their carelessness I have no doubt is heavier and more expensive to the occupier than in the case of women.

2144. Would the men in those cases usually belong to some trade union ?—That I am not able to say. In a great many cases they would, but in others not. I may say the same thing with regard to disciplinary fines. I find that the fines for lack of discipline have been heavier on the men. Those have been more in the unorganised trades.

2145. Now I would like to ask one or two questions on the working of the existing Acts. Take the question of the compulsory purchase of damaged goods. It is the case, is it not, that that is now practically a settled question—that all the recent cases that have been taken by the Home Office have been successful ?—Yes.

2146. The case you mentioned in Bristol, *Squire* v. *Broderick*, I think, is the only unsucessful case, at any rate in recent years, that you have had ?—Yes, but I was wondering what other cases since then I have taken under the Act of 1831 for that offence ; since that case, if I remember rightly, the cases have been under the 1896 Act. There was one taken alternatively, for the purpose of pleading, by Mr. Graham Campbell, in Leeds, under the Act of 1831 ; there was a conviction on the 1896 Act and the complaint under the other Act, was withdrawn.

2147. I had in mind especially two cases ; one was the case of Coopers in London, which I think you took ?—I did not take that ; it was Miss Deane. I beg your pardon. The first case against Coopers I did not take ; I did take the case on the 21st November, 1904, but that was the case of deductions in the absence of such a contract as the Act requires. It was under the Act of 1896.

2148. But as a matter of fact you got convictions for making workers purchase or take damaged goods ?—Yes.

2149. Practically that is settled ; it has never been appealed against by the occupiers ?—No, it has not.

2150. On the question of knitting. That question after the case of *Squire* v. *Sweeney* was referred to the law officers, and they advised that in their opinion the judgment was wrong ?—Yes.

2151. And it was decided by the Secretary of State that it was not to govern your action in England, or anywhere in fact except in Ireland ?—That is so.

2152. You have never had the difficulty raised again, have you ?—No ; it was not raised in *Squire* v. *The Midland Lace Company*, so far as my recollection goes.

2153. As a matter of fact the point about manual labour is very similar to the point under the Factory Act, where the expression " manual labour " is also used, and it has been taken there without question to cover all kinds of clothing work ?—Yes.

2154. As to those cases that you have mentioned of fines for offences like whistling and sneezing, and so forth, do I understand that since *Squire* v. *Bayer* you rather held yourself precluded from prosecuting in that kind of case ?—Not exactly precluded from prosecuting, because I think the Court made it very clear that they did not wish their decision to be considered as going beyond those special facts. But it has made one very cautious in taking a case of that kind. I have taken two or three somewhat similar cases.

2155. And obtained convictions ?—Yes ; for the fine not being in accordance with such a contract as the Act required. We have not again attacked a vague contract.

2156. In that case of *Squire* v. *Bayer* the Court made it quite clear that they had before them the fact that it was alleged whether rightly or wrongly that damage might be caused to the materials and machinery and work of the employer ?—Yes.

2157. One does not quite see how a girl sneezing or whistling is to cause any loss or damage to the employer, unless it gives rise to some kind of disorder in the factory ?—Yes, I think that would be very much the point, and a good deal of evidence was brought in the case of *Squire* v. *Bayer* to the effect that there was a great deal of disorder caused as well as dust by this singing and dancing.

2158. Under the heading of deductions for spoilt work you refer to a certain class of cases where deductions were made for spoilt work, in circumstances outside the workers' control. Why could you not deal with them under Section 2 (*b*) which provides that the deduction is not to exceed the actual damage occasioned by the act or omission of the workman ?—In several cases one has pointed successfully to that, and used that sub-section, but the difficulty has been to prove that it was not an act or omission of the workman. For instance, to refer to the pen case as a simple illustration. It was said that it was an omission on the part of the workman not to call up the toolmaker in time to remedy the tool that was faulty. The employer has always shown such a very great power of including almost anything under the head of an omission or act of the workman.

2159. Could you suggest any alteration of those words which would really confine the deduction to acts occasioned by the actual default or negligence of the workman ?—Yes, there might be something of that kind—not " an omission," because " an omission " is very vague. You can bring an omission charge against a person when it is not really a culpable omission. It wants something like " wilful and negligent."

2160. Would any hardship be caused to the employer by confining it to wilful or negligent act or omission on the part of the worker ?—I think not. Of course he would not be able to recoup himself. Generally the whole of that provision is used with a view to the employer recouping himself to a great extent for the waste of his material.

2161. I should like to call your attention to the opening words of Section 2 : " An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for or in respect of bad or negligent work, or injury to the materials or other property of the employer." Do you think it was ever intended that an employer should recoup himself for a defect in the tools which he himself supplies ?—No, I think not.

2162. It was only intended to cover cases where the worker was actually negligent in performing the work entrusted to him ?—Quite so, but in the case of a machine which will go on doing faulty work unless it is rectified, the employer does naturally attach importance to the employee sending for the toolmaker or mechanic or whatever he is called to come and put that machine in order, and there is a great tendency to consider the omission of the workman, and to put the whole of the blame upon that, even when on going into the facts one finds that there was quite an insufficiency of mechanics or engineers to see to the work, or that the worker really had to meet with some abuse and some tiresome conduct on the part of the workman who would be called to rectify it.

2163. You think it reasonable, then, that the worker should call the employer's attention to the defect as soon as it came to the worker's notice ?—Yes.

2164. I rather gathered from the Brandauer case that the tools were very fine tools, defects in which it was unreasonable to expect the workman always to be able to notice ?—That is so. It wants a very skilled person indeed sometimes to detect what is wrong.

2165. Generally in those cases under Sections 1 and 2 and also under Section 3, would it meet any difficulties if the burden of proof was placed on the employer ?—In those cases you have to prove that the fine is unfair or unreasonable or that it exceeds the actual loss ?—Yes. the difficulty is to get sufficient weight of proof to carry through the prosecution successfully.

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2166. Would it help you, do you think, in prosecutions, if the fact of the fairness and reasonableness of the fine or the exact amount of the loss to the employer was a matter to be proved not by you, but by the employer?—Yes.

2167. That would be a useful weapon to have?—I think it would, especially with regard to unfairness and unreasonableness.

2168. And also as to proof of the extent of loss or the cost of the materials under Section 3?—Yes, exactly.

2169. Generally as regards the working of the Act of 1896, what would you say the general result has been; has it, apart from these defects which you have brought to our notice, fulfilled to any great extent the object with which it was framed?—I should say it has done something, and it has brought to light a great deal, which has been of very great use, but it has proved a clumsy instrument for doing the work.

2170. I suppose one difficulty is that these fines and deductions are so varied and spread over such a wide area it is difficult to cope with them, and to follow them up. If you had had the time, a great deal more might have been done under the Act of 1896 than has been done, as a matter of fact. It is not altogether so much the clumsiness of the instrument as the huge amount of work to be tackled?—I think it is both. Of course it does take a great deal of time to discover and follow up each one of these cases, but when one has discovered and followed up a case, one is baffled by not having sufficient power to deal with it—by being prevented from one point to another until one takes refuge in a technical matter.

2171. I gather that in your view all fines and deductions should be done away with altogether?—Yes, and I think that experience shows that that could be done quite well.

2172. You remember that laundry list of fines which was settled at a conference between the laundry proprietors, and, I think, yourself and Miss Deane and Mr. Cunynghame?—I was not there, so I have not a very intimate knowledge of it, but I do know about it.

2173. How has that worked in practice. Are the deductions and fines that were then settled considered to be fair?—I am afraid I cannot answer that question; Miss Deane will be able to answer it. I have not worked much in London laundries. I have not been in any where that contract was affixed.

2174. Do you ever come across in factories where special rules are in force, a system of fining for breaches of the special rules?—Yes.

2175. Do you consider that a good system?—No, not at all; I have always objected where I have found them that the obligation was on the employer to enforce them.

2176. An obligation is placed on the worker by the special rules to do something—to wear respirators for example—and the employer to enforce that imposes a fine where he discovers a breach on the part of the worker. Do you consider that a good or a bad system?—Bad.

2177. Would you advocate the prosecution of the worker?—If the worker has persistently refused to use what was adequately provided.

2178. Will you look at it from this point of view, that the employer himself is responsible for seeing that the rules are enforced in his factory; if they are not observed, I suppose you could proceed against him?—Yes.

2179. He must have some means of enforcing the observance of the rules by the workers?—Yes.

2180. In the mines and quarries it is very common indeed for the owner of the mine to prosecute the workman for breaches of special rules, in the Courts?—Yes.

2181. Sometimes, however, they impose fines instead of prosecutions?—Yes, the better plan I should say by far would be to prosecute. If it is so serious as the object of a special rule is always, it should be brought in my opinion publicly to the knowledge of the Courts, and should not be dealt with merely between the employer and the workman.

2182. You would not allow an employer to impose a fine for a breach of a special rule?—No.

2183. As to the question of fines by gangmen and sub-contractors which has come up once or twice; the employment of gangmen is very common in certain industries?—Yes.

2184. And the gangmen and sub-contractors, in the Potteries, for example, impose fines on the people they employ?—Yes.

2185. Are you able to meet that under the Truck Act as it stands at present?—I do not think I have personally come across many instances. In that case the fine has generally been really brought home to the employer.

2186. I remember Miss Deane calling attention to the fact that in the Potteries, I think it was, there was a great deal of fining by gangmen?—I have not personally come across that. I have come across fines imposed on the whole gang and deducted from the wages of the whole gang, but not the cases you are speaking of.

2187. If they are not covered by the Act, you would think that the Act should be extended to include fines imposed by these sub-contractors and gang masters?—I should have thought not. I should have thought the employer was responsible, just as he is for the employment. In the case you are speaking of, if the girls were employed after or before the legal period, it would not be the gangmen who employ them, it would be the occupier. He is responsible for everything done in the factory, and the fact that the gangmen pay for the work and direct it, makes no difference, because the occupier is still responsible. I have not given it much consideration, but I should have thought that the employer alone should be entitled to make any fines or deductions, just the same through the gangmen as he does through the foremen.

2188. But these were fines imposed by the gang master for his own purposes?—I have not come across such cases.

2189. I do not see how the employer could control the gang master in a case like that; if the gang master pays the wages and makes his own deductions it would not necessarily be known to the employer unless the worker complained?—Perhaps not. It seems to me it would be no more difficult to make the employer responsible for that than it is to make him responsible for the hours—the period of employment, meal times, and so on.

2190. In that case the employer is the occupier of the factory, and he knows what time the work starts, and what time it stops, but he would not necessarily know what deduction had been made by the gang masters?—No.

2191. On the question of the abolition of all deductions for damaged work, I think you said you are in favour of that?—Yes.

2192. How would that work in the case of these outwork sub-contractors which you have mentioned? Your remedy for damaged work I think you said last time was, better supervision on the part of the employer—better control?—Yes.

2193. How would he be able to exercise supervision over these persons employed by the sub-contractor?—He would not be able to do that. It seems to me in those cases his remedy would be by prosecuting to recover the amount; I mean, if he hands out to a sub-contractor a large amount of work and some of that is returned damaged, his remedy would be to prosecute and recover the amount.

2194. That is a very cumbersome method, is it not?—It seems to me a reasonable way of doing it. The employer incurs certain risks in giving work out instead of keeping it under his own supervision, and, if it is more to his interest to do so, he considers the risk in doing it. I mean, if he were to keep all the work in his own factory under his own eye he could exercise the necessary supervision. If he considers that it is more worth his while to hand it out to a man who can give it to anybody that man chooses, it seems to me it is reasonable that he should take the risk—except in gross cases where he would have his remedy in the ordinary way for loss or damage.

2195. Suppose the employer were to make it part of his contract that if the work was bad he simply would not receive it; I mean, the work might be so hopelessly spoilt that it might be worth his while to refuse to take it back at all?—Then would he pay, in that case, for the work done upon it?

2196. I am supposing a case where he would not pay?—Then, where would the material be? You are

speaking of a case where the employer has given out cloth to be made into garments, and when the stuff made up into garments is brought in he refuses to take it

2197. I am thinking of cases where the material is of very low value, or where it is so spoilt that it is not worth the while of the employer to take it back again at all. How would you deal with that?—If he charges the worker, he is giving him damaged goods in stead of wage. If he does not pay at all I suppose that would settle itself; the man would be able to sue for wages not paid, and then whether he could recover or not would be a matter for the civil courts.

2198. In the majority of these cases, is the damaged article worth anything to the employer at all?—Very generally it is. The cases where it is worth nothing would be very very few, because there is a considerable sale for damaged work; certainly for garments, and for a large number of other things one could think of.

2199. So that practically the case I am suggesting does not really arise?—I think not.

2200. Now, still on the question of sub-contractors, would not it be rather difficult to draw the line between the small sub-contractor and the big sub-contractor or the big contractor of any kind?—Is it very essential that a line should be drawn? Even if they were all within a Truck Act which prevented any deduction for damage, would it be harmful to a large contractor?

2201. Is it not the case that any big contract for work includes penalty clauses, say for delay in completing the work, for work not carried out acccording to specification, and so forth; you would not prohibit that kind of clause, would you?—I suppose that would be difficult.

2202. And yet, if you do not prohibit that, I do not quite see, as the cases gradually shade down to the small sub-contractor of whom you are speaking, where you are to draw the line?—Perhaps the difference does come in where a man is not engaged at all in business for himself. Is that a safe line to draw—that where the contractor does part of the work himself, where he is a workman as well as the contractor, the Truck Act should apply, and where he is merely the owner of a big business it should not. All this, I think, was argued in the case of *Ingram* v. *Barnes*, and those cases.

2203. It has always been a difficulty, of course?—No doubt. That was the kind of standard as to whether the contractor could be considered to need the protection of the Act or not—as to whether he worked himself.

2204. You would suggest that as a possible line to be drawn?—Yes, it seems to me that that might be the line.

2205. Now, as to these modes of evasion to which Mrs. Tennant has called attention. Is there any real distinction between suspension and dismissal? If you were enforcing a prohibition of suspension, could you distinguish that, in practice, from dismissal? Would it not be very easy for the employer to say "I dismiss you," with a sort of tacit understanding that the worker might come back a week hence and see if work was to be obtained?—They are very near one another; yet it takes different forms where they do not seem quite on the same plane.

2206. At any rate, in cases of dismissal I suppose you would recognise that that is a matter over which it is impossible to exercise supervision; that you cannot take away from the employer his right to dismiss a workman without assigning any reason whatever?—No.

2207. Have you had much experience of the bonus system?—Not very much. Now and again the matter has come up.

2208. The fraudulent bonus, we are all agreed, is an evasion which should be prohibited; but have you ever come across a system of bonuses, not intended as an evasion of the Truck Act, but intended to stimulate and encourage the worker?—Yes.

2209. Do you consider those good?—Where they are given really to stimulate and encourage the worker they are a good thing, I should say.

2210. Can you suggest any mode of preventing fraudulent bonuses which would not at the same time hit that class of bonuses?—It is very difficult to say. I suppose the terms on which the bonus is given would have to be very strictly defined.

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2211. Anyway, you would not wish to prohibit them?—I should not wish to prohibit them as long as they were *bona fide* and not used as a means of punishment.

2212. Just one question on the cases in the courts. You said that a large number of cases coming within the 1896 Act were not taken into court because experience had shown that magistrates were reluctant to decide that deductions were unfair and unreasonable?—Yes.

2213. Is that confined to particular parts, or is that a general opinion covering the whole of your experience?—It is general.

2214. Can you give any reason for this reluctance on the part of the magistrates?—The reason seems to me to be that the kind of evidence that one is able to bring before them is not sufficient to enable them to reconstruct for themselves the whole of the conditions of work in the factory, and therefore they took refuge generally in the loss to the employer.

2215. You think that that difficulty would be met to any extent by imposing a restriction, as Mr. Cawley suggested—a limit to the amount of the deduction or fine?—Yes, because then one would have something definite to go upon.

2216. Do you think that the difficulty with the magistrates could be got over by that?—Very likely. There would be something definite that one could produce evidence about and plead with some chance of success.

2217. You do not suggest any hostility on the part of the magistrates to the Truck Acts?—Not in general. In some localities it has been manifested that there is some feeling against them, but as a rule it would be more the difficulty really of the magistrate satisfying himself from the evidence without any reasonable doubt that the thing was unfair and unreasonable.

By Mr. Yarrow.

2218. Am I right in assuming that your opinion is that if fines could be dispensed with altogether it would simplify the arrangements between employer and worker and lead to less friction?—I believe it would.

2219. If fines could by Act of Parliament be made illegal, from your experience with employers do you think that they would fall in with it readily, or would there be a great deal of opposition on their part, from the feeling that it was an undue interference with their business?—I think there would be a very large amount of opposition. The difficulty presents itself to their minds as to how to deal with these questions apart from fines.

2220. With regard to fines, do the workpeople know before they get employment what fines they will be subjected to, or do they find it out afterwards?—They find it out afterwards—more or less soon.

2221. Do you think it would be a good thing if they knew it before?—Before they accept work, yes. Under the Act they should know it immediately after they are engaged, but they do not.

2222. If they knew it before they were engaged instead of after they were engaged, they would accept the employment on certain conditions?—Yes.

2223. Do you think that that would be better?—I think it would be better for the stronger among them.

2224. You told us that there are many firms who used to have a system of fines and have since abandoned it, and with success?—Yes.

2225. Are there many?—Yes, a great many altogether.

2226. Now, are there many firms who did not formerly have fines and have now found it advantageous to adopt them?—I do not recollect any.

2227. You think at any rate the feeling on the part of successful employers is that the fines might perhaps be dispensed with?—Yes, very largely.

2228. You say something about deductions from sick clubs; I suppose these have been established at the different factories for the benefit of the workers?—Yes, I presume so.

2229. Then there may be a hardship upon some, I suppose, in being obliged to join, but the point is, on the whole, is that a gain to the majority?—Yes.

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2230. It is very difficult to devise any scheme that is not hard upon some; the great thing is to get the majority benefited.—Yes.

2231. Therefore, on the whole, if a sick club donation is compulsory, the majority really would be benefited?—I should say they would, where the conditions are good.

2232. The employers can have no other object except the benefit of the workers in making that rule?—Quite so.

2233. I do not know whether you could suggest any alterations of the present Acts which might remedy some of the evils which you have been pointing out. If you could put your evidence into a condensed and practical form by suggesting paragraphs or clauses by way of addition or alteration of the present Acts it would be of very great help to the Committee. Now, I wonder how these questions are dealt with abroad; is there any means of finding out how the Germans or the French deal with these questions, and, if they have been dealt with by them, what success they have met?—I should imagine so, through the Departments. There is a Truck Act in several of the countries—Germany and Belgium and so forth.

2234. I think you told us at the beginning of your evidence something about a woman getting a 2s. 6d. ticket and buying groceries with it. Was there any hardship in that?—Yes, because the ticket only represented the goods she would get ultimately at the shop, and she could not use the ticket anywhere but in that particular shop.

2235. But would she get really 2s. 6d. worth of goods. In some localities (abroad especially) where an industry is started say, near a water power, they are forced to start shops; otherwise the workers could not get anything?—No, but the worker might be free to take her custom away if she chose, instead of having to take what is given to her from one particular shop.

2236. I can understand it might be abused; no doubt it is, but in your experience is it often abused?—Yes, it is, and resented very much by the workers.

By the Chairman.

2237. You have mentioned the case of workers complaining to the factory inspectors in order that they might take such action as was necessary. Is it open to the employer to complain to the factory inspector on the assumption that his orders for supervision and discipline and so on have been disobeyed?—Yes. He could do so—you mean to appeal to the inspector to help him enforce his rules. That is very often done. If an employer feels that there is some detail that he has—without success—tried to impress upon the women especially with regard to maintaining cleanliness, he might appeal to the inspector and say: "I wish you would just impress upon them if you would," certain points, and that is frequently done with good results.

2238. On the assumption that fines were abolished and discipline remained unregulated, do you think that the system might also be helpful?—Yes, I have no doubt that the employer would ask for assistance in that way as he does now on various matters.

2239. Then there is another matter. I observe in *Squire* v. *Sweeney* that there is a Miss Deane mentioned as being associated with you. That is the witness who is coming?—Yes, Miss Deane came to help me.

2240. I do not wish to abbreviate the evidence of Miss Deane, but you have discussed these matters with her?—Yes.

2241. The range of your difficulties, and the obstructions which are created by statute, and the decision, and so on?—Yes, we are associated.

2242. Substantially, are your views at one with hers?—I think substantially they are. Miss Deane may differ from me in one or two points, but I think substantially we are agreed.

ELEVENTH DAY.

Thursday, 28th June, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord-Advocate for Scotland (*Chairman*).

MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
J. RAMSAY MACDONALD, Esq., M.P.
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Miss LUCY A. E. DEANE was called; and Examined.

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By the Chairman.

2243. You are one of the Inspectors of Factories under the Home Office?—Yes.

2244. And I assume your immediate superior is Miss Anderson?—Yes.

2245. What is the length of your experience?—I have had twelve years' experience under the Home Office.

2246. In your present capacity?—Yes, as Factory Inspector.

2247. There was, I think, a certain break in your administration of the Truck Acts?—Yes, when I went to South Africa.

2248. You were on the Committee on the concentration camps?—Yes.

2249. And went out to South Africa with Mrs. Fawcett and others?—I think I was away about eight months.

2250. Returning to your experience here, what is your present jurisdiction? I mean the range over which you travel?—I go over the whole country now as occasion requires. During a part of the time I had the charge of an area in West London, where there are workshops and laundries in which women are employed.

2251. Is there any particular department of industry that is allotted to you?—No, I go practically wherever I am wanted on the business of my department. Wherever special inquiries are needed, or where complaints have been received from workers.

2252. I see that your name is associated with that of the last witness, Miss Squire, in connection with the Donegal case?—Yes, the first Truck Act case, so far as I know, taken up by a Factory Inspector in Ireland, was at Ardara in Donegal.

2253. Was it that that culminated in the case of *Squire* v. *Sweeney*?—No, it culminated in my prosecution of

Theresa Boyle, a giver out of sprigging. The Donegal girls were at that time largely employed in embroidering handkerchiefs and fine linen cambric work, they call it sprigging. They used to do that to a great extent, and they still do such work, and payment was made to them partly in goods.

2254. Were these all out-workers ?—Yes, living in little cabins. They were paid partly in goods direct, and partly by a system of tickets whereby they were compelled to deal at the shop belonging to the contractor who gave out the work.

2255. Have you ever made inquiries in South Donegal ?—Yes, at Killebeggs and Glencolmkill.

2256. Is the same kind of thing going on there ?—Yes.

2257. You have probably heard of the description given by Miss Squire of the mode of life of these out-workers ?—I have not read her evidence.

2258. We are told that they live in extremely humble squalid dwellings ?—Yes, in very poor little cabins. They are nice women and very industrious.

2259. Do the poultry and pigs occupy the same dwellings with them ?—Yes, I have seen them ; all are together in the same dwelling, usually two rooms, a living room and a sleeping room.

2260. Often three generations, I suppose ?—Yes, sometimes babies and the old grandfather. The men are often away in Scotland at the haymaking season.

2261. And the women do the outwork ?—Yes.

2262. Do they travel some distance for it ?—Yes, they walk many miles. The poor woman in respect of whom my prosecution was taken walked seven or eight miles to get her work, and then back, making sixteen miles journey.

2263. Have you a note of the towns or centres where those people who are denominated Truck masters have their establishments ?—I found them in Ardara, Dunlo, Glenties, Gweedore, and a little hamlet which I think was called Carrick, near Killebeggs, also at Glencolmkill. It was very difficult to get evidence at all. Women were terrified ; they told me of things but I could not easily get them to give evidence against any particular contractor. I found one woman who was accustomed to walking about with bare feet who had just been paid for her work with a pair of elastic sided boots.

2264. Where was that ?—Outside Glenties, between Glenties and Ardara. She had taken in sprigging work and her payment was that pair of elastic sided boots, which she hung up as an ornament where the chimney-piece should have been.

2265. She had no use for them ?—No, she had no use for them, and she would much rather have had the money to have paid the cess or road rate, or to get a bag of meal. In some cases the workers were paid with things which were of use to them, such as tea or yards of some material, linen or cotton, or sometimes with meal, but always the goods which had to be got in the particular shop belonging to the person who employed them.

2266. What do you mean by saying that although you were conscious of a good deal of this going on, you were unable to prove it ?—Because the women told me of it, and showed me the things they got. Their priests also told me of it ; but I could not get the women to swear it before a magistrate. Once or twice, when I tried to do so, they disappeared. They were terrified lest they should not get more work. Their idea was that this lady had suddenly appeared amongst them and would disappear again, but that they would be left with no chance of getting work except from the people whom they had offended by swearing to certain facts against them before a magistrate.

2267. Notwithstanding that, you did bring some cases to prosecution ?—Yes, I brought four informations at Ardara where the women had been paid chiefly by tickets—little pieces of paper on which certain values were written.

2268. What work had they been engaged in ?—In embroidery. My inquiries were made among the spriggers.

2269. What happened in the case of your informations ?—I got convictions in all of them, and a fine was paid, but subsequently—I think two or three years afterwards—it was given back again.

2270. Why ?—I understand that was the result of the Sweeney prosecution. I had not proved in the case of those women that they had personally done all the work themselves. I think I could have proved it in the case of two, but not in the other cases, because probably a younger sister had helped in the work, and consequently the Act was held not to protect them.

2271. That would have been one of the reasons that would bring them within the ruling in Sweeney's case ?—Yes.

2272. That there was no contract for personal service, and that in the abstract it was always open to them to employ a member of their family or even a stranger ?—Yes.

2273. The fines were refunded ?—Yes, I heard so afterwards.

2274. There was an interregnum, I suppose, between the time when you got these fines, and as you thought, made the law effective, and the time when Sweeney's case upset all that ?—Yes.

2275. Can you give us any information as to the effect of your successful prosecution ? Do you think they stopped the practice to any extent ?—Yes I think so, indeed I am sure of it.

2276. The more aggravated cases ?—Yes. The head firms in Belfast and Londonderry, whose contractors are in Donegal, took steps to see that the women workers were not treated in this way. They gave strict injunctions to their agents.

2277-2278. To do what ? To pay the women in money ?—Yes, and in some cases they put tickets on their work, which were not to be removed, with a price marked, so that the worker should know what the head firm was paying for the work. One firm refused to employ agents who kept truck shops, but when that was done they had to pay commission, or a higher commission than they otherwise would have paid, because the contractors had to get their profits somehow, and if they did not have sufficient commission they got it out of the truck shop.

2279. With regard to the new system which your successful prosecutions had thus begun, was it acceptable to the workpeople ?—Yes, they constantly told me they were very pleased. They liked to get paid in money.

2280. We may now come to the Sweeney decision which upset that state of the law. What was the consequence of that decision ?—I cannot say exactly, as I have not been back there since.

2281. I suppose you know the condition of matters in county Donegal ?—Yes, I did when I was there, but I have not been there since the Sweeney case.

2282. When was that ?—In 1900. My case was in 1897. The Sweeney case related to knitting, and mine to embroidery.

2283. Still, the principle of the Sweeney case appears to have been not unnaturally accepted as applicable to all out-workers ?—Yes.

2284. Are you able to testify from your experience that there were numerous cases of payment to out-workers not in the current coin of the realm, but in goods ?—Yes.

2285. Do you mean that you have actually visited their homes and seen the goods ?—Yes.

2286. Have you met with a dozen cases, or much more than that ?—Certainly more than a dozen women employed under those conditions.

2287. Have you met with a score or half a hundred of them ?—I spent some months in Ardara, and every afternoon or evening I visited different out-workers.

2288. Were the cases numerous ?—Yes, I should think at least fifty.

2289. Did they seem to you to form part of a general system ?—Yes, certainly.

2290. And was it spoken about in the neighbourhood as such ?—Yes.

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2291. And did these truck-masters or shopkeepers appear to conduct their business steadily upon those principles ?—Yes, they are called gombeen men.

2292. Do you know the prices charged against the workers for the goods supplied to them—take the case of the price of tea ?—I have not notes as to the price of tea, but I have an idea that prices were higher than I have been accustomed to.

2293. What would you say to an assertion that all the firms in South Donegal who give out embroidery work have paid their out-workers in cash for twenty-five years past ?—Oh no, that is not so—it is disproved by our prosecutions.

2294. Are you able to controvert such a statement from your own personal experience ?—Yes.

2295. Can you give us any idea of the number of contractors you met who were participants in the system you have described ?—I can only remember seven at present.

2296. That is within your own experience ?—Yes.

2297. Have you any other point that you would like to bring before us with regard to out-workers in Ireland ?—No, I think not, except that at present one can do very little for them because of the Sweeney decision.

2298. What is your view of the system of payment by goods such as you have described ?—I think it is a hardship upon the worker.

2299. Do you think the women or other workers are paid in full under that system—do they get full value for their work ?—Not the full cash value that they are supposed to get.

2300. Are you aware of a system under which these truck-masters are paid no commission by their principals ?—I cannot at the moment remember a case where they are paid no commission at all.

2301. Suppose this system was stopped—in short, suppose the law were to revert to the state in which it was under your administration prior to the Sweeney decision—do you think that that would introduce an improvement in the condition of the people ?—Certainly.

2302. In what respect ?—If they were paid in cash instead of in goods they would get the full value of their work. They would be able to handle their own money and use it as they desired. They would be in a more independent position towards their shopkeepers, and they would not get into debt to the extent they do now. The shopkeeper who gives out work and pays for it in goods almost always has his employees in debt to him, which is bad for these poor women and for their families. It makes them unthrifty.

2303. Do you know of cases of part payment of wages in food ?—Yes, I know of one.

2304. You will observe that we are now away from the case of the out-workers ? Turning to your general experience as an inspector of factories, does this part payment of wages in food occur in factories and workshops connected with dressmaking and millinery ?—I personally have only found it in one factory, but I have found it in dressmaking and millinery workshops.

2305. Is that part of what is known as the living-in system ?—Not in the case of the factory, unless you call it living in where workers are obliged to have their food on the premises.

2306. The living-in system is a different matter where the employers actually provide board and lodging ?—I know of no factory providing board and lodging.

2307. Do you know of cases of women who do not live on the premises being paid at dressmaking or millinery workshops partly in food ?—Yes.

2308. Are charges made against them for use of mess-room and other matters ?—Yes.

2309. Is not that touched upon by section 23 of the Act of 1831 ?—Yes.

2310. I should like your evidence upon that. I want to see what it is you put your finger upon as a defect in that section ?—There is nothing in the section with regard to deductions for food which requires that the real and true value of the deduction shall be given. The section runs : " Provided always that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender " ; there is nothing here about victuals prepared under the roof.

2311. That is excluded from that portion of the Statute ?—Yes. Then if wages are paid partly in coal the worker can insist that she actually gets the value of the deduction where it is a case of food. On this question of the part payment of food, for instance, I have a particular case that I am thinking of. It is a case of a food factory. Some years ago a complaint was received that the workers were given food in part payment of wages. Their wages were supposed to be 12s. and they only got 6s. in cash ; the rest of the 12s. was made up in their having dinner and tea on the premises. The workers came to us because the dinner was not good.

2312. Will you give us the name of that case and the date ?—The firm was N., and are manufacturers of tinned and potted meats. This was in November, 1898. I visited them quite recently again, but the first dealings on the subject were in November, 1898. The workers complained that they could not eat the food ; it was nasty and bad.

2313. Now, how had you jurisdiction there ?—Because it was a factory.

2314. What was manufactured there ?—Potted food ; I went there and found that the facts were upheld, that they did pay the workers partly in food and partly in cash, and I called the attention of the firm to the matter. There was a considerable correspondence with them. The question of prosecution was gone into for this infringement of the Truck Act. An attempt was made to get the matter amended without taking it into court ; it was thought that that section of the Truck Act would not clearly touch it, because the inspector had no power to inquire into the value of the food given under this section ; I mean there was no power of requiring a statement of the value. But they had made no agreement, which is required by the section, with their workers ; it was done with no signed agreement at all. Eventually they undertook to sign an agreement with their workers and not to make it a condition of employment ; if their workers wished it they could have it, if not they need not. They have reduced the nominal value of the food from 6s. to 4s. They give them, that is to say, I believe the same as they gave them before, but they call it only 4s. now whereas they called it 6s. worth then. The men I think have still 6s. worth ; the girls have 4s., but they have made it a condition of employment still. That is, a girl living round the corner, who would like to go home to her dinner, still has 4s. deducted from her wages in respect of food.

2315. Although she does not take it ?—Sometimes she takes it home with her, sometimes she does not take it.

2316. Does that system continue till now ?—That system is now going on.

2317. Why have not you prosecuted in that case ?—The question of prosecuting is now being considered. I spoke to one of the Directors on the subject ; I have not yet got any decision in writing from them upon it, but I think they will stop making it a condition of employment. This gentleman said he would consult his fellow directors.

2318. Now you have given us the name in that case. Going back for a moment to the Irish cases ; a list is going to be given in by Miss Squire of the prosecutions which she instituted, the cases in which she was going to prosecute and did prosecute, but the magistrates found against her on the facts, and so on. Now can you help us in this way ; can you identify by recollection any of those cases—I mean cases where you are aware of the circumstances leading up to the prosecution ?—I do not think I clearly understand you.

2319. The point we want to get at is this : that we should have the individual cases brought before us. Your testimony is that those are examples of a system ; but with regard to the individual cases we wish to have the names and places and dates, in order, if possible, to give an opportunity for rebutting evidence ?—Individual cases of what ?

2320. Of payment otherwise than in coin ?—Cases in which I have not prosecuted or cases in which I have prosecuted ?

2321. Cases in which you either have prosecuted or have not prosecuted, but in which you have been conscious that the facts were that there was payment otherwise than in current coin ?—I prosecuted very seldom. I can give you a list of my cases. I have never had a case dismissed on the question of unreasonableness owing to the magistrates not taking my view of the facts; I have not had the experience that Miss Squire has had in that respect. I will mention my cases; I have here four cases only:—In the case of Teresa Boyle there was a conviction; in the case of Andrew Jamieson there was a conviction: in the case of Durrant (that was a case of an unreasonable fine) there was a conviction. In the last case, Abraham Wilson & Company, Limited, it was a prosecution in respect of a bonus, and there was a dismissal, and the High Court has upheld it. I had a telegram yesterday to say that the High Court unanimously agreed in the magistrates' decision, and the case was dismissed. Therefore on that subject the whole of the north of Ireland is outside the Truck Act altogether. We cannot touch those matters at all.

2322. That list you will send us giving dates and particulars ?—Yes. This last one I think is a very serious case.

2323. Now will you follow out your last remark as to the comprehensive effect of that last decision. What is the decision you refer to ?—This was a case taken in Newry.

2324. How will it appear in the Law Reports ?—*Deane v. Abraham Wilson & Co., Ltd.*, of Newry, County Down; it is a flax spinning firm.

2325. What was the practice there ?—The practice there was to give their spinners an additional 2s. a week if they never were absent for a minute. That was the rule; they lost that if they were late. It practically was a fine for being late.

2326. What was the illustration that you chose for that prosecution ?—A worker named Teresa Dixon was late. She could not get her bonus of 2s.

2327. How long was she late ?—She was late on three separate mornings in three separate weeks. If she was late a moment she could not get in till the dinner-time. Consequently she was "late" the whole morning if she arrived a few minutes late at all; so that she was a quarter of a day locked out, and lost her wage first, and lost her 2s. bonus, it amounted to 2s. 4d. The value at which the firm reckoned her time was 4d. for the quarter day. The fine for being an instant of that time late was 2s. This bonus system is very general throughout all the flax mills in the north of Ireland. I did not find any other case where it was so severe and so hard, but under the present system there is no register kept of these fines —no record of them, there are no particulars given, in fact they are held to be outside the Truck Act, and consequently the conditions laid down by the Act respecting fines are not fulfilled.

2328. All that has reference to bonuses; it arose out of my asking you to furnish us a list, but that is a separate head of your evidence, so that we will now resume as to the payment of wages in food. Now there are other things that are charged, deductions I suppose in respect of things to be done or provided by the employer in relation to the work, such as cleaning of work places, overalls, power, materials, wage-books, and so on. The Act, as I understand, gives no power to verify any statement that these do not exceed the actual cost, or that they are reasonable ?—No.

2329. I see that you put it in this way: they form at best merely an elaborate method of computing wages, but the result is to make it difficult for the work girl to reckon the actual amount of her weekly wage, and to create a genuine hardship; and in some cases, your evidence is, it appears doubtful if they can be justified at all ?—Yes. For instance where a firm requires that its workers should wear overalls, not because the special rules required it, but for their own purposes, for very good reasons, or because it makes the workers look nice, I think it is hardly justifiable that the workers should be charged for that.

2330. I am going to ask you about the whole of these by and bye, but there is a third category of deductions, not this time food or establishment charges, but in respect of mistakes or accidents which are liable to occur in the ordinary course of the work. Do you think that these can be avoided by supervision ?—I am sure they can. For instance, in a clothing factory, where cheap skirts and blouses are being made, where the girls are paid by the piece, many of them little girls fourteen, fifteen and sixteen years old, paid very low wages, working as fast as they possibly can so as to make something——

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2331. What is the wage earned by such girls ?—A case that comes to my mind at this instant occurred the other day where the money earned by the girl during the day was 3d.; she had been standing idle because there was not sufficient work to go round, but she had earned 3d.—she did two lots of work at 1½d.

2332. What was the work ?—Making frills for silk petticoats and putting them on. She spoilt one of these frills; 1½d. worth of damage was done to a piece of cheap silk, and 1½d. was taken off from her 3d. wage, so that it was only 1½d. that she earned that day. It is such a tiny little sum that it does not sound serious, but it is a grievance to the girl—she was only fifteen or sixteen—that half her wage for the day should be taken off for a slight mistake in work that she was doing at a piece-work rate.

2333. Will you give us that place and the name of the firm ?—That was O. in Manchester. The slightest stain, the slightest injury to work, which could sometimes be put right in a little time, which is a very natural accident, the kind of thing that would happen anyhow when one is working very fast, which is one of the risks of the trade, is often charged for, and I do not think it should be so. I feel very strongly about it, and I think there should be no charges for "damage" at all. If there is any wilful damage it seems to me that the worker should be sued for it.

2334. The Committee are anxious to get this from you; perhaps you will start with the total wage earned by the worker, and give us some idea of what she accomplishes for that, and to what extent she is penalised ?—Here are entries copied from S. G.'s wage book; this is the case of P.'s clothing factory in Belfast. 5s. 2¾d. a week was what she earned.

2335. What was she engaged in ?—Shirt making. From that 5s. 2¾d. she was stopped for damage to the sleeves of a shirt, 1s. 6d, 4½d. for thread, 2d. for being five minutes late one morning, and 1d. for needles, making 2s. 1½d. taken off 5s. 2¾d. That leaves 3s. 1¼d. as her wage that week.

2336. What number of hours did that girl work ?—8.30 a.m. to 7.30 p.m.

2337. There would be an interval for dinner ?—Yes.

2338. Roughly speaking, we will say about nine or ten hours a day ?—It would be nine hours a day without the dinner. The instance I have just given was the week ending April 14th; the previous week she had earned 4s. 4½d.

2339. What was the date of this ?—This was in 1899. I had put all this down carefully for prosecution. I find these cases constantly, but unless they are cases that I think I can support in court it has not been my practice to make notes of them so fully.

2340. Have you any more recent cases ?—I have not got definite notes like this of recent cases; I can only tell you from memory; I could not speak to the actual facts. 4s. to 9s. a week would be the wages, and from this 7d., 6d., 8d. may be deductions for thread, 1d. for needles, 4d. for being late, and then 4½d. or 8½d. or 1s. 1d. for some damage done.

2341. What we are anxious to know is this. The instance you gave us is as far back as 1899. Does that system to which you have testified prevail now ?—Yes, certainly.

2342. Where does it prevail in Belfast ?—In clothing factories.

2343. In clothing factories all over the country ?—I think in clothing factories all over the country. In the particular clothing factory that I mentioned just now in Manchester, the total amount of recorded damage done by over 100 girls in the year was only two guineas worth. It was a considerable factory, and the whole of the damage was deducted from their wages. Each girl

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who has spoilt a little thing has the equivalent value deducted. My point is that there are a number of workers, some of them ill-trained, most of them young, and that every scrap of damage which arises from their working fast or from their being piece-workers, or being ignorant or being ill-trained—every scrap has to be paid by them: it is not looked upon as a risk that the firm would naturally run in employing ignorant girls who make the natural kind of faults that one would expect in hurried work.

2344. Have you seen the books of those firms?—Yes, I took this total of two guineas from their books.

2345. We may have to make investigation about that, but is there any means of ascertaining the total amount of deductions from the total wage bill; will those firms have the means of supplying that information?—I think so, certainly. They are required to keep a record of the deductions that they make under the Truck Act, and where they do that it would be possible to obtain that information.

By Mr. Yarrow.

2346. How many workers do you think there were in that case?—One hundred and twenty or 150. I asked the manager and he was not quite certain, but well over 100.

2347. Then it does not amount to much per head?—It amounts to very little indeed, but the wages are so small. Each particular worker has such small wages that the tiniest deduction from them amounts to something to her.

By the Chairman.

2348. Your point is that if the total damage is so small surely it would be better to abolish a system which produces individual hardship, and trust to general discipline?—That is what I feel very strongly. May I say one other thing about damages? Very often they arise from a lack of discipline, and lack of training. There are not sufficient foremen to train the girls and consequently they make mistakes which could be avoided, I think, with a little more supervision. Even where expensive things are dealt with—for example, expensive china—I have found a china-factory, where a plate may be worth ten guineas when it is finished, and where the girls are employed in one of the last processes, the burnishing of gold upon the plate—the firm which used to fine for breakages have abolished that entirely.

2349. What firm is that?—The Worcestershire China Factory. They have abolished fines there because they found that it was a hardship on the girls and was of no earthly use to them.

2350. At what date did that abolition take place?—I cannot tell you the date; it is within the last two or three years. They argue, "We cannot charge these workers ten guineas for a breakage, it would be outrageous. Fining only frightens those who are nervous and does no good. If they are careful workers and they make a few accidental mistakes, we will try to make them better; if they are not careful workers it is not worth our while to keep them at all." I was speaking to the manager of a well-known china factory in London the other day. He again, said, "We used to fine, and we do not fine now, because fines make the girls nervous; if they feel when they have a plate that they should be fined if they drop it, ten to one they are likely to drop it."

2351. Now you have dealt with the first head, which is deductions for food, and with the second, which is deduction for things to be done or provided, and with the third, namely, deductions for damage such as you have been describing. The fourth head is disciplinary fines?—I find that they are not much use.

2352. In each and all of those cases the provision of the Statute with regard to having the contract in writing has of course been complied with, at least in those cases?—Yes.

2353. So that you cannot attack it on that footing?—No.

2354. Then you cannot get at it upon the footing that it is not fair and reasonable, at least you have the greatest difficulty?—The greatest difficulty.

2355. Now, on the system under each and all of those heads I wish to ask you this: for instance, as to disciplinary fines, deductions in respect of damage and things to be provided by the employer, including food; in all those cases—charges to be provided by the employer—do you think that the full wage should be given?—I do, the full wage in money.

2356. Are you in favour of the total abolition of fines?—Yes, I do not think that that is the proper way of dealing with the question. I do not think that the wages themselves should be touched at all by way of punishment.

2357. Now as to the alternatives. The alternative is suspension or dismissal, I presume?—The alternative is dismissal. A worker who is a bad worker and not worth keeping, should go. In places where fines have been abolished I do not find that their workers are more careless than any others. There are firms who used to have fines and have now abolished them; I know a number.

2358. Can you tell us the names of those firms?—There is P. 10; there is R. 10—may I send you in a list?

2359. Certainly. We want on this point a list of firms that have found it not inconsistent with the good of their business to abolish fines altogether?—Yes, and may that list include shops?

2360. Certainly?—I am surprised to find that in shops (where fines are held to be so necessary) there are numbers of firms that have abolished them, or never had them, and got on quite as well without.

2361. But your point is that even taking into view the possibility of dismissal, you think on the whole the general advantage would be greater?—Certainly I do. I do not think it would make the workers more careless; it merely means better control over them.

2362. And probably better attention to machinery? Very likely; it certainly reduces irritation amongst the workers. Over and over again a worker will say to me on a matter of fines, "Well, I have paid for it, I am squared with him; I have been late or I have done something wrong, but I have paid him the fine; it is over and done with." The point is that it is not over and done with. The girl has committed an offence, and she ought not to be able to feel that she has "squared it" by paying for it. She ought to feel that she has done wrong; she ought to be reprimanded and threatened with dismissal, and eventually dismissed if she continues the wrongdoing, whatever it is, but she ought not to feel that she could "square it" by paying a small sum in the way of fine.

2363. You will give us a list of the firms that have abolished fines and found that they could get on very well without them?—Yes.

2364. Have you any knowledge of firms that have abolished fines and reverted to the fining system?—No, I never found a case. The other day a firm who had never had fines suggested that they should start them. I do not know whether they have, but that is the only case that I have in my mind now.

2365. Now may I revert again to what you said about two guineas being the total amount of fines in the year?—Not the total amount of fines in the year—the total amount of work damaged.

2366. It was the total amount of damage you meant?—Yes. This is a skirt factory, and the girl who spoils a length of flounce spoils a certain amount of material. It is the custom to deduct the total amount of the actual value of the material; and that amounted to two guineas.

2367. What we are anxious to get is, in respect of that total amount of damage, what was the total amount of fine?—She paid for the damage—nothing besides the damage; she paid all the damage, but nothing in addition.

2368. Mr. Yarrow has been calculating and he brings it out that that would only come to about 3d. per worker per annum?—Yes, that is my point; that, in spite of all this, in spite of the girls being so young, in spite of their being so ill-trained, in spite of their working so fast, they yet do really so little damage. It is extraordinary; I am astonished at it. This kind of "damage" is so natural under the circumstances that it should be regarded as a risk incidental to the advantage of employing cheap (*i.e.* incompetent) labour, or working at great pressure and should be dealt with otherwise than by fines or deductions

This deduction in respect of spoilt work seems to be in certain trades only. In the clothing trade, for instance, I find this system of deductions for damages in the clothing factory, but in the dressmaking trade, the millinery trade, there are factories now in these trades, and certainly hundreds of girls deal with material which is not cheap —lace, silk, poplin, and other expensive materials—I have never found a case of detention for damage. Lace or expensive stuff, perhaps may be spoilt by being carelessly sewn or crookedly done. They succeed in keeping their discipline and preventing too much damage, without any system at all of deductions for damage.

2369. So that in cases where if it was effective for its purpose it would be most important, namely, where the material is expensive, you have not found the system ?—No.

2370. And in cases where the material is cheap you do find it ?—There may be many cases where the material is expensive in which it exists too, but I was dealing with that particular instance, I am taking two branches of the clothing trade.

2371. In these two branches the fines prevail where the material is cheaper, and they do not appear to prevail, at least nearly to the same extent, where the material is expensive ?—That is so.

2372. Now we will go on to the evasions of the Truck Act as you view them, first by means of the bonus system which you have described. We know that generally, and you can give us a list, can you, of firms where that bonus system prevails ?—I think it prevails in all the flax mills, with a few exceptions, in the north of Ireland. I have in mind now a large flax-spinning firm at Dungannon, who have abolished the system of bonuses for being late. I asked them what the result was ; they said there was no difference in the attendance of the workers. I asked if they had instituted a fine instead, and they said no, there was no difference.

2373. It is merely the moral force of discipline ?—Yes. It was in that firm that I found as I have found in others, that in two spinning-rooms, the girls in one spinning-room were constantly late ; the girls in the spinning-room beneath, doing just the same kind of work, were always up to time The manager called my attention to this. He said, "You see how different the two spinning masters are, the one succeeds in keeping up discipline" (there was no question of fining at all), "I hardly ever have a complaint of lateness, and in the other room they are constantly a little late." He attributed it entirely to the fact that one of the spinning masters was able to keep discipline and the other was not. I found that in different rooms of factories with different forewomen the results were quite different. In some rooms there are hardly any errors or mistakes or unpunctuality, and in another room, doing the same kind of work, and employing the same kind of people, there is a great deal of it. I attribute it to the difference in the moral force of the forewomen.

2374. Then what is your opinion about this bonus system ?—I should like it abolished.

2375. You do not think it effects its purpose ?—I do not think it effects its purpose. A time bonus is simply a fine turned round the other way.

By Mr. Yarrow.

2376. Is not it an addition to wages ?

By the Chairman.

2377. In your view I gather the full wage for good work is the wage plus the bonus ?—Yes.

2378. And the way that that fine comes in is that if there is the slightest slip from perfection the bonus is not given, and the worker does not get the full wage inclusive of the bonus, but only the "wage," and thus the bonus turned round the other way operates as a fine for any slip, however slight, which is a failure from perfection ? —Yes, and that applies where it is a time bonus also. A worker who works fifty-five and a half hours in the week, which is the full time that she could work in this particular mill that I have mentioned, gets the full wage plus the bonus ; she gets the whole thing, and she calls it her wage ; when I first inquired amongst these workers, they always said, "Our wages are so much," when I came to inquire I found that what they called their full wage was the wage plus the bonus which they get when they work full time. If they do not make full time they lose the 2s. bonus.

2379. That would be 2s. out of what ?—They lose 2s. out of 10s. or 10s. 6d. I found that this bonus in its proportion to the wages varied in different mills. In one mill the wage would be 9s. 6d., and 6d. bonus, in another the wage would be 8s. 6d. and 1s. 6d. bonus. The general wage plus bonus in the district is pretty much the same, but the amount of bonus in proportion to the wage varies in different mills, so that it really proves that the fine varies in different mills, but the total plus bonus is pretty much the same.

2380. Then there is an evasion which you have in mind which you speak of as "renewals of contract of employment" ?—Yes, I did not know how else to express it.

2381. Will you explain what you mean by that ?—Where the factory inspector has suggested to a firm that fines for unpunctuality are unreasonable the firm may reply, "Very well, we will not fine at all, but next week when the worker comes we will make a fresh contract with her ; instead of paying her 10s. a week we will pay her 9s. 6d. for that week ; the following week she shall go back to the old contract and have 10s." That is a fine really. It is very difficult to deal with. I do not think one could prosecute for it. I am thinking of a firm where this occurred, an asbestos works. They do not exist any longer. There they said that they would institute this system of renewal of contract, giving a worker a different wage the next week if she had not behaved well the week before.

2382. That is to say, it was not a fine or a deduction from the actual wage earned, but it was a fresh stipulation that she would have less for the same amount of work ?—Yes, she did exactly the same work and was paid less.

2383. That system is not very general, I should think ? —No, I do not think it is.

2384. But it is objectionable ?—Very objectionable. There is also a system called suspension—sending a worker out, giving her what they call a "pass out" for the half-day or for a day, or an hour, or two days, for committing any offence.

2385. Is that pretty largely resorted to ?—I do not think so. I have not found it very often.

2386. Have you any opinion, with regard to the advantage in conducting the inspection duties, of having the law codified ?—It would be very much easier and simpler not only for the inspectors but for the employees.

2387. You have given us your opinion with regard to the need for amendment in detail in regard to all those provisions ?—In my opinion deductions should be abolished altogether. I do not wish to commit myself to the statement that the provisions can be amended in a little matter here and a little matter there. Having found how difficult it is so to word any section that it cannot admit of being evaded, it seems to me that it would be better not to attempt it, because the advantage of deductions is so little to anybody, in my experience. The advantage to the workers I do not see, and in talking to the best employers, those who have the keenest interest in their workpeople, I do not see that they find that there is any advantage in it, because they do not take advantage of the possibility of fining.

2388. The judges of the land seem to have been successful in finding imperfections in any form of Parliamentary language ; is that your view ?—Well, in the case of the Truck Acts.

2389. And you think a universal negative could not be misconstrued ?—I do not know that I go so far as that.

2390. But at all events you would rather have a definite exclusion of the whole thing ?—I would rather have something definite. One employer who secures his discipline without fining should not see his next-door neighbour imposing fines and feel it impossible under the Truck Act to prevent him doing so.

2391. In carrying out your duties you have endeavoured, of course, in all cases, to the best of your judgment, to carry out the spirit of the enactment ?—Yes.

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2392. In applying those Acts, for instance, to out-workers, you thought that you were carrying out the mind of Parliament on the subject—you were endeavouring to do that?—I hope so, yes.

2393. Now, what I want to put to you is: do you think that those efforts that you were making should in the future be rendered successful by some alteration of the language of the Act of Parliament?—Yes.

2394. Do you think that that is necessary in order to avoid cases of extreme individual hardship?—Yes.

2395. And the cases are very numerous, particularly in certain parts of the country?—Yes.

2396. That applies notably to all the classes of out-workers in the kingdom?—Yes.

2397. And particularly in the soft goods trades, or does it apply to the hardware trade too?—I do not know about out-workers in the hardware trade; my experience has been chiefly in soft goods.

2398. Then we should like to get from you any evidence that you are able to furnish with regard to the system of fines and deductions in shops, which were not under your jurisdiction as an inspector. I understand you are engaged in making investigations into that subject?—Yes.

2399. It may be necessary for us to call you upon for that, but I would ask you, if you could, to complete your investigations as soon as possible?—Yes. You ask for a list of the kind of fines that I have found. I have a list here of fines, either written down or which the employers have themselves told me of, but not all in one place. They have not given me, and I have not been able to ask for, except as a favour, a list of fines in a shop.

2400. How many fines are there on that list?—There are four pages of them.

2401. Are you able to testify to the contents of that list?—They are actually taken from lists of fines, or taken from what the employers have told me.

2402. So that they are in operation in each and all of those cases?—Not all in the same place.

2403. Does that apply to shops?—This is only shops.

2404. Will you kindly, before you resume your evidence, cross the items upon which you wish to comment, in the list, as illustrative of what you think demands remedy?—Yes.

2405. Then you have been investigating the case of living-in also?—Yes, I have visited a considerable number of drapers' shops and dressmaking and millinery workplaces, where the dressmakers and milliners or the shop assistants live in. I have only asked about women. I have not many enquiries concerning men.

2406. Have you completed that, or would you rather defer it?—I would rather defer it, if you do not mind.

By Mrs. Tennant.

2407. As a matter of fact have any of the appeals under the Truck Act taken by the Home Office been successful?—There is one appeal which was successful, but it was in respect of a matter which really related to the powers of inspectors; it was not on any principle of the Truck Act. All the appeals have been dismissed.

2408. You referred to a firm at Dungannon having given up fines. Was that quite recently?—It was quite recently, within the last two years I think.

2409. Have they described their experience since then; are they quite satisfied with the result of their giving up fines?—They are not satisfied with some of the workers being late, but the manager said they were not more late than they were before; there is no difference. That is the usual result when I ask; they tell me there is no difference between the former condition and the present condition.

2410. Have any of those firms with whom you discussed the abandonment of their fines, in relating their experience, said anything to you about hope for the future; had they any opinon as to whether discipline in the future would be improved, even though it had not been so far?—No.

2411. Have you yourself any opinion as to whether there would be improvement?—No, except that where fines are not resorted to, better means of discipline, better foremen, more competent foremen, more competent overlookers are required, and consequently I should think a better condition would arise in the factory.

2412. Now what would you like to see done in the two matters that you have referred to towards the end of your evidence, the evasion of the present Truck Acts by means of bonuses and by means of this system of renewals of contracts of employment. You said that you would like to see the bonus system abolished. Would you like to see the system of payment of wages in that way made illegal under any amending Truck Act?—Yes; when I say abolished, I mean, made illegal.

By the Chairman.

2413. You mean, abolished by Act of Parliament?—Yes.

By Mrs. Tennant.

2414. With regard to the renewal of contracts of employment, do you think that that could also be anticipated in an amending Truck Act; do you think that system of the evasion of the law could be made impossible under any new law?—Any amendment of the Truck Act in the way I suggest, it seems to me, would have necessarily to carry the possibility of inspectors inquiring into such matters as conditions of employment and methods of dismissal; otherwise one would have an evasion of it in that way. It seems to me that where the spirit of the Truck Act was evaded by disciplinary suspensions that ought also to be abolished; I mean, the possibility of evading it in that way should be abolished—the possibility of substituting for fines disciplinary suspensions, which means deductions from wages. There should be no way of touching wages as a punishment.

2415. And, even if certain evasions were discovered, would you feel that at any rate the worker would have a clearer issue in combating the new system instead of the present system of fining. Supposing something was designed which it would be very difficult for any law to anticipate, or very difficult for any inspector to deal with—this question of the renewal of contracts of employment is rather a case in point—would you consider that at any rate there was a clearer issue and one which the worker would be more likely to deal with effectively than she could with surreptitious deductions from wages?—Yes; I think the whole thing would be clearer. A woman would know where she was; she would know better what she had to face. She would not be told that she was going to make a certain sum as wages, and then find that she did not get it. If she did wrong she would be reprimanded or dismissed. She would know exactly where she was in regard to what she would earn in wages.

2416. Taking now into account the interests of the worker, would you rather see a firm who did not wish to dismiss its worker, saying to the worker, "Well, we do not think you are worth 10s. a week, we think you are only worth 9s., and that is what we propose to give you"?—I would rather that.

2417. You would rather see a direct reduction of wages?—Much rather. If she is only worth 9s. a week, she should only receive 9s.

By Mr. Ramsay Macdonald.

2418. I think you said that you did not know cases of middlemen in the sprigging trade that gave out work without receiving any commission from the large wholesale houses—referring to the North of Ireland?—Yes.

2419. Have you had any experience of those commission agents in the knitting industry?—No.

2420. You do not know whether commission is or is not paid in that industry?—No.

2421. There was a question raised about how far truck practices were prevalent in the North of Ireland. Would you say generally that truck was the practice and that payment of coin was not the practice, but rather the exception?—No. I think that truck is the exception now anyhow.

2422. Now the workers you have described and Miss Squire has described previously are as a rule paid in coin?—They are most often paid in coin, I think, now.

2423. Then with reference to fines in shops, who enforces those lists of fines? I am thinking more of a sort of departmental shop. I suppose the man who would enforce the fines would be the man—I do not know the technical expression—I suppose you would call him the shopwalker?—As a rule the shopwalker inflicts the fine. The shopwalker has a certain number of girls under him behind the counter, and he inflicts the fines—for instance such a fine as for allowing a customer to leave the shop without first speaking to him, if he has not bought anything, fined 6d.; leaving two boxes in front of a customer—not moving away one box before he got the other box in front of a customer.

2424. I do not want to go into details; I was asking you generally?—But where it is a question of a wrong entry in the check-book, as they call it, I think it would be the counting office official who would inflict the fine.

2425. The employer himself is not in any way directly responsible?—He makes the rules, but he often knows nothing about the matter.

2426. He does not make himself responsible for the administration of the rules?—No.

2427. Then with reference to your opinion that the bonus system should be made illegal. I suppose your suggestion about that would be that the law should define wages or payments in such a way as to exclude the possibility of this bonus being regarded as legal?—The definition of wages could include bonus I think.

2428. The definition should be such that the payment should be regarded as one and indivisible—that all payments made in respect of work done should be indivisible?—Yes.

2429. And that they should not be capable of being divided into wages and bonuses, premiums, commissions, or anything else?—Yes.

2430. That the whole thing should be wages?—Yes.

2431. And that from that indivisible lump sum no deductions or fines should be made?—Yes.

2432. That is really what you want to suggest to us, is it not?—Yes.

By Mr. Maddison.

2433. I think you have made it plain in your evidence that you are against fines of any kind, and that you face the alternative of dismissal, and think that it would on the whole be better all round?—I am sure it would. I do not think it would be a hardship to the worker at all,

2434. And you include in that belief suspensions. I gather that if they were to suspend a girl or a woman———? —That is a practical dismissal, or rather I should say it is a practical deduction.

2435. Of course you would be careful there that the suspension was purely a disciplinary one?—Simply by way of punishment. What I mean is, I would rather that wages should not be touched by way of punishment—that the punishment should be inflicted in some other way.

2436. You could conceive of a form of suspension that would not quite come to that?—No. I do not think I have ever found in my experience any form of suspension that was not punishment.

2437. Now, have you had any experience of the working of the Lancashire women weavers who, as you know, are out of the Act of 1896. What is your experience as to them?—I have had none. Miss Paterson has had experience of that.

2438. Then there is one question with respect to this very deplorable description we have had of the truck system in Ireland. The argument is used that if we were to interfere very much these poor women would lose their work altogether. What is your view as to that?—The work has got to be done. I do not think they would lose it at all. I think they will get lower wages than their present nominal wages. The contractor who gives say 8d. in cash, and what he calls 8d. in goods, would probably give 8d. in cash and 4d. additional in cash for the goods no longer given.

2439. One word about sick clubs and mess rooms, and kindred things of that kind. I suppose you are against any of those being made a condition of employment in any case?—Certainly.

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2440. But in case they are not made a condition of employment, do you think that sick clubs are altogether free from objection?—I have not had much experience of them, but where I have found them it seemed to me that there was always the danger that women might put their money into a thing and then find that the firm failed, or if they moved away they could not recover. I think it is unsafe.

2441. And is it not difficult to avoid making the membership of such sick clubs in actual practice a condition of employment, or are women fairly independent in these matters? I do not know whether I have made myself plain. Here is a firm that does not make it a condition of employment, but it is pretty well known that they want the workers to join a sick club. Now, what is the result of that?—As a rule any wish expressed by the firm in such matters as that is looked upon by the women as a matter to be acceded to if possible; I mean they are afraid as a rule of doing anything which would put them out of favour.

2442. But you have had no large experience of that question?—That is so.

By Mr. Delevingne.

2343. I should like to clear up the point about the Home Office appeals. You said that the Home Office had lost every appeal that it had taken since the Act of 1896, except one. There have only been five appeals altogether?—There has only been one in my case; I do not know how many there have been altogether.

2444. There have been five. I will just take you through those. There were two cases of *Squire* v. *Sweeney*, one was successful and one unsuccessful, and the unsuccessful one was under the Act of 1831?—Yes.

2445. Then there was the case of *Squire* v. *Bayer* under the Act of 1896, which was lost; there was *Squire*, v. *The Midland Lace Company*, also under the Act of 1896, which was lost; and then there was the Hooper case which was taken by one of the men Factory Inspectors under the Act of 1831; that was a case in which deductions were made in respect of the Workmen's Compensation Act payment, and that was lost?—Yes, and then the Newry case—the recent one.

2446. But under the Act of 1896 the Home Office has taken four appeals, and won one and lost three?—Have we won any appeal?

2447. Yes, *Squire* v. *Sweeney*, under the Act of 1896?—But it was not really upon the Truck point that we won; it was simply whether the inspector should have a right to inquire of the outworker.

2448. It was under Section 6 of the Act of 1896. However, I will not pursue that. Then on the question of bonuses you say you think that the definition of wage should be so framed as to include bonuses?—Yes.

2449. Is it not rather the case that wage as defined in the Act of 1831 already includes everything paid by way of recompense or reward of labour?—That is what I thought, until the Newry case. That was the ground on which that case was fought. The Solicitor-General for the Home Office urged that the definition of wages covered everything paid as the remuneration of labour. It is a very, very wide definition. His expression was, it was not possible to conceive of anything wider. The words are, "Any kind of reward or remuneration in respect of labour." But now the decision is that it does not include bonuses.

2450. Do you know that the decision has gone upon that particular point?—That was the decision of the magistrates; and the telegram that I received yesterday states that the High Court have unanimously upheld the decision of the magistrates. The magistrates argued that bonus is not wage, and therefore this case does not come under the Truck Act, and we dismiss it.

2451. Then on the question of bonuses generally, are you opposed to every kind of bonus. Would you be opposed to a bonus which was given to encourage a worker to produce more work in a given time?—My experience is (it is only amongst women) that such bonuses are generally given where the normal wage is low. It is a kind of driving. In order to get the bonus the woman has to work very hard indeed—harder than normally—and it gives her

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a false impression as to what her wages will really be. She reckons when she goes to a place, and hears that the wages are so much, that she will get the bonus too, and she takes the place instinctively thinking that she is always going to get the bonus. She finds that she does not get it. She finds that unless she does a little more than the usual and normal amount of work she does not get it. Take the case of reelers in a flax mill; they get a set price for so many reels. If they do more than a certain number of hundred reels they get 6d. more. If they are late for a few minutes they cannot do it; if they do not work at top speed they cannot do it. I think it drives the workers. It does not give me the impression of being a fair thing. When it is a case of piece-work, a good piece-worker naturally will make more than a bad piece-worker, and that in itself, it seems to me, is a sufficient difference between the bad and the good.

2452. Is the bonus system as you know it only in the case of piece-work?—No. In this particular Newry case they were time-workers.

2453. But is it not a fair thing that an employer should be able to say to his time-workers, "You shall have a bonus for extra diligence or extra good work," so as to encourage his time workers to give the firm their best efforts?—No, I think he should engage a piece-worker to give as much as she possibly could, and pay her a wage for that. It is only a fine hind-side before, really; it means that unless you do a little more than the normal thing you do not get the full wage.

2454. Of course, I am not thinking of cases where the bonus, as in the Newry case, is really a fine and an evasion of the Truck Act, but I am thinking of cases where the bonus is really given not to reduce wages but to increase them?—My experience is that it often does lead to reduction; that you do not get the proper wage except as a bonus. I am talking only of women, and of rather low paid work. I think that is the tendency—that the full wage is really the wage plus bonus—that the real wage itself gets lower and lower, because they can make the bonus if they work extra hard.

2455. What action have you taken under the Truck Act in regard to the living-in system in millinery and dressmaking workshops?—I have taken none. I had not considered the subject.

2456. I do not think you gave the Committee any estimates as to the extent to which it does prevail?—Do you mean simply among dressmakers and milliners?

2457. I mean in workshops under the Factory Act?—I do not think it exists very largely. The heads of millinery and dressmaking workshops often live in; milliners more often live in than dressmakers; but I do not think that it exists very largely. Where I have found it is amongst foreign workers. It is getting more and more the custom for French women to be brought over in a number for the season, and they live in.

2458. In your experience is the system attended with good or bad results; I mean, is it fair to the workers on the whole; is it fairly worked, or are they put off with bad food and insufficient accommodation?—May I look upon that as two questions and deal with the last first? I think there is a great deal of abuse, but I am not prepared to say whether I think the system is, on the whole, bad or good; I do not know enough to express an opinion. I only know that there is a great deal of abuse, and I think it should be regulated; but I do not know enough to know whether the whole system is really very bad or very good. I should not like to give an opinion.

2459. You would not like to say the living-in principle is a bad one in itself?—No, I would not say the principle is bad in itself, but I do say that I have found very bad cases indeed in connection with these workshops. I do not know enough to give a general opinion.

2460. Suppose fines and deductions were not abolished altogether, would it help you at all in proving cases if the burden of proof in regard to such matters as the cost of materials or the amount of damage done was thrown upon the employer instead of upon the inspector?—Certainly.

2461. Would that tend to make the existing sections fairly effective?—I think that would make them a little better.

2462. Or do you think that, at any rate in the case of damaged articles, the proof which the employer would produce would be much the same as the proof he already produces to meet your arguments?—Yes, that is true.

2463. Now, about the overalls. You are opposed to the employers making deductions in regard to the overalls?—Certainly.

2464. I suppose in some cases the employer does not supply the overalls himself, but he makes it a condition of employment that the worker shall come provided with overalls?—Yes, and in some cases he charges for them; I mean, the worker can only get them through that particular firm. In other cases it is a condition of employment that the worker shall come provided with them.

2465. You do not see any objection to that, I suppose?—It comes to pretty much the same thing as making her buy the overalls, does it not. Suppose the employer supplies the overalls at cost price. It really means that the worker's first week's wages are not her full wage, but very much less. A girl who is earning 10s. a week and has to live on that, when she goes to a place in which an overall is required from her, has to spend—or rather has to begin first of all by getting into debt, to the extent of the price of the overall, out of her first week's wage before she can start work at all; therefore, for that week her wages, instead of being 10s., are 8s. 6d.; I think 1s. 6d. is the price of the overalls.

2466. Does not that raise a wider question? In many cases the workers are required to bring and use their own tools?—Yes.

2467. Would you go so far as to say that that should be prohibited—I mean, looking for the moment upon overalls as being one of the things required for a particular employment?—It is not a thing necessary to the work in the way we are looking upon it; but supposing it were, even, I think that is rather different. A workman who brings his own tools is in the nature of a person who has a certain amount of capital; he has his capacity for work and his tools help him. I think it is different with a girl who has no tools like that. A man goes to different places and his hammer lasts him, I suppose, half his life if he is careful of it.

2468. Still, it is difficult to interfere in a matter of that sort?—My impression would be that it was the duty of the employer to provide his own tools, and to punish a workman who destroyed them—to take him into court if he destroyed them or damaged them unnecessarily, maliciously, or wilfully; he should sue the workman.

2469. Now, with regard to the two sets of cases that you gave us in regard to clothing factories, where in the one case material is cheap and deductions are common, and in the other case where the materials are expensive, and deductions are practically non-existent: what would you suggest to be the explanation of that?—Custom. I think that is only a custom. It may be partly because in clothing factories there is a good deal of piece-work. The workers are working as fast as they possibly can. Their piece-work wages are lower, comparatively speaking; they have to work as fast as they can and they are likely to make many mistakes. They have not time to be careful. It may be partly that, but I think it is largely custom. It is not the custom in the dressmaking trade to deduct for damages, and it is the custom in the clothing places.

2470. It just occurred to me that it might be connected with the profits made in the two trades respectively. In the clothing trade the profits would be very much cut, I suppose, and in the expensive dressmaking shops——?—Tney often make no profits at all. The risks in expensive dressmaking shops are very great indeed.

2471. One last question. I think you have had some experience of fines by gang masters?—In the Potteries where they have the team system, and where the team master employs two or three men under him and fines them. I cannot speak to special cases, but I found that was the custom when I was in the Potteries some years ago.

2472. Have you made any attempt to deal with that under the Truck Act?—No, I have not.

By Mr. Yarrow.

2473. The bonus system is being very rapidly introduced into this country as you no doubt are aware, and therefore anything you can tell us about it will be particularly valuable. Now I infer from what you said that you do not approve of bonuses, because the non-giving of the bonus is practically a fine ?—Yes.

2474. I take it that if the bonus is a payment in addition to the usual wages, it is really a reward for extra diligence, and in that case I suppose you would approve of it ?—No, not in the way you put it, quite. I can only give you my impression about it, but my impression is that where there is a bonus it is really less than the usual wage, and the usual wage, the normal wages tend, to sink. For instance, an addition to wages will be put on to the bonus instead of on to the wage.

2475. I assume in my question that the bonus is in addition to the wage, and that the wage is not reduced. If the bonus is in addition to the wage it would be as a reward for extra diligence. You would approve of giving a reward for extra diligence, would you not ?—No, I think you have a right to require full diligence from your worker. You have a right to have the best she can give in return for the wage you give her. I do not think it would be right to suggest that she could be extra diligent. She has to give you the best that she can.

2476. I will put it in another form. Suppose the employer and employed are working on the bonus system, and they both are perfectly contented and very pleased with it; you would not make any law to prevent that being carried out ?—I do not feel that I can judge about that. I would remind you that when the provision as to overtime was first brought in a great many of the workers felt that overtime was a very good thing, and that it ought not to be abolished. And yet I feel that it is very important to regulate it. Speaking of women more particularly, I think that they often do not realise the position. They have said to me: "Oh, we get a bonus in such and such a place," as if it was something extra. It may be in a few instances something extra, but as a rule it really means that the woman gets the full wage in that place.

2477. Do you think there would be a strong opposition to the abandoning of all fines by law on the part of the firms themselves ?—I believe the opposition would be much less now than it would have been even when the Act of 1896 came in.

2478. That does not tell me whether you think there would be a strong opposition now. In your conversations with the heads of firms did you form the idea that there would be opposition ?—Less and less. I am sure there are a very large number who would strongly object, but there is an increasing number who would not object—they say that they do not find the system of fines of any use to them.

2479. Now, in regard to that extract from a newspaper: your evidence conflicts entirely with what was stated in the paper. Can you suggest any means by which we could get confirmation on one side or the other ?—I should suggest that the writer of the paper should give his evidences, and if you arrived at no further results there should be an inquiry about it. But I should like to say that an inquiry which had been blazoned abroad beforehand would stand little chance of being very successful. I think if I had gone down to Ardara and everybody knew that I was coming to inquire into a case of that sort, payment in goods would have been stopped.

2480. But if you went down without anybody knowing it ?—I did go down without anybody knowing it, or very few people knowing it——

2481. You told Mr. Maddison that with regard to truck in Ireland, the workers if they had been paid in cash would probably have lower wages ?—Yes.

2482. If they are paid in cash entirely, do not you think their wage would be lower ?—Nominally lower, not really.

2483. When they came to exchange the money for necessaries would it not come to the same thing, because of course the object of money is to buy necessaries ?—I think it would be better, because they could get their necessaries in the cheapest shops. A worker gets a certain sum of money and a certain sum in goods from a shop valued by the employer at a given amount. If she had had the money she would probably be able to say: "I have not been having sufficient value from that place, and I will go to some other place where I shall get more value for the money."

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2484. Do you think the worker would gain by it, really ?—Yes, because in the first place she would be able to take advantage of competition as she cannot now, where she has to go to only one shop and take whatever goods are given to her.

2485. But if she had an equal number of the necessaries of life by either system it would not matter which system was adopted ?—Yes, I think it matters very much.

2486. The object of the work is to get the necessaries of life ?—I do not quite think that. The object of work is to get the necessaries of life, but if in getting the necessaries of life you also lose your independence and get into debt, and are not in a proper position to use your wages as your own to do what you like with, I think that is a drawback.

2487. Now with regard to the girls working in factories where there are fines. Do they know all about these fines—what they are and what the amount is—prior to applying for the employment; because it would appear that a person ought to know before applying, the conditions of the employment ?—Certainly.

2488. Are the girls able to get the full information as to what the fines are before they apply ?—No.

2489. Do not you think it would be a very good thing if they did ?—It would be an advantage, certainly.

2490. If they knew actually what the fines were, and then sought employment under those conditions, you could not very much complain ?—I think you could complain. It would be an advantage over the present system, but there would be no guarantee that the fines would not all be changed after they had been there a week.

2491. If there were a certain system of fines and the people were engaged based on that system, it would not be competent, probably, to make any change. Would it not be a great advantage for them to know before they took the employment what the system was ?—It would be better than not knowing it, but I do not think it would be a good thing. The girl has to calculate what her wages are. I do not think in ordinary cases the girl is able to calculate and to find out how much goes in fines and what is the real wage.

2492. Still if there are to be fines, you would prefer that the workers should know what they are beforehand ?—Certainly.

2493. And at present they are not always capable of finding that out ?—No.

By Mr. Ramsay Macdonald.

2494. I should like to put a supplemental question upon this bonus matter, just to try and get it clear. I think your experience of the bonus payments has been under conditions where there has been a standard wage paid. What I mean by that is that there has been no form of collective bargain, no trade union, and nothing but a wage which is common to a locality ?—That is so.

2495. And that there is no protection such as trade union negotiations provide, for keeping that wage up or for improving it ?—In the North of Ireland there is a trade union for women, but it is a very weak one; it practically means the wage in the locality.

2496. Then you told us, as far as I could grasp what you said, that in the North of Ireland, although the bonuses paid varied, say, from 6d. to 2s., nevertheless, the wages plus the bonus, in spite of the variation of the bonus, came to generally the same total amount ?—Generally it comes to the same thing for the same amount of work.

2497. That applies to flax spinning places in the North of Ireland ?—Yes.

2498. Now outside the North of Ireland could you make the same statement with regard to wages. I think you have had experience in the West of England ?—No, I am sorry to say I have little experience of the textile trades outside Ireland. My fellow inspector, Miss Paterson, has had experience there.

Miss L. A. E. Deane.

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By the Chairman.

2499. You referred to various cases in answer to Mr. Delevingne. There were two stages in the case of *Squire* v. *Sweeney*. There was the stage in which you were successful in obtaining access to all the parts of the factory, but when it came to the merits of the matter, so far as truck was concerned, upon that you were not successful ?—No, I do not think it was access to the factory ; I do not remember whether it was access to the outworkers' houses.

By Mr. Delevingne.

2500. It was access to the places where the work was being given out.

By the Chairman.

2501. You wanted access and there was difficulty about that, and that came to be ultimately a question which the court settled in favour of giving you access ?—Yes.

2502. Now, the only other point is this : I was interested in your answer to Mr. Yarrow. You said you thought there might be less opposition now to the abolition of fines. Do you attribute the decrease of opposition to such a proposal to the experience had by those firms which have abolished fines. Do you think that that has assisted in ripening opinion as to the feasibility of the abolition of fines ?—Yes, because I think a number of firms since the Truck Act of 1896 have gone into the question a great deal more than they used to, and even though they have not abolished all fines they have had to abolish some of them—the inspector having shown that these were illegal : respecting those particular fines they have found that they are no worse off, and they therefore have had their opposition to the abolition of *all* fines a great deal weakened by that experience.

By Mr. Yarrow.

2503. Suppose the fines at a factory or shop were put outside so that anybody could see them before they went for the job ; do you think that that would have the effect of abolishing fines ; do not you think that that might have a self-acting effect ?—Do you mean in making them so public ?

2504. Making them public so that everybody could see them, including those who applied for work. Do not you think that that might have a double effect, one of letting the people applying for work know exactly what the conditions are, and another effect that the firm instead of putting up a list of fines might think it worth their while to abandon fines ?—Taking the first question, I think I must point out that women seldom read notices ; sometimes they will not read even the Truck Act notice ; they hardly ever read the abstract of the Factory Act ; it is couched in language that they do not always understand ; and sometimes they cannot read it. They like to have a thing in their hands that they can take home with them, and study and compare : directly you have to set up a list of fines it tends to reduce the number ; but it has not tended to make these firms abolish all fines.

2505. I mean putting them up outside so that the people could see them before they went inside to apply for a berth ?—I do not think that would have much effect. It would certainly not have much effect on the people who go in, and I do not think it would occur to anyone to stop outside and read the notices.

TWELFTH DAY.

Thursday, July 5th, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord-Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
F. CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

Miss MARY PATERSON, was called ; and Examined.

Miss M. Paterson.

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By the Chairman.

2506. You are one of the inspectors of factories ?—Yes.

2507. I understand you were appointed a factory inspector in 1893 ?—Yes.

2508. And since then have you been constantly engaged in inspection ?—Yes.

2509. What is the range and area of your duties ?—I inspect in Scotland, and the north of England, including Northumberland and Durham, Lancashire and the northern counties generally. I have also been occasionally to Ireland with reference to Truck matters, and to the fishing industry there. I always take Miss Anderson's place in London when she is away for any long period, so that from time to time I do some inspecting in London.

2510. Miss Anderson is your immediate superior ?—Yes.

2511. Does the whole of Scotland come within your sphere of duty ?—Yes.

2512. Speaking generally with regard to Scotland, what would you say on the subject of fines and deductions ?—As compared with the north of England—Lancashire for instance—I should say there is less systematic fining in Scotland. Fines and deductions are made, but the practice is not so systematic nor so extensive.

2513. Does that apply to any particular industry ?—I have found it to be so throughout the clothing industries—the making of wearing apparel—and also in the cotton trade and other textile industries.

2514. Of course your labours are confined to cases in which women and children are particularly affected ?—Yes.

2515. Do you find that in Scotland fewer contracts are made in pursuance of the 1896 Act ?—Yes.

2516. What is the attitude of the workers in Scotland with regard to deductions ?—The workers rather resent deductions. They don't understand the Truck Act very commonly, and are of opinion that deductions are illegal.

2517. Do they resent deductions even in cases of damage to work ?—Yes, I find that is much resented in the textile industries.

2518. You find the prevailing opinion to be that deductions in general are illegal ?—Yes.

2519. What is your own view about that? Would you rather that they were made illegal?—Yes, I should prefer them to be made illegal. I think the existence of the present system and the affixing of notices and the arranging of machinery leads to the infliction of fines and deductions.

2520. Would you explain that a little more fully?—I find that in some cases where there had been no contract, but where deductions had been made—perhaps half a dozen deductions during the previous six or twelve months in a factory—that when the firm took the trouble to make a contract and arrange for giving particulars, etc., it really led to a feeling that it was part of the business of the factory to make deductions and fines, and I have found them increase very much.

2521. Once the thin end of the system was in?—Yes.

2522. They wanted it justified by going on with it?—Yes, and it sometimes seemed in doing so as if perhaps, the inspector was almost instituting the system by calling attention to the Truck Act.

2523. Do you think there was a healthy ignorance on the part of some employers of the power to impose fines?—I think there was, and I think there still is to some extent.

2524. And that, in your judgment, is quite beneficial—the fact that people should not know that they have power, by law, to impose deductions?—Yes, I think that is rather beneficial.

2525. We will ask you your general opinion by and bye, but let us first take the case of the textile trades, and begin with, say, Dundee, where the prevalent industry is, of course, jute. What is the rule with regard to that industry?—In that industry there are practically no fines. The rate of wages is low, but the work is rough and hastily done, and not much examined; so there are practically no fines.

2526. Is there any system of contracts in that industry?—No.

2527. I mean contracts for deductions under the Act?—I have seen occasionally amongst the rules of a factory a rule that there would be fines for being late, or something of that sort, but I rarely found it enforced.

2528. Now take the finer classes of work—the damask and linen weaving in Dunfermline, Brechin, and such places? What about the fines there?—I think there are more fines and deductions for damaged work in Dunfermline than in any other part of Scotland, so far as my experience goes. It is done more systematically.

2529. Would you tell us generally the nature of these deductions?—In weaving table linen, I find that the deduction practically resolves itself into the worker having to pay for damaged work—that is, having to buy the work.

2530. Can you give us any idea of the relative figures about that, in order to make it as clear as possible? What would be the average weekly wage for the work of a woman of full age?—I think it would be probably about 15s. or 16s. per week, but for fine work it might be £1 per week.

2531. They are somewhat highly paid women?—Yes, pretty well paid. They are very skilled workers.

2532. What is the amount of the fine that is usually imposed?—I have found that a worker doing table napkins, has had to buy the napkin that is damaged, but much would depend upon the kind of work she was doing. The value of the napkin might be put at about 1s. or 1s. 6d.

2533. She takes the single damaged article?—Yes.

2534. What is the nature of the damage upon it?—There may be threads out, or a certain kind of damage called scobs.

2535. What is that?—That is caused by the breaking of the yarn which gets into a sort of knot, and then requires a good deal of darning and often cannot be put quite right.

2536. Then that means the equivalent of 1s. or 1s. 6d. deducted from the woman's wages?—Yes.

2537. Have you any idea how much would be deducted in a week from a worker's wage?—The workers in Dunfermline are very skilled, and do not damage their work much, but there is a system of making them pay for all they do damage.

2538. Now that we know the amount of the wages, and the nature of the operation, I want to get at the amount of the deductions. Would there sometimes be two napkins a week deducted?—There might be.

2539. That would mean between two and three shillings?—Yes.

2540. What is the attitude of the workers themselves with regard to that?—The workers, as a rule, consider these deductions as unreasonable and unfair. They blame the yarn for it, and, considering the general excellence of their work, it very often seems as if there was a good deal to be said for their point of view.

2541. Can you distinguish between one factory and another in that respect?—Yes.

2542. Are there some factories who conduct their business without that system of deduction at all?—Yes. Some time ago when I was in communication with them, the manufacturers (in view of contracts which were not valid under the 1896 Act, but dated back to 1882), went into the matter with the result that all of them put up notices which were practically the same, differing only a little in detail, but I found that they acted very differently upon the notices. I have not recently been able to make systematic inspections in Dunfermline, but I find that one or two firms who fined heavily some years ago, are still the firms who fine heavily now. I think I may say that there is one firm that does not fine for damaged work at all.

2543-2544. What firm is that?—S.10. I think they make no fines.

2545. Is that a firm of good repute?—Yes, I think so.

2546. Of the highest, I believe?—I think so.

2547. Then at the end of the scale there are firms that fine heavily?—Yes.

2548. And one firm in particular, I think, you said?—There is one firm whom I prosecuted, but there is also one firm in my mind that stands out as fining heavily too; there are two.

2549. Is that also a firm of high standing?—Yes, I think so.

2550. Do you find that there is any complaint by the manufacturer in a case where there are no fines; does that manufacturer who does not impose fines complain of lack of discipline by want of them?—No.

2551. Did you ever know a firm or an employer who did that?—No, I do not think so.

2552. Have you discussed the matter with the firms who fine heavily?—Yes.

2553. What is, speaking generally, their attitude with regard to that; do they represent it to be a necessity in their business?—They represent it more as a method of enforcing discipline.

2554. Does it appear to you as if it had rather been a growth, in Dunfermline especially?—Yes.

2555. It is a long standing custom?—I think it has been a long standing custom there.

2556. Who could give us information about that; have they a workers' union there?—Yes, they have a small union. The secretary of it is a weaver.

2557. I want to get from you, since we are having the advantage of your evidence, your opinion as to whether you think that system of fines and deductions operative in one factory and not in another, is in the cause of good discipline. Does it promote good discipline, or could it be dispensed with and yet there be good discipline?—I think it could be dispensed with. I do not myself think that it even meets its end of good discipline.

2558. Tell me how that is?—The fines take the place of supervision, that is much more effective than fining. In Scotland fines are imposed very often on workers who are late in the morning——

2559. Would you mind keeping to damaged work for the moment?—I think it has the same effect in the

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matter of damaged work; the worker does not put any better work into her work because she thinks she is going to be fined. I very often feel when I have heard both sides that the worker is right; that it could not be avoided, that it was something beyond her control, and the worker feels it keenly, having done work with which no fault has been found for perhaps six months, that one oversight even, should be the cause of a fine.

2560. In saying that the absence of fines would promote better supervision, do you refer not only to the supervision of the workers themselves, but supervision of the plant and of the raw material?—Yes I think so.

2561. The yarns particularly?—Yes.

2562. Take the firms that you have in your mind, where fines exist and are carried on from year to year. Suppose a recommendation given effect to by Parliament that would hit that system and abolish fines; do you think even in those factories where they have had them there would be injury done to the employers?—I cannot think so.

2563. And would it promote satisfaction among the workers?—I think so.

2564. Under the system of fines would you put it that your experience is that in not a few cases under such a system injustice is being done to the worker. She is being punished for a defect or a damage to raw material?—Yes, or a defect in supervision. The overseer, the tenter as they call him in Scotland, does not look after her looms perhaps as he would do if there could be no fine.

2565. Then you spoke of fines for unpunctuality and absence and so on; how do these run?—In Dunfermline they are pretty general in the factories. As a rule they go to 1d. for being late up to ten minutes; then 3d. if they are out from between six and nine in the morning, nine o'clock being the breakfast time, and 10d. as a rule if they are away a day.

2566. They are pieceworkers?—Yes.

2567. These fines for unpunctuality and absence seem to be small in amount?—The workers do not find them very small.

2568. Just give us your evidence as to that?—Coming from pieceworkers, of course 10d. off for a day's absence does strike the pieceworker, and it strikes me as being rather large—for a pieceworker.

2569. Is that system general?—In the textile factories the cotton factories and tweed factories and linen, it is fairly general.

2570. Do you approve of it?—No.

2571. What do you propose should be substituted for it?—Well, I think, again, supervision, and the understanding that the worker who keeps time and is punctual is the worker who will be approved by the firm, and will be given better work to do, and encouraged to come in in time, instead of letting her be fined for the time she is out.

2572. On the other hand, the bad worker would have a chance of earlier dismissal?—Yes.

2573. Then still coming back to the damaged work, what does the worker who gets these table cloths or table napkins in her possession do—how is she able to realise anything on them?—I have not found a case in which she has been able to realise anything at all; they are not easy things to dispose of; I do not think I have found any case in which a worker has been able to sell them.

2574. At all events, the practice, bad as you think it, seems to be not very widespread?—That is so.

2575. Do you attribute that largely to the high skill and attention of the workers?—Yes.

2576. Now will you tell me about the system of bonuses in the textile industries?—That I found in Brechin a good deal.

2577. Does that prevail in Dunfermline?—No, I have no knowledge of it in Dunfermline.

2578. That must be because it is not there, I think?—I think it must be because it is not there, but at the same time one's attention might not be directed to everything.

2579. In Brechin how does it work?—It is an addition to the wage, which may be kept off for any reason, any unspecified reason, at all. A bonus is given if there is regular attendance and good work—a bonus of 1s., or something of that kind, is added.

2580. To put it in a word, does that result substantially in a system of fines made easier—a system of fining any way?—I think it does.

2581. And it is an easy way of getting a fine by simply saying that they have not reached up to the bonus standard?—Yes—just withholding the bonus.

2582. Do you think the bonus is withheld for trifling causes?—Yes, I think so.

2583. Does that give rise to dissatisfaction?—Yes, I have had complaints many times.

2584. I suppose the worker treats the full wage to be the wage plus the bonus?—Yes.

2585. That is reckoned as the wage?—Yes.

2586. Then the withholding of the bonus is just a fine?—Yes.

2587. Is the bonus system universal in Brechin?—I think so. I have found it both in the weaving and in the spinning factories there.

2588. Do you think that good discipline is promoted by that bonus system?—No, I do not think so.

2589. Suppose Parliament were to abolish it as substantially a system of fines made easy, do you think that harm would ensue to the relations of worker and employer?—No, I do not think so.

2590. Or do you think that worse work would be given or less work would be given?—I do not think so. I do not see how it could work in that way.

2591. That is your evidence with regard to the jute and damask and linen. Now we come to the cotton weaving factories. I understand there is much variety of practice there?—Yes.

2592. Did there use to be a large number of deductions for bad work?—Yes, in Glasgow there have been, I think, more than there are at present.

2593. Why have the deductions not continued?—Just now I think the scarcity of workers has something to do with it. Any heavy deduction for bad work made from a worker is very apt to result in her leaving her employment, and workers are scarce just now, the cotton factories are very busy.

2594. As a rule you say that the cloth inspector has that in his hands—I mean the deductions for bad work?—Yes.

2595. He is the sole judge, in fact?—Yes, he assesses the damage.

2596. And does it depend upon his personal feeling or caprice?—It is very apt to. Very often, on inquiring into deductions, I find that kind of thing.

2597. That of course might result in injustice from any detestable causes?—Yes.

2598. What is the extent of those deductions?—It is very difficult to say. One firm lately, where they paid £300 to their weavers in wages weekly, found, taking the year, that deductions for bad work did not average 5s. in the week.

2599. On the whole factory?—On the whole factory.

2600. And yet the system was kept up?—Well, it is done very unsystematically. There was no contract under the 1896 Act, and they were done, I think, almost by the caprice of the cloth inspector.

2601. Is that a case that in your mind points clearly to the possibility of the system being abolished without harming anybody?—Yes.

2602. Who is this cloth inspector?—He is in the warehouse. When the workers bring in the woven cloth there are, according to the size of the factory, a certain number of girls who will look it over, and he is the judge of what is to be kept off, and is responsible.

2603. He is the employee of the firm?—Yes.

2604. The workers themselves have no voice in his appointment?—No.

2605. Now we come to a very important district, the tweed district of the south of Scotland. Will you tell us about that. What are the towns that you are referring to there. I suppose Galashiels, Peebles, Donner Law, Walkerburn, Selkirk, and so on?—Yes.

2606. There is a system of deductions there ?—In weaving there is a system of deductions.

2607. For what purpose—for defective work ?—Nearly every piece of tweed or cloth that is woven requires a certain amount of darning, and many firms allow so many hours for darning a piece ; the darner, after she has used the hours allowed, is paid by time ; anything over the amount of time allowed to her is paid by the weaver.

2608. That is the weaver who works at the loom and produces the piece ?—Yes.

2609. Then there is another person who has to darn, to pick up short stitches or anything of that sort ?—Yes.

2610. Then if she has too much darning to do that is treated as a fine upon the original worker ?—Yes, the original worker will pay the darner the amount per hour that she receives for darning over a certain amount.

2611. Now the whole of that system assumes that, to begin with, there would not be perfection in the weaving ?—Yes.

2612. That some darning would be required ?—Some darning is supposed to be required.

2613. Is that practice universal ?—Yes, I think we may say it is universal.

2614. Can you tell me what it amounts to ; what is the wages about that a good hard-working woman would earn in these tweed factories ?—They vary a good deal for the good worker, because of the different kinds of work that she gets. I should say perhaps 16s., but at the same time I have known good workers who were not able to earn so much at all.

2615. They are as highly paid as the damask weavers almost ?—Yes, I think so.

2616. Then the amount of deductions ?—The amount of deduction would depend on the length of time taken in darning.

2617. But take some cases that you have had experience of ?—I have known cases in which there was ten hours of extra darning paid for by the weaver at 4d. an hour.

2618. That is 3s. 4d., off a wage of 15s. or 16s. ?—Yes.

2619. Is that system acquiesced in by the workers. I suppose it has grown up in the course of a long period of years ?—Yes, it has been very general. It is not done to any great extent in any of the factories ; they all have the same system of doing it, but many of them are much better than their contracts about it.

2620. Can you tell me any factories whch practically dispense with it, or have you any such cases in you, mind ?—I have a note of one factory where they adhere to the system, but one only found in going through the records two deductions in almost twelve months, and these were each 6d.

2621. That is substantially free from it ?—Yes.

2622. I may take it that that is a good high-class factory ?—It is a good factory ; it is not an outstanding factory in other ways.

2623. Is the supervision of it good ?—Yes, I think so.

2624. You might give us that name ?—That is T. 10. I think that is the name now.

2625. Then they have a system grading from that down to the pretty bad ones, where there is a lot of deductions ?—In relation to the wages, there is not any, I think, in Galashiels which I know best where they have frequent heavy deductions ; these do not seem necessary ; they do not seem called for by the work. The system is to keep a book of all the extra darning that is required, and one finds that the allowance of time for darning, if it is five hours for a piece, or something of that kind, nearly always covers the requirement.

2626. Do you find that this system is approved by the workers in Galashiels ?—No, they complain of it very much.

2627. Do they attribute the extra darning sometimes also to the raw material not having been quite up to the mark ?—Yes and they feel very strongly that very often their pieces are so well woven that they do not require the time that is allowed ; I mean if five hours are allowed, they do many pieces that only take two hours, and they think they should have the benefit of the average.

2628. There is no system of average there ?—No.

2629. Then about that system would you approve of its abolition ?—Yes.

2630. And it would have the same good consequences you think as you mentioned with regard to the other ?—I think so ; they are very careful workers.

2631. Are there fines in these tweed-side factories for other things ?—I have not found deductions there for being late.

2632. There is no such thing ?—No, not to my knowledge.

2633. I need hardly ask you whether these mills are not extremely well conducted ?—Yes, they are good mills. There have been one or two deductions made there for things supplied, but I think in all cases I have been able to get them to give them up.

2634. And have they done so without disadvantage on either side ?—Quite ; I have never heard of any disadvantage.

2635. Indeed, it gives great satisfaction ?—Yes.

2636. You find the workers there very intelligent ?—They are intelligent, and they are very careful workers ; they take a good deal of pride in their work ; they feel the criticism of it that is implied by a fine very much.

2637. Does that exhaust the category of suggestions with regard to the tweed district ?—Yes.

2638. So that substantially your recommendation would result only in this : the abolition of those fines or deductions in the infrequent cases that you have alluded to ?—Yes. I do not know whether I should say this ; I do not know whether it is necessary, because I do not think it exists now at all, but at first when I used to go into the tweed district there was a large system of selling goods to the workers and deducting for their payment from wages.

2639. Is that abolished ?—I think that is abolished. I went into it pretty fully, and I think it is all abolished.

2640. And its abolition has produced much satisfaction ?—Yes.

2641. Then come now to the cotton factories in Lancashire. There are many deductions made there, I believe ?—Yes, I hear of a good many deductions.

2642. Are there disciplinary fines there ?—Yes, one sees the notices up.

2643. For what kind of thing ?—Well, for being late, in the first place ; there are fines for cleaning and fines (one I noticed the other day) for letting any weft fall out of a box, 1s. fine.

2644. Have you got any list of these ?—I am afraid I have not here ; one could not investigate them.

2645. If you could possibly supply us with any list we should be glad ?—Yes, I think I could ; of course, one cannot investigate them ; I know about them, because I have seen the notices up, and I have a good many complaints about them, but at present we have no power to intervene at all.

2646. That is because they are in writing ?—No, it is because the cotton manufacturers of Lancashire have got an exemption.

2647. Now just explain that to us ?—There is an exemption granted by the Secretary of State to the cotton manufacturers in Lancashire and Cheshire.

2648. You refer, do you, to Section 9 of the Act of 1896 ?—Yes, that is the section giving power to the Secretary of State to exempt.

2649. The section gives power to the Secretary of State "if satisfied that the provisions of this Act are unnecessary for the protection of the workmen." Now I want your opinion about that. Do you think that the provisions of the Act of 1896 are unnecessary in the case of these exempted districts. No, I do not think so.

2650. You still think these workmen require the protection of the Act of 1896 ?—Yes.

2651. I want you please to give me that more fully ?—I find that in Lancashire in cotton factories there is a very systematic fining and charges—fining for bad work,

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and charges for a great many things; fines for being late, fines for all sorts of little omissions in their work, and charges for such things as cut carrying—that is carrying cuts from the weaving shed to the warehouse—charges for cleaning and charges for food supply and things of that kind. It is done on quite a systematic basis.

2652. What is the system?—There is as a rule a notice put up about it, and the fines are heavy and are enforced systematically from week to week—not just occasionally.

2653. How are the wages there; do they earn as much in wages as the tweed workers or the damask workers that you have referred to?—Yes, I should think they do.

2654. About 15s. or 16s. a week?—Yes, and often more than that.

2655. What do these fines and deductions amount to in your experience in a week?—It is very difficult to say, they vary so greatly.

2656. But it might be 2s. or 3s.?—Yes, it might be 2s. or 3s.

2657. Is that a cause of dissatisfaction?—Yes, I have constantly appeals from workers about that.

2658. Is that an organised trade?—Yes.

2659. Do you happen to know why no representation has been made to the Secretary of State, who has power under Section 9 to amend or revoke any such order. Let me put it in this way. That system goes on because it has been exempted from the operation of the Act by the Secretary of State; but the Secretary of State has power under Section 9, Subsection 2, "At any time to amend or revoke such order." Has there been any agitation to ask the Home Secretary to amend or revoke that order?—Not to my knowledge.

2660. Can you explain why that has not been done?—No, I cannot.

2661. Suppose Parliament stepped in and revoked all that, and made them fall under the general law, do you think it would be to the advantage of all concerned?—I think so.

2662. Is that system in these exempted districts general—I mean the system of fining and deductions?—My inspection in Lancashire has hardly covered enough of the factories for me to say. I find it very common and very much complained of, for instance, in Bolton. I heard much less of it in Preston, and of course it is not one of the things that come into the region of inspection because it is exempted.

2663. You have sufficient knowledge at all events to say that complaints reach you?—Yes.

2664. Then in the wearing apparel trades in Manchester, you say there is a system of compulsory purchase of damaged goods?—Yes.

2665. There is great diversity of practice there?—Yes.

2666. Are there heavy deductions made there sometimes from slender wages?—Yes, sometimes the deductions are very heavy, if one takes the wages into account.

2667. Could you give us any helpful figures about that. Take the wages to begin with?—There is a case—I cannot call it a heavy deduction in itself, but it was a deduction that pressed very heavily on a child. This was a case only last week in a skirt-making factory. A little girl of fourteen was engaged in doing machining for the upper parts of skirts; she got for doing this ½d. each; the thing was in six seams, besides a seam round the top at the waist part; she got ½d. each for doing these things, given out in threes. Some damage happened to half of one, that is to say a sixth part of the whole skirt, and she had 1½d. fine. It was a small fine in itself, but it represented what she was going to have for the whole work on three of them. She had only been two months at work, having worked one month without any wages at all.

2668. What was her wage at this time?—She was a pieceworker. That one day (it was a Monday) she got six of these things to do; her wage for that day was 3d. and she had 1½d. taken off that.

2669. Did you take any action about that?—I threatened a prosecution and as a matter of fact it was not kept off; but it had been written down and handed to her before my visit, that she would have to pay that fine.

2670. That is a small instance, but is that an instance of a large system?—Yes, that is a type of a very general system in Manchester.

2671. 3d. a day is a very small wage, of course?—Yes, on one or two days she earned more. I think she might earn about 4s. in the week.

2672. Now do the workers complain very bitterly about this system of deductions?—Yes. In nearly all of these clothing factories the actual deduction presses less heavily upon the actual worker because of the system of raffling. It is almost universal in factories of that kind that where the worker damages some work she buys it and raffles it.

2673. She is compelled to buy it?—Yes; she is given the work, and then raffles it amongst her fellow-workers. In some factories there is quite a system of raffling: there are raffles every week as a rule.

2674. Do you approve of that system?—I think it is a bad system apart from the fine, the deduction from the wage.

2675. You mean it is not auctions; it is literally raffles; that is to say they stake a penny or two, or 6d. or so?—Yes, generally a penny.

2676. And take their chance of getting a damaged skirt for it?—Yes.

2677. Is that general?—It is very general.

2678. Then with regard to charges for deductions for things provided by the employer?—Charges or deductions for things provided by the employer in relation to the work make it difficult for the worker to estimate at all correctly what her wage will amount to, even where she knows exactly her piecework rate. Needles, sewing cotton and silk, power, machine straps, and other machine parts, oil, overalls, cleaning, are all charged under this section, and make the price list misleading, especially to inexperienced workers.

2679. That is your experience?—Yes.

2680. Do you think that with regard to those things there should be a system under which the worker should know her net wage to begin with?—Yes.

2681. Should know exactly where she stands?—Yes.

2682. And then that the cost of the establishment should include the power, machine straps and oil, and all the apparatus?—I think so.

2683. Do you think that waste would be incurred to the factory if that were done?—No. I do not hear of it in the very large number of factories where they do not make these charges.

2684. Do you know of cases where they have been abolished?—Yes; I do not know whether I could name any factory at this minute, but I know that they have been abolished in a number of Glasgow factories.

2685. And with satisfactory results?—Quite. I have heard no complaint of waste.

2686. They have been perfectly pleased with the result?—Yes.

2687. Assume the system kept up—in fact take your present experience—is it practically impossible with your present powers under the Statute, to ascertain whether or not those things have been overcharged?—I think it is impossible.

2688. You have all those difficulties as to fair and reasonable and so on?—Yes.

2689. All these calculations had to be made, and under the Statute you have the onus of proving that they are unfair and unreasonable?—Yes.

2690. And you find that result, as you say, in practically an impossible situation?—Yes.

2691. Now tell me about deductions for sick clubs. Have you had grievances brought before you about that?—Yes.

2692. What is the nature of those grievances?—The want of organisation of the sick clubs. There have been two special cases lately in which sick clubs have been in the hands of the manager of a factory, who took all the trouble about them and did all the work, and where they have collapsed on the manager leaving. In one of

the cases, a large biscuit factory employing, I think, about 200 girls——

2693. Was that in Glasgow?—In Edinburgh; there was a deduction of 3d. weekly. The manager had that entirely in his own control, and some little time ago he left; he got another position and left there, leaving them £5 to the good, which was in the hands of one of the clerks. Then it was found that there had never been any banking account at all, but that he had simply had this money and that there was £17 of debt. The girls wrote to me about it. There were many girls there who had been paying for eleven or twelve years and had not needed the help of the club. I found on going into the accounts that the manager had been very generous in giving wedding presents to girls who left to be married; he had given them on a far more lavish scale than the funds permitted; also payments to girls who left, if they left for any other cause than being dismissed, and the result was that there was only £5. The firm had been told by me some time before that they could not have anything of this kind on a compulsory basis, and they understood that when the control was in the hands of the manager it became practically compulsory; the girls could not incur the risk of his disapproval by not joining, and the girls I suppose might have been called upon to pay up; but the firm subscribed something, and the doctors whose accounts were outstanding agreed to forego part, and it just came to an end.

2694. That was one case; I think you said you had another?—Yes, another was in a rubber factory where there were about 800 girls who also paid 3d. a week.

2695. Was that in Edinburgh?—Yes. There the manager also took all the responsibility. The money that he got, which was collected by the forewoman on pay day, was given to the firm, who paid a rate of interest for the loan of it, but otherwise contributed nothing and took no part in it. There were things in it that were felt to be very unfair. Any worker who had to leave because of work being slack, whether if she left for that reason or was sent away to take a holiday, if she took other employment even for a week or two, her right to be a member of it lapsed and she had to re-join and pay for six months again before she could be eligible for any benefit.

2696. Was that a condition of employment?—No, it was not, it was left to the manager; the firm took no responsibility about it; but the manager for some reason was very convinced of it being a useful thing, and he had his own views about things; he left the firm and I could find nothing out about it after he had left; it simply collapsed.

2697. Now suppose workers had entered there and said: "No, we do not want to join this sick club." Would they have been free to say so?—They would have been free there. It used to be compulsory in both these cases, but I had told them it must not be compulsory. They would have been free to do it, but it would have taken more courage than I think the girls could be expected to have. They practically all did join.

2698. Have you known any cases where there have been joint committees of employers and employed to arrange about these sick clubs?—I do not think I know any.

2699. Does that occur to you as a good system?—Well, the system of sick clubs appeals to me much more, quite detached from the factory; I think they ought to get all the benefits they want by joining other clubs in the ordinary way—keeping it quite apart from the employment.

2700. Then the tendency of these voluntary clubs inside a firm, so to speak, more particularly if they are under the charge of any servant of the firm, like the manager, is that they become practically compulsory, although voluntary to start with?—Quite so.

2701. Now I think you find deductions also for rent?—Yes.

2702. That is permissible of course under the Statute?—Yes.

2703. Have you anything to say with regard to that?—I think the only thing is that sometimes I have found deductions made for rent from workers who were not responsible for the rent; I mean a deduction made from a girl's wage for the rent of a house really rented by her father.

2704. Of course that ought to be stopped, if possible?—Yes.

2705. Then, is there evasion of the Truck Act in your opinion sometimes by wages being reduced temporarily?—Yes, I have found that in three cases in my recent experience. One was a factory in Liverpool where there was a very unreasonable system of fining—very heavy fines—and on calling attention to it and requiring it to be stopped, the occupier substituted a notice stating that any workers who incurred any of what had been fines would be dismissed and allowed the option of re-engaging themselves at a reduced rate.

2706. You say that that is an evasion of the Truck Act?—Yes.

2707. Have you any way in which we could hit it?—On instructions I treated it as an evasion or contravention of the Truck Act, and the employer substituted a third notice in which he simply said he would dismiss them. He told me that he meant to do the same thing, only he did not need to say it on his notice. The present position is that he paid up all the deductions from wages that had been made for three months back to the girl, and it stands there now.

2708. Have you cases of dismissal with the punishment operating in this way, that there is a re-engagement at a lower rate of wages?—Yes.

2709. Then do you know cases of heavy deductions for waste?—Yes, one finds that in some of the piecework trades. I have mentioned the toy balloon trade. There the balloon goes through a great number of hands, chiefly little girls; there are six or seven processes. The work is counted or weighed, sometimes one, sometimes the other. The only process in which there is any waste made is the last process, when the balloons, after being finished, are blown up with little bellows fixed on them; a very large proportion of them burst. There is no suggestion that it is the workers' fault that they burst; they do burst to as much as half the number, especially in some conditions of weather. But the workers who have made the balloons, the workers who have worked the beating machine, the workers who have vulcanised them in bi-sulphate of carbon, are mostly little girls, and the deductions come out at the end, not for what they have done, but in consequence of the bursting of the balloons; so that they all suffer for this unavoidable waste at the end.

2710. You say they suffer; that is to say that the mode of computation of the wages is the finished product?—The finished product all through.

2711. That is a curious kind of piecework?—Yes.

2712. Do you mean that atmospheric changes might, for instance, alter these girls' wages?—Not the rate of wages, but in certain conditions of the weather, the amount, at least so I am told.

2713. I admit not the rate, but the atmospheric changes to which you have referred might result in giving them a smaller or a larger wage?—Yes, the proportion of good balloons at the end of the blowing up process is smaller or larger according to the weather.

2714. Then the children can never say what is to be their wage at a week's end?—No.

2715. Now, do deductions and charges press very heavily on the young worker?—I think so.

2716. Why?—If there is a contract they do not really understand the contract or realise it, and they are very much discouraged. I think it affects their work on the following day, if they are told they are going to have a deduction made. For instance, in the case of this child that I refer to as having had 1½d. off, I am quite sure it depressed her so much that I should not have expected as good work from her.

2717. Are deductions made even from the work of young people who are learning a trade?—Yes, that I found very frequently in Manchester, more than any other place I know of.

2718. Do you think these deductions might be removed with advantage?—Yes, I think so very strongly.

2719. And if they were removed, you think that much njustice would be removed with them?—Yes.

2720. Injustice and uncertainty?—Yes, and dissatisfaction generally in the factories—friction of all kinds.

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2721. Then as to these disciplinary fines that you have spoken of. They are not generally considered necessary, I believe, in factories where there is good supervision?—I think not. They take the place of supervision.

2722. Now, I want specially to ask you with regard to the cases in Shetland. You refer there, I think, to the 10th section of the Act of 1887: "Where articles are made by a person at his own home or otherwise without the employment of any person under him except a member of his own family, the provisions of this Act shall apply as if he were a workman." You refer to the Shetland shawls?—Yes, they work in shawls and hosiery; it differs from the Irish work as far as I know it in the fact that the work is not given out to them. They are nearly all people who have some sheep, and, of course the feature of the Shetland shawls is that they are made of actual Shetland wool, so that they grow their own wool; they have their own few sheep, or they might get it from a neighbour, but they do not get it from anyone giving out work, they do not get it from a shop or an agent. They card it and spin it themselves and knit it and then sell it. As a matter of fact they barter it generally for goods.

2723. They are not paid in money?—They are not; the system there is to pay them in goods or else put it against their account. I think one would find that if they demanded money they could get it, but they are not paid at the same rate in money as they are in goods. For instance, they pay there very frequently in tea. The shawl industry goes to provide the family in tea. If the worker were going to get a pound of tea priced at 2s. and she said, "Give me some money for it," because she needed some money for rates or something of that kind, then she would get 1s. 6d. There are cases I am told in which some merchants only give 1s. 4d., but I did not find any myself.

2724. Have you found 1s. 6d. cases?—Yes, I had a long conversation with a man at a general shop who does a great deal about this; he was quite frank about it all. He said that that was the system; that he would give 1s. 6d. or a pound of 2s. tea. At the same time he said to me: "I would never take work again from a woman who asked for money except I knew she wanted it for something special. There are times when there are rates to pay, or the doctor to pay, or something like that."

2725. Had you any jurisdiction in those cases?—Yes.

2726. In what way?—I think the Act of 1831 applies to it.

2727. That was for contracts for hiring, you mean?—Section 10 of the Act of 1887 says that the principal Act shall apply as if he were a worker.

2728. That is right; "and the shopkeeper, dealer, or person by whom he is employed." That gives you jurisdiction?—Yes. I think in the next paragraph it points out that there must not be more than £5 involved in the transaction altogether.

2729. That is exactly the Shetland case?—Yes, it is generally a few shillings.

2730. Now, is the result of your evidence that this section has been inoperative in Shetland?—Yes.

2731. Notwithstanding this statutory enactment this thing goes on?—Yes, it is inoperative—quite admitted to be inoperative in the inquiries I was able to make elsewhere.

2732. How could you get at that? Could you prosecute in any such case?—No, not then. I was in Shetland entirely for the purpose of the herring fishing, and it was only incidentally that I could give any time to it. I was not there for the purpose of inquiring into the shawl industry, and I could only do it by seeing some shopkeepers and workers occasionally and getting information. I just happened to see two transactions.

2733. Are you referring to Lerwick?—Most of my time I was in Baltasound, which is the furthest north part, and there the people were all in connection with fishing.

2734. But were these shops that gave the tea in Baltasound?—Yes, and in Lerwick too. In Lerwick the hosiery people who have shops for the tourists and so on all keep tea, simply for the purpose of paying the hosiery knitters, who do not buy hosiery; they keep tea there.

2735. Have you any opinion upon this point. Is the tea business a source of profit in the way of giving to the workers a payment which results in their getting less in the cost value of the tea than they would have got in money. Have I made myself clear to you?—I think it is clear; you mean whether the tea was worth the 2s.

2736. No, I mean more than that. I say assume that the merchant buys his tea at 1s. 3d.; you say that he sells it to the worker at 2s., but if the worker asks money he gets only 1s. 6d. Now, I put it to you, do you not think there must be a profit any way in it?—I should think there must be a profit to the merchant any way.

2737. That even although it was only 1s. 6d. in coin that the worker was entitled to, and even although she got the bonus of getting 2s. tea, still it was tea which only cost the merchant 1s. 3d.?—Yes. The merchant whom I had an opportunity of speaking to about it never suggested that he lost money if he paid in money, and it seems unlikely that he would; it would be rather contrary to his nature I should think.

2738. Then is there any bargain for money in those cases?—The workers now seem never to ask for money unless at the same time they can say that they must have a certain amount of money to pay some special thing. The workers are very largely in debt to the merchants.

2739. Have you any opinion as to that system being good or bad?—I think it is a very bad system.

2740. It might result of course in placing these workers at the mercy of these shopkeepers?—Yes, that is what it seems to do in fact.

2741. Have you seen the workers in their own homes?—Yes, a good deal.

2742. Are they in humble circumstances?—Yes, they are poor.

2743. They are pretty well housed, are they not?—Well, compared with the western Highlands of Scotland, I should say the Shetland houses are fairly good.

2744. They have patches of land and they have little Shetland sheep?—Yes, the land is mostly peat.

2745. And they have ponies?—There are a good many ponies, but they now almost all belong, at least in the northern island, to one man, a Shetlander, who also carries on a very large system of trading with the people. He has a good many shops and owns fishing boats, and so on.

2746. We are rather anxious to get your idea as to what could be done to stop that system. In the first place, would it be an advantage, do you think, to this humble class of workers if they were paid, as of right, in coin?—Yes, I think it would.

2747. How can you stop the existing system, do you think?—I do not know what effect taking proceedings in some cases might have. One merchant in particular said to me that the system was much more extensive than I knew of; that as a matter of fact he could hardly stop it unless it were stopped at the same time on a big scale; that his transactions with the people who supplied him with goods were carried on in the same way with the Glasgow merchants and so on—that he paid them in Shetland goods also. But, of course, the transactions then would be very different.

2748. There would not be the statutory limit of £5?—Yes; he said it was a deeply involved system, that it went right through Shetland trading altogether.

2749. I do not want to suggest any laxity about the department, but why have not you had a prosecution in these cases?—I do not know, except in my own experience, which was last year, that I could only get away at the time for three weeks, and I was sent up to inquire into the fishing industry. That I reported on pretty fully.

2750. Does it occur to you that the language of the statute is defective? The 1887 Act appears to cover the very thing you have been describing?—Yes. I do not think it was suggested that it was impossible to take proceedings, if one could get evidence.

2751. But one knows about this class of people; they are highly respectable and intelligent people, and with

a great deal of independence about them. You do not suggest, do you, that there would be any practical difficulty in getting evidence ?—I think there would be to some extent the same difficulty that we have found in Ireland.

By Mrs. Tennant.

2752. I gather that you have received complaints from Lancashire weavers about fines. Do you think that those complaints indicate any change of opinion on their part, or do you think that the women who made those complaints have always desired the application of the 1896 Act. Do you happen to know if they were Trade Unionists and parties to the objection that was made on their behalf ?—I have found women who did not know anything about it, who did not know until I told them that I had no power in the matter ; I found that even with women who were connected with trade unions ; there was one woman who was on the committee of a trade union, and she had not known anything about it.

2753. Did you happen to find any who really were parties to the desire to be exempted and who had now changed their minds ?—I do not think so. A woman said to me, just recently, " If we had known as much then as we know now, we would never have asked to be exempted," but I did not question her about who " we " were, or that sort of thing. She was only taking the view, which I found very common, that it was a mistake asking for the exemption.

2754. At any rate, the objection in Lancashire was to regulation of fines ?—Yes.

2755. Have you any experience of the feeling in Lancashire as to the abolition of the fines ?—Just from individuals ; I do not think from organisations, but from individuals I have.

2756. It is very conceivable that an organisation or an individual who would object to regulation would welcome abolition ?—Yes, I think so.

2757. I mean, they would object really on the grounds which were stated to you in Scotland ?—Yes that it institutes a system.

By Mr. Ramsay MacDonald.

2758. With reference to those exempted cotton districts, have you had any experience of the opinion of the men ?—I have heard very little of it since the exemption, very little at first hand.

2759. You do not know if they share in the regrets of the women that the districts have been exempted by the Order of 1897 ?—No, I have heard opinions quoted, but not really at first hand.

2760. Had you any experience of the districts at the time the Order was issued ?—Yes.

2761. Why was it exactly that that occurred ?—Well, there was a good bit of dissatisfaction with the terms of the Truck Act, and I gathered then that the unions thought they could make better terms with the employers.

2762. And the Order was issued with the concurrence of the men's union as well as of the masters ?—I think the men's unions—the weavers unions, which includes women as well—applied also. It was chiefly, I think, at their request that the Order was made.

2763. With reference to Dunfermline, you mentioned that fining in certain firms, particularly in two, was common. Could you give us any idea what the gross amount of the fines levied in either one or the other of those two firms amounts to per annum ?—No, I could not.

2764. Is it a substantial sum at all ? For instance, you mentioned that the fines in one of the Galashiels works amounted to about 5s., I was not quite sure if you meant per week or per annum ?—In the case of the Glasgow firm where I mentioned that they were paying £300 a week in wages, it was 5s. per week.

2765. Take the Dunfermline case ; was the gross amount, do you think, a substantial sum. I am referring to those two firms that you had specially in mind as being bad ?—I am afraid I have never ascertained what the amount was per annum ; only that, taking any given week in which I was inquiring, one found heavy fines.

2766. I would like to know whether you think that a substantial injustice is done. Apart from anything else but justice, is a substantial injustice done to workers in firms like those two that you have in mind, by having a system of fining imposed upon them ?—Meaning specially deductions for bad work ?

2767. Yes, fines and deductions ?—I think so. I think the things that happen among workers such as the Dunfermline workers really are rather inevitable accidents that happen to the most careful person once in a while, and which the firm might be expected to stand.

2768. I have a different idea in my mind. Quite apart from the theoretical aspect of the case, these actual amounts deducted amount to a substantial injustice simply from the point of view of income. Is it a large enough percentage of income to make an appreciable effect in the standard of life of those people ?—No ; it might make a difference for a week, but I do not fancy it does for a year.

2769. I will put it in another way Is the actual difference between working for one of the good firms, the firms that you have named, and working for one of the bad firms, one of the two firms which you had in mind, but which you have not named—is that difference a very substantial one ?—No.

2770. It really does not amount to very much ?—It does not amount to very much; they are very good workers

2771. So that if the two firms that are fining dropped their fining it would not amount to very much ?—It would not amount to a very large sum.

2772. Either to the workers or to the firm themselves ?—No, I should think not.

2773. And, consequently, you do not think that really it would be any substantial injustice to them if legislation was passed making it impossible for them to impose these fines ?—I do not think it would be any substantial injustice to anyone.

2774. You said that you prosecuted a Dunfermline firm under the Truck Act ?—Yes.

By the Chairman.

2775. Will you give us the name of that firm ?—That was Henry Reid & Sons.

By Mr. Ramsay MacDonald.

2776. What was the point of your prosecution ?—It was really a compulsory sale. I think it was treated as being a sale of work—the worker having to buy damaged goods.

2777. What was the result of it ?—The result was very unsatisfactory. It was dismissed on relevancy. It is very likely to happen in the case of informations in Scotland, which is part of the process in Scotland much more than in England ; they are very complicated, and it is very easy to find objections to relevancy.

2778. It was a technical point ?—It was a technical point, and the case never came to trial.

2779. It was not a case of breakdown of the law as it stands ?—No, it was an irrelevancy objected to by the advocate who appeared for the defendant company, and it was upheld by the sheriff.

2780. It throws no light upon amendment of legislation ?—No.

2781. Then you refer to bonuses. Do these bonuses vary ? That is to say, in some firms it may be 2s., in another firm 1s. 6d., and in another firm 1s. ?—Yes. Sometimes they have a relation to the output and sometimes they are just a certain fixed amount.

2782. You mean that the bonus varies according to scale of the output ?—Yes.

2783. If the output is A the bonus will be A ; if the output is B the bonus will be B, varying directly with the output ?—Yes.

2784. Then the things are paid for over and above a certain fixed weekly wage. I am thinking of time workers, not pieceworkers, for the moment ?—Yes.

2785. Do you find bonuses paid in the case of time workers ?—Yes.

2786. Now, in the case of time workers only—is there very much difference in the fixed wage plus the bonus in various firms when the bonus is varying. I mean, where your bonus is small, is your fixed wage larger, so that the wage plus the small bonus is equal to the small

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wage plus the larger bonus between two firms?—Well, it is difficult to have much more than an impression about that, but my impression is that the wages, whichever way they reckon them, work out about the same.

2787. I will put it in this way: that wages plus bonus, however large or small the bonus may be, as a matter of fact, work out to a pretty steady average district wage; a standard wage for the district?—Yes.

2788. That the standard wage, the fixed wage, is sometimes large comparatively and sometimes small comparatively, and that the bonus varies inversely?—Yes. Bonuses in Scotland at any rate are much more common in relation to a piece rate.

2789. I was coming to that. How does that apply to piecework?—I have a factory in mind where they make paper-bags. There is a fixed pay for a certain output per week. A girl has to turn out a certain amount of work for 8s. a week; then anything else she does is paid at a piece rate with a bonus of 1s.

2790. There is a standard output, and over and above that standard output the bonus system operates?—Yes.

2791. Is that standard output calculated as the possible output of an average worker?—No; in this particular case they almost universally would have earned the bonus, if it were not kept off for all sorts of trifling things.

2792. So that really in the case of a worker, whether he is a piecework working for bonus or a time worker working for bonus, the wage plus bonus is really the standard wage?—Quite so.

2793. And experience shows that, as a matter of fact, so far as legislative enactment is concerned, we ought to assume that the fixed wage, plus the bonus, is really the wage?—Yes.

2794. And that any playing with the bonus is really playing with part of the wage?—Yes, it is a form of fine.

2795. Then with reference to Galashiels. I want to be quite clear about the position of these darners. You say that the employers pay the darners for a certain part of work, or for a certain time, but that if that time is exceeded by the necessities of the case, then the person responsible for the weaving of the cloth which has got to be darned longer than is provided for by the employer is responsible for the extra time required?—Yes.

2796. Do you find any variation in that time in the various factories?—Yes.

2797. One employer allowing, say, five hours, another employer four hours only, and so on?—Yes.

2798. So that the amount of deduction that the workers in various factories have got to submit to, varies with the factories?—Yes, and of course the different classes of work done in a factory.

2799. Is that owing simply to the different class of worker, or is it owing to what you might call differences in hardness of employment?—That is difficult for me to say, but I think it is both. There are some firms who enforce the thing much more rigidly; these are usually the firms who allow the least time for darning.

2800. You suggested to the Chairman that the amount of legitimate time required for darning upon each piece was assessed; you said that the workers objected because if, say, five hours were allowed for one piece and only two hours were necessary, they were not credited with the three hours?—Yes.

2801. Then is this darning done per piece or per gross output?—It is done sometimes one way and sometimes the other, curiously enough. Sometimes the darner is paid a time wage, sometimes she is paid by the piece.

2802. Then in the end—taking the matter to the end—do the net wages of the weavers vary very much on account of the necessity of paying for extra darning, or are they pretty fixed?—They are pretty fixed.

2803. In spite of the possible variation—in spite of the theoretical variation that may take place?—Any charge made for darning does really reduce the wage that amount for that week. I mean you will find 2s. taken off for the extra darning.

2804. Let me put it in this way: suppose this darning charge was illegal; would that lead to a reduction of wages?—Oh no.

2805. You do not think it would?—No.

2806. Because then the master would average it up for himself?—Just so.

2807. In other words, I suppose if we regard this darning charge as a sort of on-cost on the industry, we would not be very far out. It occupies pretty much the same relation as machinery and standing room?—Yes. It is not very often made. I cannot say that it would make any appreciable difference except it led to careless work, and that I am sure it would not do, and no employer suggests that it would.

By the Chairman.

2808. Or waste of material?—Or waste of material.

By Mr. Ramsay MacDonald.

2809. Now, with reference to Lancashire, I think you said you could give us a list of the fines exhibited in some of those factories?—Yes.

2810. Could you also give us a list from your own experience, not of the fines exhibited in any one factory, but fines that you know are imposed?—You mean in the cotton factories?

2811. Yes?—I fancy it would be very difficult because they do not give them any note in writing that one could get hold of.

2812. But I mean fines that you know are imposed in your own experience?—The kinds of fines that are imposed are fines for being late; those are fairly heavy; fines for leaving work, leaving the looms too long; fines for being absent; fines for failing to send a notice within a specified time when they are absent, and that kind of thing.

2813. Would it make very much difference if this Order of 1897 were withdrawn; all those fines would be perfectly legal, would they not?—I think some of them would be unduly high.

2814. Then it would be simply that they would have the protection of fair and reasonable?—They would have the protection of fair and reasonable, and I think there are some things that one would question their being fined for at all under the Truck Act; some fines, I mean, made in certain factories.

2815. Could you give us an example?—They pretty often put up the notice that any workers who are found by the factory inspector working during meal hours will have to pay any fine imposed on the firm.

2816. Do you think that illegal?—I think that would probably be an illegal fine.

2817. Could you give us another example?—There are fines, for instance, for carrying too much weft in a tin; that is supposed to lead to the losing of the weft—to its getting on the floor and getting lost.

2818. Could not that be made a disciplinary fine quite legally?—I think it might, but it would perhaps be a little difficult for the employer to show that it might cause any loss or damage.

2819. But you have some difficulty, have you not, in recalling to your memory any fines that you have seen stuck up which would not be legal under the Truck Act even if this order of 1897 had not been issued—with, perhaps, the exception of fairness and reasonableness?—There are heavy charges in Lancashire for cleaning. I do not think that it has ever been tested whether that is a permissible charge.

2820. You would test it for the amount, not for the legality of the fine?—We might test it for the legality of the fine—whether charging the workers for cleaning a factory or part of a factory was legal.

2821. With reference to Shetland, you say that no prosecutions have been taken?—Some years ago there was a prosecution undertaken by the Public Prosecutor, or the Procurator Fiscal; and there was a conviction, I understand; but I could not get much information about it from him and it is admitted to have had no effect on the system; it has not been followed up.

2822. Now, two men assistant inspectors went up to Shetland, did they not, for the purpose of investigating outwork—one from Glasgow and one from Aberdeen?—I do not know about that. I know that the inspectors have been up there during the fish curing.

2823. But especially for this bartering under this section that you have quoted?—I know there have been inquiries made. My colleague in Aberdeen has talked to me about the question.

2824. But you do not know what has been the result of those investigations?—I have not seen any report from them.

2825. And you do not know if any modification in practice has taken place. You were there last year, I think, were you?—Yes.

2826. Then you would know?—I do not think there has been anyone there since or for some time.

By Mr. Brotherton.

2827. You receive complaints from the workers. I would be interested to know how these are usually brought to your notice?—In many forms; I would say by letter is the more general form.

2828. They get your address from the notices outside the factory possibly, and they communicate with you at that address?—Yes, that very often, and very often in the factories—in all sorts of ways.

2829. It would be rather interesting to me to know if you have any suggestions as to how you might be in easy communication with the workers; you are in communication with them, but I would rather put it that they might be in easy communication with you, and that they might know that they are invited to inquire from you as to the points that trouble them?—That has often been discussed. It is rather difficult, because of the workers not reading notices that are put up in the factory unless they are very prominent. I think at times there have been paragraphs put in the newspapers drawing the attention of workers to the existence of factory inspectors; I do not know that it has been done in the case of women inspectors, but notices have been inserted that the resident man inspector was at his office address at such and such a place and at certain hours to see anyone.

2830. You quite agree that it is desirable that the workers should know that you are easy of access?—I think so.

2831. And any complaints they may feel aggrieved over, you would confer with them or they would confer with you?—Yes, I think that is very important.

2832. Do employers appear to give any clear and easily understood record of fines or deductions that is available for you?—Where there is a system of systematic fining there is usually a record kept of the fines made under Section 1 of the Truck Act, which is all that they are required to do.

2833. That is obligatory?—That is obligatory, and many employers will show their wages book, which would show the deductions made under the other sections as well.

2834. Your experience is that you have no trouble in obtaining information from employers as to deductions that may have been complained of by the employees?—Oh yes, I have had trouble.

2835. Perhaps you would have some suggestion to make as to how those could be made easier for access to you?—Under the present Act, you mean—supposing the present state of things continues?

2836. Or suggestions in any direction you like?—Of course, if there were no fines or deductions, there would be no record, but suppose the present state of things continues it is very unfortunate in enforcing the administration of the Act that there is no record necessary of fines made for damaged work or bad work; it is only disciplinary fines.

2837. Would you suggest that some record might be compulsory on employers?—Yes—that the same record that has to be kept now of disciplinary fines should be kept for the others.

2838. You would widen the range of it?—Yes.

2839. With regard to bonuses, you have mentioned that you consider it is an undesirable method; could you give me any specific case that would show where it has been a hardship or injustice?—It is too free from control altogether. The employer and the worker never really look at it in quite the same way. For instance, in the case of the paper-bag workers that I have mentioned, I found that if there was something wrong with the work the girl was fined—I mean even for being five minutes late in the morning, and that involved a loss of the bonus in addition to the fine; the girl is fined 2d. and loses her 1s. bonus. She thinks she has been fined 1s. 2d.

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2840. She may think that, but it may occur to you that the bonus should be a stimulus to good work and that those who were not late or who did not in any way break the regulations would get the benefit?—Yes, but it is a very severe penalty for breaking any regulation, I think. And then it is looked upon as part of the wages. I should think in every case in which I know of bonuses it is really admitted by the firm or manager to be their way of calculating the wages.

2841. You put it then that instead of being a bonus, that is to say, a free gift for good work, it is a penalty?—It is a penalty.

2842. A method of penalising?—Yes, an easy way of penalising.

2843. With regard to union action with regard to deductions, do you find that unions assist you or assist the worker? You mentioned one small union at least in Dunfermline?—Yes, to the extent of giving information.

2844. Do they approach you, or would the worker approach you?—The Dunfermline union approached me.

2845. Do you invite the unions to approach you, or do you prefer the workers or both?—In Scotland amongst the women workers we have really so few unions that it is much more frequent for the workers to approach me, or I am approached through other organisations—through girls' clubs and different organisations.

2846. If they were further organised would it, do you think, remove many of their grievances and hardships?—I believe in organisation, yes.

2847. As to the disposal of fines and penalties; you will have views on that point. If there are fines inflicted, what should be done with them, should you say?—I do not know that I have much view on that point. I do not think the workers are reconciled any more to a fine (I mean from the worker's point of view) from the fact that it is going to swell their contribution to an infirmary or a hospital.

2848. Or even going among themselves for a holiday fund; that would not reconcile them?—No, I do not find that they have complained less where that has been done.

2849. You mentioned a hardship with regard to a child who made about 3d. a day in making toy balloons, and was fined, I think, 1½d., and you threatened the employer with a prosecution. Could you tell me on what bye-law you were purposing to act?—It has to be stated in a rather complicated way, because of the wording of the Truck Act, but it would be really for making a fine that was not fair and reasonable, taking all the circumstances into account.

2850. It rests with the department, does it, to decide as to fair and reasonable?—No, it rests with the magistrate who hears the case to decide whether it is fair and reasonable.

2851. But what you consider unfair and unreasonable you would refer to the department or to your chief, and then in consultation they would decide whether to proceed further?—Yes.

2852. It came under the heading of fair and reasonable and the employers recognised that?—Yes, at least they did not make the deduction.

2853. Now with regard to sick clubs; you mentioned that they have some disadvantages. They are more or less under the control of employers or firms, and you would have them entirely outside that influence?—I think it would be better.

2854. I point out to you that some employers at least contribute to these sick clubs?—Yes.

2855. In that sense it is an advantage for the sick clubs to be associated with the firms?—I suppose an employer might still contribute in some way; his generosity would not cease.

2856. It need not necessarily, but it usually happens that some control perhaps is desired by those who contribute?—Yes.

2857. I do not know whether it would be going outside the terms of our reference to ask you about this; but you mentioned something about the fishing industry in the Shetlands. You have some special knowldge of the fishing industry. Were there any points with regard to that industry upon which you think this enquiry might bear?—Not to any great extent. I have considered that. Of course, there is the question of the housing by the employers of the workers, and I did consider whether it was of importance in this enquiry, but I hardly think it is.

By Mr. Cawley.

2858. In all cases of fines would you say they are purely for discipline and not for profit; I mean disciplinary fines, that they are not used as a means of making profit by the employer, that they are for what they are supposed to be for, for discipline?—I should think sometimes they are profitable to the employer.

2859. I think you said they do not amount to much as a rule?—They do not amount to any great sum in the aggregate in these big industries.

2860. Then they must be imposed for discipline?—Yes.

2861. Then in your opinion discipline could be equally well preserved if there were no fines, is that so?—Yes.

2862. And you instanced better prospects of advancement?—Yes.

2863. Suppose that had not the necessary effect, then the only end is dismissal. Would you say that it is better for the worker to run the chance of dismissal than he to pay a small fine?—One does not think of the workers individually in the matter. I think it better for a factory of girls that a worker should be dismissed occasionally rather than that continual fines should be made.

2864. But we are on the question, rather, whether it is desirable to have fines altogether or not, and I should like you to tell me if possible whether you consider that it would not be on the whole more against the interests of the workers to only leave one alternative to the master, that is dismissal; whether it would not be better for them to be subject to small fines rather than to have dismissal?—I do not think that he has only that alternative. I think he has the alternative of advancement for the worker who keeps good time; the knowledge of the irregular worker that when a slack time comes she will be reckoned one of the least valued. All that I think tends to discipline.

2865. Take a weaving shed; is there any prospect of advancement for a weaver; he is a weaver always, is not he?—Yes, but there are classes of work as a rule that are better paid; there is better paid and less well paid work and there is the slack times too, though not just now.

2866. But in the weaving sheds they do not dismiss one or two weavers; they generally close the shed?—One very often finds in a weaving shed, I think, a number of looms standing.

2867. Just a word about this Galashiels business. As I understand, this darners' department is a separate department?—Yes.

2868. The weavers get so much wages?—Yes.

2869. Then the wages of the darners are paid for by the masters?—Yes.

2870. A good weaver only perhaps finds that half the time is necessary for the darner to work on the article produced?—Yes.

2871. The weaver who sends out the most perfect piece finds very little work for the darners?—Yes.

2872. The grievance is not from the whole of the weavers but from those weavers who turn out very good work, and therefore the darners have very little to do, and they complain because they think they would have more wages if they were not subject to this charge for darning?—In the Galashiels tweed industry the reason why the workers complain is almost never on account of their having more wages or less wages. I do not think that the amounts matter greatly to these workers. What they do complain of is the injustice of it.

2873. I want to see where the injustice comes in. Does not it seem a fair system to you that the master pays so many darners and then if anybody turns out very bad work indeed they should pay an extra amount for darning?—That darning that the master pays for is not the result of bad work as a rule. It is the darning that he rather recognises as inevitable. I mean, generally in pieces that have to be carefully finished, highly priced cloth, that wants to be very carefully woven, the darning is part of the process really.

2874. There is a darners' department, and all the goods that are woven have to go through that department. Then if there is any bad work indeed extra darning has to be done and the person that has done the bad work has to pay for the extra darning?—Yes.

2875. I want to know where does the injustice come in?—For one thing, it is not a matter of very bad work.

2876. The workers do not pay for the ordinary darning that is part of the factory work?—Yes, but that darning is not done because of bad work.

2877. What I want to get at is, where is the injustice?—There is a certain amount of inevitable risk, I think, in every kind of work. It is not that the Galashiels workers are careless.

2878. I understand that, but they get a certain wages for the woven piece. Then it has to go to another department, that is the darning department?—Yes.

2879. And if they do ordinary decent work they do not get anything deducted. There is no deduction whatever. They get paid up to the time that the piece parts from them; they have nothing to do with any after process; what I want to know is where the injustice comes in?—But what the deduction is for is——

2880. But they have not any deduction, those who do decent work?—They have no complaint. I am only speaking of those who have to pay the darners

2881. That is what I want to get at. I did not quite understand it before. The only people who complain are those that do bad work or have an excessive amount of darning to pay for?—Yes, those that have to pay the darning.

2882. It is not the ordinary darning department?—Yes.

2883. Therefore it comes to this, that it is only when you are incompetent that you have to pay for the darning?—No, I think that is not so.

2884. Is not there ample margin in the darners' department for that. Some do not want it at all?—Yes, but that has to do with a number of things. Something goes wrong with the loom; sometimes there is bad yarn; sometimes there is some other reason for it; it is not a thing that is confined to inexperienced workers or workers with a reputation for carelessness. One finds a worker who has done good work for six months and never required any extra darning, whose work has been, as far as work can be, perfect, and yet something happens; it may be through inadvertence or something of the kind, and she has to pay the darner, and she feels the injustice of that.

2885. She feels the injustice of having to pay for more darning than she is allowed for, because everybody is allowed money for darning?—Yes, but it is admittedly a rough estimate of the average time taken in darning.

2886. Then in the factory that allows the longest time for darning, or allows most wages for the darning department, the weavers have the least grievance?—On the whole, but the work that is being done varies. I have some notes here. In one firm which is doing rather a cheap class of work, they only allow one hour and a half for darning. Then the firm I have referred to already allows four hours for darning each piece. Another firm I have here allows six hours for darning.

2887. Then what is your suggestion?—I think that the darning might very well just form part of the manufacturing process.

2888. You mean the darning department should be part of the factory and not have any regulations about what amount of bad work goes out or not?—Yes.

By Mr. Delevingne.

2889. You said you had come across, both in Scotland and in Manchester, cases of workers being compelled to

buy damaged goods. You mentioned one prosecution in Dunfermline. Have you had any prosecutions in Manchester ?—Not in Manchester, but in Blackburn.

2890. Successfully ?—Yes.

2891. The present Act, then, is sufficient to deal with that class of offence ?—It was in that case. There was a conviction and penalties, and no appeal was brought against it.

2892. You do not suggest that the present Act is insufficient to deal with that class of offence ?—No; it is not insufficient. A great deal, of course, depends on the magistrates, and the want of definition.

2893. You have mentioned cases where deductions are made from wages for damage to work that has arisen from causes beyond the workers' control. You mentioned, I think, cases of the workers complaining that it was not their negligence, but that the yarn was defective ?—Yes.

2894. Have you considered whether you could deal with that under section 2 of the Act of 1896 ? That only allows fines for bad or negligent work by the worker, and provides that the deduction must not exceed the loss caused to the employer by the act or omission of the workman. In these cases *prima facie*, there is no "act or omission" on the part of the worker ?—There is the difficulty of proof. By the time one could take any proceedings of that kind, the work has gone beyond one's recalling it to see it. For instance, in cotton weaving the damaged piece is away; it has left the factory; it cannot be traced. One has the worker's evidence, and probably the evidence of other workers, that there has been a great deal of bad yarn and that it has been very difficult to work at all because of the bad yarn, but that is the kind of case that is very difficult to sustain in court.

2895. Suppose Parliament put on the employer instead of upon you the onus of proving that there had been actual neglect or default on the part of the worker, would that help at all ?—That is the difficulty one is always in in a case of that kind, that one has to call the worker almost to directly controvert the word of her employer.

2896. That you have to do in any case now ?—Not always.

2897. Do you not always call the worker now in such a case ?—Yes, but if the burden of proof was put upon the employer it would alter the relationship a little; the worker would have to come into court and really controvert the employer's evidence much more than she has to do now. He would not necessarily be put against her at all now.

2898. Now take the case of waste in the toy balloon trade. Is that a system of deduction from the wages of the workers for the waste in the blowing, or are the wages of each class of worker proportioned to the number of successful balloons that are finished ?—Yes, the rubber is given out to be done at a certain price; where there is a hundredweight of rubber it will be paid so much; then it is weighed out at the end; it is weighed out at different periods, but it is weighed out at the end.

2899. Then there are no deductions from wages in that case. Each class of worker, I understand, is paid according to the number of successful balloons turned out at the finish of the whole process; but there is no deduction made from the wage of any class of worker for the number of balloons wasted ?—I must explain the work from the beginning. The worker who does the machine work of a thousand balloons knows that she has done that work; she might be paid only for 500 at the end of the operation because something has happened of which she has no knowledge at all.

2900. There is no actual deduction made ? she does not know what she is to be paid for, that is true, because she does not know how many will be successful, but she knows she will be paid for the number of successful balloons made. There is nothing deducted from her nominal wage ?—She has a piece rate for her own work, the beating machine work, say, and she does not get the piecework rate at the end for what she has done.

2901. If it is a deduction, have any proceedings been brought ?—No.

2902. Why not ?—There has been a good deal of difficulty about it just simply because it is involved in that way.

2903. I would rather suggest that this is really a mode of payment of wages ?—That of course, is the firm's view, and that is what puts the difficulty in the way of remedying it.

2904. Has the Particulars Section been extended to that trade ?—No.

2905. Would that meet the difficulty to any extent, do you think ?—I think the Particulars would help.

2906. Just one question on the bonus. I gathered that the bonus in some cases you mentioned was a bonus for extra work turned out beyond a certain minimum output ?—Yes.

2907. But that the bonus was liable to be taken away for some small thing like unpunctuality, and so on ?—Yes.

2908. In those cases the bonus is really actual wage earned for actual work done ?—Yes.

2909. And the withdrawal of the bonus in those cases would be a clear fine, would it not ?—That is not admitted by the firms who do it.

2910. You know of the Irish case brought by Miss Deane ?—Yes.

2911. That is rather different from a case of actual work done for actual wages ?—Yes.

2912. You have not tried any proceedings ?—No. I have been successful sometimes in getting a refund. I have gone on that line a good deal in Scotland because of the difficulty of getting cases through in Court owing to the difficulty of the informations.

2913. It seems to have been a different case from Miss Deane's case ?—Yes, I think so; I do not know the details altogether of Miss Deane's case.

2914. What generally do you think has been the effect of the Act of 1896 ?—I think in some cases it has systematised fines.

2915. You mentioned some cases in which you think it has introduced fines ?—Yes.

2916. But generally as regards the correction of abuses, what has been the effect of the Act of 1896 ?—I think it has left them pretty much where they were.

2917. You do not think any appreciable advance has been made under the Act of 1896 ?—I cannot think of much in my own experience.

2918. Have you any experience of the Shop Clubs Act ?—In connection with the Sick Clubs I have given attention to the Shop Clubs Act, but I have no experience of its working, I mean as a substitute for the sick clubs.

2919. You mentioned a case where deductions were made from the wages of the worker for the rent of somebody else ?—Yes.

2920. That is illegal, is it not ?—That is illegal.

2921. You have been able to put that right ?—Yes, I have been able to have it put right.

By the Chairman.

2922. We have the permission of Mr. Whitelegge, of your department, that you can disclose to us any names. Fortunately we have not had to ask you many names, but there are the names of two firms which perhaps you could give us which continue the system of fines and deductions in Dunfermline ?—The two firms that I have in my mind were Q. and R.

2923. With regard to what you said about raffles. Do the workers get the cost price out of the raffles; I suppose they are raffled at as much as they will bring ?—The worker is told what she will have to pay for the work.

2924. And then she tries to raffle for a little more if possible ?—Yes, she may.

By Mr. Cawley.

2925. Does she get it ?—Perhaps.

THIRTEENTH DAY.

Tuesday, 10th July, 1906.

PRESENT.

The Right Hon. Thomas Shaw, K.C., M.P., Lord Advocate for Scotland (*Chairman*)

E. A. Brotherton, Esq., M.P.
Frederick Cawley, Esq., M.P.
Malcolm Delevingne, Esq.
Frederick Maddison, Esq., M.P.
J. Ramsay MacDonald, Esq., M.P.
Mrs. H. J. Tennant.
A. F. Yarrow, Esq.

T. E. Bettany, Esq. (*Secretary*).

Mr. J. OWNER, was called; and Examined.

Mr. J. Owner.

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By the Chairman.

2926. Will you just state your position under the Home Office?—I am one of His Majesty's Junior Inspectors of Factories.

2927. Who is your superior officer?—Mr. Gerald Snape in the Bristol district.

2928. How long have you been in the service of the Home Office?—Since the 24th June, 1899.

2929. Your duties generally are the same as that of other inspectors?—Yes.

2930. You attend in particular to complaints with regard to any possible infringements under the Truck Act and under the Factory Acts?—Yes.

2931. What is the district that you have in charge?—I am attached to the Bristol district, which includes Gloucestershire, Somersetshire, and the northern part of Wiltshire, but my duties are largely reserved to Gloucestershire; I attend to Gloucestershire more particularly.

2932. What is the nature of the employment that you have to attend to?—They are very general. We have wholesale clothing, very large printing works, large brickworks, woollen weaving, cotton weaving, and general clothing of all kinds—boots, and ladies' clothing, and male garments.

2933. Have you, in the course of your perambulations, found that the Acts of Parliament are being, on the whole, very fairly observed?—I think so. I have of course had occasion to take proceedings in a considerable number of cases.

2934. What, generally speaking, is the kind of case that you have interposed in?—Are you speaking of the Factory Acts or the Truck Acts particularly?

2935. Both?—The Factory Acts have called for the larger number of proceedings.

2936. What is the general nature of what has gone wrong there?—A considerable number have been for unfenced machinery, a number have also been for employment of protected hands beyond the legal period of employment.

2937. The like of that is beyond the scope of our inquiry. Will you particularly tell us about the Truck Act?—With regard to the Truck Act the first cases I had were in the Stroud Valley. The first case was on the 26th March, 1903. That was a case with reference to deductions from weavers' wages at one of the mills there.

2938. Was it a woollen factory?—A woollen factory. In that case the weavers were paid a certain price which was given to them for weaving the cloth, and in the case which was taken before the court I found that about 3s. 1d. had been stopped from 20s. of wages without any notice to the employee at all, without any contract having been fixed or any particulars given.

2939. In respect to what was this deduction made?—It was in respect of an alleged repair which had to be made to the cloth, owing to some defect in the weaving.

2940. Did you find that these deductions caused dissatisfaction among the workers?—They did not actually complain to me, but they expressed appreciation when I took up the case for them and had the matter put in order.

2941. What was the result?—The firm were fined £1 and costs.

2942. Was that appealed against?—There was no appeal in that case.

2943. What was that name?—That was Marling & Co., of Ebley and Stanley Mills, Stroud.

2944. What was the result of that prosecution?—The result has been in the valley generally that the firm have altered the terms of charging for mending, and they have now put up notices with regard to mending, which only takes a certain number of hours, which is fixed by the firm, two, three, or four as the case may be in the various qualities of cloth, that the firm will do that mending free for the weaver, but that if the cloth is so bad as to require any extra time spent on it then the time so spent will be charged to the weaver; but in cases of bad cloths, where a long time is going to be taken, the general practice there now is to call the weaver to the place so that she may see the cloths for herself and see that there is actually some damages; the worker is now given the opportunity generally of examining the bad cloth.

2945. Is that, do you think, an improvement upon the former practice?—The amounts of deductions have been considerably reduced.

2946. Have the wages been reduced?—Not at all.

2947. The wages remain the same and the deduction is reduced. To that extent that gives satisfaction of course?—Yes.

2948. Do you think that the system, as now improved, is correct?—I do not think it is an admirable system by any means.

2949. What do you think are its defects?—That in weaving a weaver cannot weave a perfect piece of cloth. I think it is admitted by all manufacturers that it is impossible to weave a piece of cloth that does not require some mending. One of the employers in the valley takes that view; he says: "I realise that my weavers can with skill attain to a certain standard, and I expect them to reach that standard; if they do not do so I caution them; then the second caution I suspend them." As the result this man has not any fines in his mill; he does not charge for mending; he says that he finds by paying a slightly reduced price, but paying that price without deductions, he can get the work done effectually.

2950. Is that a well managed mill?—Exceedingly well managed.

2951. Is the supervision in that mill good?—I think it is.

2952. On the whole superior to that where fines are resorted to?—Undoubtedly.

2953. Is there dissatisfaction on the part of the owner at his having abolished fines?—None whatever; he thinks it is the proper thing.

2954. And of course the workers do too?—The workers there I would say are the most satisfied set of workers that I have visited in that neighbourhood.

2955. This is highly to the credit of the firm, and you are quite free to give us the name ?—The firm is U. 10

2956. What is their line of business ?—West of England cloth makers.

2957. That is a product that requires great care, is it not? —It is.

2958. And very considerable skill ?—Yes.

2959. Has that example become in any respect contagious ?—I am sorry to say it has not extended yet.

2960. When was that introduced ?—I first became aware of it some two years ago—two and a half years ago probably.

2961. Do you see any objection in principle or in practice to making that system general ?—No, I cannot see any objection to it.

2962. Do you think it would carry with it considerable advantages ?—I think so.

2963. Will you just describe these advantages, please ? —I think that the pressure which would be put on the worker to attain a certain standard of work would be not only to the worker's benefit, but would benefit employers as well.

2964. Has this come before you ; that under a system where there are no fines obtaining there are capricious dismissals from employment ?—I have never heard of such a thing in that mill.

2965. Has it come within the range of your experience that the abolition of fines not only promotes better supervision, but that it promotes greater attention to the rolling stock and the plant ?—Undoubtedly, that is my opinion.

2966. And to the raw material used ?—Yes.

2967. Then you had a case against Mr. S. R. Hooper on the 27th March, 1903 ?—Yes.

2968. That was at the Stroud Police Court ?—Yes.

2969. What was Hooper ?—He was a stick manufacturer employing about thirty employees, an equal number of males and females.

2970. What is it that he deals in ?—He would buy trees or branches of trees and convert them into walking sticks, or umbrella sticks, or parasol sticks.

2971. He was charged with paying wages other than in coin of the realm ?—He was.

2972. He received back, I understand, from each worker in his employ a sum of money equal to 2d. in the £1 on the wages paid to each worker ?—Yes.

2973. What was that for ?—The workers understood (there was no secrecy about it I think) that it was to pay the premium against accidents under the Workmen's Compensation Act.

2974. Had the workmen's consent been asked to this ? —No, it was a practice commenced, and the workers were expected to follow it.

2975. How did the evidence come out with regard to the amount of money received ?—The evidence showed that the defendant was paying as a premium against accidents the sum of £11 5s. on a wages bill estimated on £2,500 ; that was at the rate of 9s. per cent. He was receiving from the workers at the rate of 16s. 8d. per cent.

2976. Did you obtain a conviction in that case ?— No ; the Bench dismissed that information on the ground that we had failed to prove that he was paying wages other than in coin of the realm ; the point being that he had actually paid in money, but he had received back 2d., and it was urged that the man for the 2d. which he had paid back had received a promise of compensation.

2977. The man was entitled to compensation at law, as you are aware —Exactly.

2978. That was the view that was presented by you, I suppose ?—Yes, we urged that he was entitled to compensation.

2979. Whether he paid anything or nothing ?—Yes

2980. Was that case taken to appeal ?—It was.

2981. And you lost in the Appeal Court ?—Yes.

2982. That is reported in July, 1903 ; 19, *Times* Law Reports, page 601 ?—Yes.

2983. What do you say with regard to this ? Do you approve of this practice which has thus been ratified by the law ?—I think it is a very bad practice.

2984. In your view I gather you take it just to be a deduction from the wages which had been properly earned ?—Yes.

2985. A deduction for a thing which the workman had already by the law of the land, namely, a right to compensation ?—That is so.

2986. In Hooper's case it was 2d. a week. Now you are able to mention other cases. In the case of S., a Bristol firm, the deduction is 3½d. per week ; then the firm of T. deduct 2d. per week ; the firm of U. deduct 2d. per week ; the firm of V. deduct 2d. per week. So that this practice appears, at least in the Stroud and Bristol district, to be widely prevalent ?—It is somewhat prevalent. I should like to add that I have had two additional complaints with reference to this same practice which I have not been able to investigate yet.

2987. That of course is a deduction which you object to on the ground that they are deducting from the workman something which he is entitled to by law already ?—Yes.

2988. The next deduction is for meal room. You have had experience of that in your practice ?—Yes.

2989. There was a firm of W. of Bristol ; they used to deduct 3d. per week for the use of a meal room, and all the workers were charged for the same whether they used the room or not ?—That is so.

2990. And upon further inquiry it was found that the amount was really for use of kitchen, hot water, doctor and medicine ?—Yes.

2991. You are aware, are you not, that the charge for doctor and medicine is a legitimate charge ?—Yes.

2992. What do you say, therefore, with regard to the amount of 3d. a week ?—I thought it was unreasonable to make all the workers pay whether they used the accommodation or not.

2993. But did they all employ the doctor and get the right to the medicine ?—They had the right to him, undoubtedly. All the workers had the right to the doctor, but, in the case of the few workers I spoke to, none of them had availed themselves of either the doctor or the medicine, I took objection to the thing principally upon the ground that it was not fair to ask the workers to pay for something they did not have, and it was manifestly unfair to ask them to pay for something which was not stated upon the contract.

2994. Was there no specification in the contract ?— The exact wording of the contract was, "A charge of 3d. per week will be made for kitchen," so that no contract had been entered into for the supply of doctor or medicine in any way. The firm intimated that a contract had been drafted in that way under the head of "kitchen" in order to escape the necessary registration and other requirements of the Shop Clubs Act. That was the explanation made to me.

2995. What was the nature of their business ?—They are corset makers, and they have some 620 workers at this one factory.

2996. Had you any opportunity of testing that on the question whether it was a "fair and reasonable" charge in amount ?—No. I laid the matter somewhat strongly before the firm ; I pointed out the offence that they had committed, and they very promptly drafted a fresh contract, and now the doctor and medicine have been put upon a proper footing ; there is a signed contract with each of the workers ; there is an audit of the doctor's accounts, and the price for the kitchen has been reduced to 1d.

2997. What is the charge for the doctor and medicine ? —I believe they are charged 2d. at present.

2998. So that it comes to where it was ?—It comes to where it was, but we have had it made explicit what the charge is actually for.

2999. Coming back to the charge for the kitchen, do you approve of such charges ?—I do not.

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3000. Why?—Principally because I think the occupier should provide them.

3001. That is part of the general on-cost of the firm, you think?—I think so.

3002. And it would be far better just to have the net wage with the privileges all thrown in?—I think so. I think they should treat meal rooms as they do other conveniences that they have to provide for the workers.

3003. Do you find that the majority of firms do not make any charge?—That is so.

3004. And they are quite as well conducted?—Very much better I should say.

3005. Then other firms who also deduct for meal rooms are X. who charge 1d. per week; Y. who charge ½d. per week; and Z. who charge 1d. per week?—Yes.

3006. You think that that system should be abolished?—I do.

3007. Come now to the question of fines. You have had one experience in Bristol in particular, I believe?—Yes.

3008. Was that a case that went into court?—Yes, the case of W. 10.

3009. About what date was that?—The first hearing was on the 10th June, 1903, and the judgment was given on the 30th June.

3010. What had happened in that case?—In that case a pieceworker, a weaver, during a part of the week in which Easter was included, had earned 5s. 7½d.; she was actualy paid 1s. 5½d.

3011. What was the deduction for?—Eightpence was deducted for a quarter of a day lost; 2d. for being late, and half a crown for being absent the whole day.

3012. Did you ascertain about these deductions?—They came out in court.

3013. Will you explain them to us. Was the worker charged half a day's absence in respect of less than half a day?—No. The rule at the firm is that if they are not in by a certain time they have to lose a quarter in the morning, and she lost two quarters; that amounted to half a day. She was a married woman, and she alleged in court that she was detained by domestic reasons. She knew she would be twenty minutes late, and therefore she knew that she could not get in until after breakfast time. As to the absence for the day, she explained that it being the day after Bank Holiday she overslept herself; she then could not have got in until about 7.20, and she said that on a previous occasion when she had been late after Bank Holiday, the firm had put another weaver in her place. She gave that as the reason for not sending a deputy and not attending at the mill.

3014. That was the reason for the deduction, but with regard to the rate of reduction, I understand it was half a crown for one day's absence?—Yes.

3015. Was she a piece-worker?—She was.

3016. Could she have earned wages anything like 2s. 6d. a day?—She would have earned about 2s. 6d. if she had been there.

3017. Do you mean that she lost her earnings of 2s. 6d.?—She did.

3018. And then was fined half a crown off her earnings for the other days?—Yes.

3019. So that practically she had 5s. knocked off?—She was rather worse off than that in this particular case, because she would have earned a bonus of half a crown if she had got in on the Tuesday morning, so that she really lost 7s. 6d., but I could not charge for that, because the bonus was a matter not connected quite with her wages.

3020. What happened to that case?—That case was taken into court. There were five informations laid against them, and they were fined £3 and costs.

3021. Then there was another information for weft carrying and piece carrying?—Yes. After the first proceedings they were fully instructed as to the law upon truck. At the next visit they were found to be making other deductions than they had placed upon their contract in respect of work which they did for the weavers. They have boys who carry up the bobbins with cotton on, and they charge the weavers for those boys' services. They were summoned for that, and they were fined £1 in each case.

3022. Then about the medical fund?—I visited them with reference to the medical fund, and I found that there was a medical fund at the firm. I visited on the 31st July, 1905, and I found that for the six months ending the 8th July there had been received from the workers by way of deductions £154 13s. 9d.

3023. Was that for medicine alone?—Doctor and medicine; this added to the balance of the last year's account of £51 10s. 8½d. showed the credit side of the account to stand at £206 4s. 5½d. The disbursements were shown to be £80 to the medical man in the half-year, £10 to the certifying surgeon, and other entries called "sur dries," £51 15s. 1d.; that is £141 15s. 1d. So that in six months the firm had made an additional profit of £12 18s. 8d., and the credit side of the account at that time stood at £54 9s. 4½d.

3024. Was there an audit of the account?—None, and no contract with the worker.

3025. The certifying surgeon is part of the employer's on-cost, is it not?—Clearly, I should think.

3026. But in this case they entered it as against these contributions by the workers?—That is so.

3027. Did you prosecute in that case?—No. I was instructed to explain the law again to them; I explained the law, and about this time a union was formed among the workers, and the trade union have taken the matter up, they have insisted upon having their own doctor as against the firm's doctor, and they are seeing that they will have an audit of the accounts.

3028. The fines you were now explaining are for absence, for weft carrying and so on, and you have also explained the Marling case of fines for bad work?—Yes.

3029. Now in reference to fines for bad work, you have experience of firms at Kingswood?—Yes.

3030. What county is that in?—In Gloucestershire. It is immediately adjoining the borough of Bristol.

3031. They charge for alleged damage to boots?—They do. I have had several cases to investigate where men have made boots in their own homes, they have taken them to the firm, the boots have been examined by the firm's passer of work, they have been passed into stock, they have been sold to the retail dealer, and the retail dealer has sold them to the buyer, and the buyer has put the boots to use; and in two cases at least the boots have been brought back to the firm, and the firm were able to trace the maker of the boot owing to a particular stamp in the leather of the upper, and in each case the worker was charged the full wholesale cost of the boot—for damage which he had no means of checking—boots which were done so well that the firm's own checker passed them, and that the buyer received them as apparently in a good condition. Unfortunately the men who had given me particulars were not able to give dates; unfortunately they only come to us after they have possibly been dismissed from the service; so that in those cases at least I have been unable to prosecute.

3032. Was there dissatisfaction with that class of deduction?—Great dissatisfaction.

3033. What is the average wage earned by these boot workers?—It varies very considerably. In the busy season, when they work from early in the morning till late at night, they can earn 30s. a week; in the summer it falls off to 5s. or 6s.; it is purely a seasonal trade there, from August to December.

3034. What is the amount of the wholesale value of the boot?—In some cases it is priced as much as 8s. 6d.

3035. The boot of course could not be delivered over in respect of that deduction?—No.

3036. So that they lost the article and suffered a deduction?—Yes, and the worker would probably get 6d. for making the boot in the first place.

3037. As much as 8s. 6d. was the deduction?—That is the last complaint I had.

3038. And you authenticated it?—I authenticated it so far as the circumstances were concerned, but the dates were so vague that one could not take actual proceedings upon it. I did trace a case subsequently.

3039. You had a case of that kind recently before the Lawford Gate Police Court Is that near Bristol ?—It is within the borough of Bristol, but the jurisdiction covers Kingswood.

3040. There a firm called Jay Bros. had deducted 2s. from a boy's wages of 11s. for careless work in making up boots ?—Yes.

3041. What happened in that case ?—The firm were fined in that case.

3042. Then there are fines or deductions, are there not, in respect of materials; you have mentioned the charge for labour, the charge of carrying weft and pieces, in the W. 10 case, but is there not a charge also for gold bobbins ?—Yes.

3043. What is that ?—In certain classes of work, goods which are made for India, the firm had to inset into the ends of the cloths threads of gold cord. They keep these bobbins with about fifty yards of gold thread on them in the office. Then when they take an order for this particular cloth they supply the gold bobbins to the worker, and charge the worker a certain price for the bobbin, and then they estimate as nearly as they can what the cost is, and they add that on to the weaving price. The weavers' complaint is that very often the bobbin does not contain sufficient material to enable them to recover the price which the firm charge for it; that the firm have estimated the price to be paid at so much per pick, the pick being a certain length, and if the bobbin does not pay out its fifty yards, or whatever the estimated length is, the weaver is necessarily that much short in wages.

3044. This is the same firm which you referred to in the earlier part of your evidence as fining for absence and as making a profit out of its medical fund and so on ?—Yes.

3045. In that firm with its ramified system of fines, do you find that its organisation is superior to other firms ?—No, I should say it is a very badly organised place indeed.

3046. Do you think that it would be better that even a firm like that should rely on superior organisation ?—Well, I am afraid in this case the workers are of such a low standard and the discipline there is of such a poor nature that it is an exceedingly difficult thing to know what to advise in a factory of this kind. I mean, the factory has been going on for forty years and apparently the discipline is getting worse instead of better. I should say the management of this factory is the poorest specimen of the management of 2,000 workers that I have ever come across. The number of prosecutions that we have had to take against them is conclusive proof, I think, that the system must be wrong there.

3047. But still this system of fines and deductions seems in this case to be continuous and to be extremely complex ?—It is.

3048. Have you any reason to doubt that, if this system as a whole was abolished, it would be followed by very great efforts in the direction of better discipline ?—Well, I am afraid in this case they would have to improve the discipline first, before they could deal with these fines for materials. I can hardly describe the condition of the workers in this particular factory, or the management either. The whole thing is quite hopeless.

3049. What I want to get at is this. This hopeless case, in point of management and discipline, is a case in which there is fining and deductions, so to speak, to the mast head ?—True.

3050. More so apparently than in any other item in your experience ?—That is so.

3051. It is, in short, a case where there are the most fines and most deductions, and least discipline and least organisation ?—That is so.

3052. Does that suggest to you that if this system, which has gone on so long with such poor results, were abolished by law, you might reasonably anticipate that the firm would then be compelled to take other means of discipline ?—I quite agree.

3053. Suppose they took the ordinary means of discipline in a well conducted firm; have you any reason to doubt, even with that class of workers, and their bad training, that there would be an improvement set in ?—There would be an undoubted improvement, if the discipline and management were better.

3054. Then you refer to a place called Kingswood, and to some boot firms there. Are there any charges made against outworkers by these boot firms ?—Yes.

3055. What are these charges ?—The firms there charge the men for nails which are used for making up into the firm's boots, both iron and brass nails.

3056. Being outworkers, you are unable to prosecute ?—That is so, unless we can prove that they have a contract of personal service.

3057. Have you spoken to these firms about these charges ?—I have, many times.

3058. What is their explanation ?—The first reason they give is that they wish their work kept up to their standard of work, and therefore they supply the materials to go into the boots. The second reason is that unless they charge for the grindery, as it is called, being an easily portable article, it would be purloined—it would be stolen.

3059. Do all the firms do that ?—Almost invariably. There are very few exceptions in the district.

3060. Is there a profit made by the firm in the transaction ?—In my opinion there is, because the firms in that district, whenever I approach them, say: "Well, we know we ought to sell at net price; we sell it at the same price that these men could buy it in a shop outside."

3061. That means that they sell it at a little over what they themselves purchase at ?—I think so. I have suggested that the shop has to make a profit in order to keep its doors open, and they say: "Well, if we have the expense of buying these in ton lots, and putting them up into half pound packets, we think we are entitled to take the same profit as the shop would get."

3062. Then cotton and thread ?—Cotton and thread is almost entirely supplied to the piece workers indoors. That again is alleged to be necessary owing to the standard of work and to the fact that the workers would waste the cotton unless they were charged for it.

3063. But about the price ?—On cotton there is a recognised trade discount of 10 per cent. and a cash discount of 4 per cent., and the workers are not getting the benefit of that trade discount. I have taken proceedings in respect of that against one firm of Saunders & Co. In that case they were charging 5d. a reel of thread for which they were payed 58s. 6d. per gross subject to 10 per cent. discount. In that case the defendant, the principal partner in the works, was cross-examined as to getting 10 per cent. discount; he denied it, and the case was dismissed; but the next day his solicitor sent me a letter, of which I have a copy here, in which he says that his client unfortunately made a mistake in the box.

3064. The case was over by that time ?—The case was over and dismissed. The actual figures worked out that the net cost to the firm of this material was £2 10s. 7d. per gross, or about 4¼d. each; they were charging 5d., and making ¾d. profit on each reel.

3065. After the solicitor's letter, do you know what has happened to that firm Saunders & Co. in their practice; have they reduced the price to the workers ?—I was there about three months ago, and they told me they had ceased selling materials to the workers, but I have since had a complaint from a reliable authority in which I am told that this practice is still being carried on, but under different circumstances, which will make it somewhat difficult of investigation.

3066. Do you know of any cases where they have ceased charging for materials, or where they have never adopted the principle of charging for materials, or is it the universal practice ?—There are some firms that do not charge for materials. In the case of day-workers in factories, they are seldom charged for materials. In fact it is almost an invariable practice not to charge for materials in the case of day-workers.

3067. I want to get at your opinion about that. On the whole, do you favour this being made illegal ?—I do.

3068. Do you think there would be a consequent wastefulness or theft ?—No, because the employer knows from his business abilities the amount of material required

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to make up a certain quantity of goods, and therefore he would be able to check wastage almost entirely.

By Mrs. Tennant.

3069. I want to ask you first your opinion about suspension as an alternative to fining; you referred to that practice in one mill, and I think you also referred to there being some system of a slightly reduced wage?—In the woollen industry U. 10 pay approximately 6d. per piece (I am speaking of similar pieces) less than other firms in the neighbourhood would pay for the same work; but the other firms would probably be charging 9d. or 1s. for the mending of a piece; so that U. 10's wages would be 3d. to 6d. above the other people's wages.

3070. But in a sense, even though wages do work out at more, they are repaying themselves for the damage done; the firm are taking into account the fact that damage will be done?—Certainly.

3071. Is it concurrently with that system that they also have a system of suspension?—Yes; but it is exceptional for that system to be put into operation. I think the proprietor told me that he had suspended one in six months, he finds that moral suasion has the desired effect.

3072. That caution is enough?—Yes.

3073. In that one case do you happen to know during what term the suspension lasted?—I cannot say that.

3074. That is a system of which one need hardly take account, as it is so seldom put into force?—Quite so.

3075. Have you found any other firm in which it is put into force?—No, except a large collar makers at Gloucester, employing some 400 hands. I asked the employer there how he managed with the fines, and he said, "If my workers do not do as I tell them, I give them half a day's holiday occasionally, and I find I have not to give a girl half a day's holiday twice." So that I think suspension is quite a small matter; the fact that a worker is going to be suspended is almost sufficient deterrent, at least it is in the cases I have investigated.

3076. I want to ask you about the alteration in practice in the case of the firm W. You say they now charge 1d. for kitchen and 2d. for the doctor and medicine, instead of 3d. to cover the whole thing. Do you think the fact that the workers pay their 2d. separately for the doctor has produced any greater readiness on their part to employ that doctor?—I could not say.

3077. You do not know how far they are really satisfied with the change?—No, the thing has only been under my view for about six months. I have not visited the factory just recently.

3078. Do you think it is a good principle to have medical attendance supplied by the firm, and charged for by the firm?—I do not think it is a good principle when the firm have the control of the doctor. I think it is a very good plan for the workers to have a sick fund upon which they may fall back in case of sickness.

3079. Would you distinguish between a sick fund out of which they would get payments in the case of illness, and having a doctor to whom they would apply for attendance in the case of illness?—Yes, I think a medical fund in which they would get the benefits in the case of sickness is a better arrangement, rather than paying for a mere doctor only.

3080. You have given us your experience in one case; have you any experience of other cases in which the workers pay for medical attendance to the firm and prefer a doctor of their own?—I know another large works where they pay; that is a tinplate works at Lydney. There they pay for medical attendance, I believe, and the workers there, to the best of my knowledge, appoint their own doctor; a committee of the men appoint the doctor, I believe.

3081. In the case of W. 10 you said the trade union had insisted upon its own doctor being employed by the firm?—Yes.

3082. Are they now satisfied?—I have had no complaints lately.

3083. You said there was one prosecution in the case of the W. 10, I think for the weft carrying and piece carrying, and that was successful?—Yes.

3084. You also referred to a case in which there might have been a prosecution but there was not, for what I suppose one may call the abuse of the sick fund. Did you discover that offence after the firm had been prosecuted for the first offence?—Yes.

3085. Were there any special circumstances in that case on account of which you did not prosecute?—None, so far as I know, except that I reported to headquarters and was given instructions in reply.

3086. Do you happen to remember what interval elapsed between the prosecution for the first offence and the discovery of the second?—There have been three prosecutions against W. 10 for truck. The first summons was in June, 1903; that was for various offences against the Truck Act. Then on the 18th December of the same year they were prosecuted for selling bobbins to a worker, and they were fined on that occasion £1. On the 2nd October, 1905, they were again proceeded against; that was for weft and piece carrying, and on that occasion they were fined £10 and costs.

3087. Then they are somewhat persistent offenders?—Very persistent. The investigation with reference to the medical fund was made on the 31st July, so that it was really between the second and third offence.

3088. The first two cases I might describe as instances of profit making, either out of the offence, or upon the goods sold?—Yes.

3089. Do you think there was any doubt as to what the result of a prosecution would have been in the case of the medical fund?—Personally, I do not think so.

3090. You yourself had no doubt?—None whatever.

3091. And you do not know what consideration it was that influenced the Home Office?—I thought it was a perfectly clear case.

3092. And a very bad one?—A very bad one.

By Mr. Ramsay Macdonald.

3093. In the first case before us, that of S. R. Hooper, which led to a prosecution, was there no contract for the reduction of the 2d. in the £?—None whatever.

3094. And the court dismissed your application, and the appeal court upheld that, although the workers were protected by statute; I am referring to the 2d. reduction for compensation?—They were only getting what they were entitled to under the Workmen's Compensation Act.

3095. They were entitled to that without payment?—Yes.

3096. And the firm were asking them to pay 2d. in the £ for that to which they were entitled without payment?—That is so.

3097. And, although there was no contract and really no benefit received, the court dismissed the case?—That is so.

3098. Why?—Because the court held that, under the information as laid, there had been no payment other than in the coin of the realm.

3099. But was not this made a condition of employment?—I suppose it was, but it was only made a condition of employment after he had worked there a week; the first he knew of it would be at the end of the week—or rather at the end of the fortnight; they pay fortnightly there.

3100. If he refused to pay at the end of the fortnight?—I think one of the witnesses told the court that he would expect the sack; those were the words he used at the hearing.

3101. Then with reference to the second firm W., where deductions are made in respect of meal rooms; were those payments made a condition of employment?—Yes, I should say they were.

3102. All the workpeople engaged were subject to the deductions?—That is so.

3103. And I think you said in respect of that you did know firms that provided the same facilities as this firm W., but which made no deductions for them from the workers' wages?—I know several such cases.

3104. Do you think that an injustice is done to the workers by asking them to pay those deductions?—Well, hardly an injustice, when the conditions are known to the worker before entering the employ; but my view was that it was accommodation which the firm should provide for the worker free of expense.

3105. Do you think it was a fair and reasonable charge in respect of the facilities provided, which were not compulsory?—No, I do not think it was a fair and reasonable charge.

3106. Do you think that everything the firm W., provided could have been provided for a less charge?—I think so.

3107. Leaving out of account your idea of what the capitalist ought morally to provide?—I think it could have been provided for less.

3108. On a business footing?—Yes, having regard to the number of workers in the factory.

3109. With reference to those nominally voluntary, but practically compulsory, shop clubs and sick clubs, have the friendly societies taken up any attitude?—None, so far as I know.

3110. I suppose a good many of those people would naturally belong to friendly societies?—Yes.

3111. Part of whose duty it was to provide doctors under their constitution, and in respect of the payments that they levied?—That is so.

3112. And yet, although a woman or a workman belonged to a friendly society, these deductions would still be made by the employers?—Yes.

3113. Have you come across any case where membership of a friendly society exempted a workman from making such payments?—I have not.

3114. You have come across no cases where exceptions have been made?—None whatever.

3115. With reference to W. 10's sick club I think you gave us to understand that the appearance of a union practically cleared the matter up?—That is so.

3116. What is the position of the fund now under the union; you have told us that the doctor is appointed by the workmen; who administers the fund?—I am afraid I am not able to give definite evidence.

3117. The fund still exists?—The fund still exists, and there has been a committee of workmen appointed to deal with the fund, and there have been auditors appointed.

3118. You think that a workmen's committee now administers the fund and that the accounts are audited?—Yes.

3119. That being so, have you still any objection to the fund?—At the present I have not thought of any objection to it.

3120. In your experience as an inspector, does a fund administered in that way present the possiblities of injustice to the workpeople so that we ought to make it the subject of legislation?—I think it would be better if there were no such deductions from wages, but I cannot point to any case of absolute injustice.

3121. You would still object, I suppose, to making a subscription to such a fund a condition of employment?—I certainly would do that.

3122. You think, I suppose, that if such subscriptions are asked they should be made the subject of separate contracts altogether? I might put it in this way; that the wages should be paid to the workmen and any subscription that they pay from their wages should be a separate act on their part?—It would be very much better, I think.

3123. And that the subscriptions should be removed from the act of paying the wages?—Yes.

3124. You think that that might give a substantial protection?—I think the worker would be freer.

3125. With respect to cases like darning of goods, you have mentioned Marling & Co. In any case has any allowance been made by the employers for the poor material that has often been supplied to the worker?—I have never heard of such an allowance.

3126. I notice that you suggested something of thta character when you said that certain firms allowed a certain time for darning, which varied according to the character of the work that the workman was engaged upon?—The character varies in accordance with the fineness or coarseness of the cloths and according to the difficulty experienced in the weaving. Some cloths are difficult to work, and it is in the cloths where the difficulty is experienced that the firm make an allowance, and the time that they have fixed has been a reasonable time for mending.

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3127. I understand that a very large part of the objection to the weavers paying for those things is that the material often makes it impossible for them to do good weaving?—That is so.

3128. And that the supply of good material is part of the business of the manufacturer; and, if shoddy material——?—I am glad to say that we have no shoddy factories in the West of England.

3129. You have no experience of shoddy factories?—No.

3130. Where bad material is supplied I suppose your opinion is that the workers should not be penalised for the bad results of weaving that material?—Certainly not.

3131. It is part of the firm's chances in carrying on a certain trade?—Exactly.

3132. Now you refer to W. 10, and the bad discipline and bad management and frequent resort to fines in that case. What I should like to get your opinon upon is this: Supposing we tried by legislation to make certain of these objectionable things which you have been telling us about impossible, do you anticipate any difficulty of an administrative character, suppose that we abolish fines?—I do not see any difficulty.

3133. There would be no difficulty in checking, say, an unfair resort to suspension?—I do not think there would be very much difficulty in tracking it.

3134. Have you had any experience of railway inspection?—No.

3135. You do not know the practice of some railway companies?—I have heard of the practice, but it is not within my own knowledge.

3136. But so far as your experience has gone, you do not think that that is a serious objection?—I do not think so.

3137. You mentioned bonuses in connection with W. 10. Is the system of payment of bonus prevalent?—No.

3138. Is that the only company that does it?—In one or two other companies in Bristol—the larger companies—they give prizes for regular attendance; very small prizes, amounting to about 10s., I think for the best attendance throughout the year.

3139. Is that only given to one person for the best, or is it given to anybody who comes up to a certain standard?—10s. would be given to each of the workers who attained a certain standard.

3140. And that sum would not be subject to any deduction whatever?—In one or two cases they are subject to deductions. If a worker is late more than a certain number of times, he fails to get a certain bonus; the bonus is reduced in amount.

3141. They fail to get their bonus and they fail to get their wages?—No; they get their wages, but if they are late a number of times the bonus at the end of the year is reduced.

3142-3. Are these piece-workers or time-workers?—Time-workers.

3144. They pay their full week's wages, but at the end of the year their bonus is reduced?—Yes; that may be for being five minutes late; they give them five minute's grace; after that they would lose their time wages and the bonus.

3145. You have had no experience of bonuses being paid for the purpose of enabling employers to make unfair and unreasonable deductions upon the bonuses?—Yes, I have. Immediately after the Marlings' case arose I was visiting other mills, and one of them in answer to my question said that they did not make any charge

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for weaving. I asked them the method of payment, and they put it in this way; that they priced a cloth on the worker's ticket at 18s. 6d.; they would expect to pay that worker, if she weaved a good cloth, 20s.; but if there was mending beyond the first two hours they would deduct the mending from the 1s. 6d. bonus and not from the agreed wage to the worker. I reported that matter to the Home Office and I was instructed to inform the firm that that was illegal, and the firm promptly ceased it. That is the only case that has come under my notice, and in that case the firm gave way quite promptly.

3146. So that now you do not think you have any cases under your jurisdiction of payment by bonus being used as a method of evading obligation?—I think not.

3147. Now I will first put this general question. Do I gather that you are in favour of the complete abolition of disciplinary fines?—Well I know one or two cases in which I could not go so far as that at present.

3148. As for instance?—W. 10.

3149. Would you favour the abolition of deductions for destroyed materials?—Do you mean wilfully destroyed or accidentally?

3150. I mean destroyed in the ordinary course of business?—Accidentally destroyed?

3151. Yes. I mean, if there is culpable damage, if a workman rips up a piece with a knife that is another matter altogether; but material destroyed in the ordinary operation of trade by an ordinary careful workman having made a mistake?—I term that accidental damage—damage which the workman could not prevent by due skill and intelligence.

3152. You are in favour of abolishing deductions for that?—Yes, completely.

3153. Is there any other form of deduction at all that you think ought to remain?—I do not call one to mind.

By Mr. Cawley.

3154. I should like to ask you what changes in the law you would really recommend; I understand you have been able to prosecute under the Truck Act in most of the cases that you found very wrong, but in some instances you think there have been hardships upon the employees, where you have been unable to touch the employer by law. What are these cases?—In the case of supply of material one is almost prevented from getting actual proof as to the cost of the material to the employer.

3155. Part of the employer's bargain is that he should find the material, but how would you suggest that the employer should get a *quid pro quo* if the material is damaged?—He would get the price of the material in the manufactured article.

3156. But what I understand is that the employer charges the worker with the material that is used?—With some of the material used.

3157. Then if he gave the worker the material without charging for it, he would have to get the work done at less cost?—That is so.

3158. There would in that case have to be some reduction of wages?—Some adjustment of the wages paid at present.

3159. Is that the only kind of case where you think there is real hardship? And can you say that in any of these cases the employer is trying to get his work done for less money; or is it his principal aim to have the work done better?—In the cases of damages I have investigated, it has seemed to me that the employer was charging the unfortunate worker with the whole cost of the damage, whether that damage was due to bad work or to bad material.

3160. Do you think the employer is trying to get his work done at a lower rate?—No, I would not say that; he is trying to recoup himself at the expense of the worker for some damage done by some person.

3161. You do not think he is trying to get the work at less cost?—I do not think it is done with that end in view.

3162. Then is it not done in order to try and get better work?—No, I would not go so far as that.

3163. But it must be done for one object or the other, and the same thing appears to apply to the question of a bonus, which is given to encourage good work, but which is not paid when the work is not good?—That is what we are told.

3164. Do you think the employer is hard, and is trying to screw the workman down?—I would not go so far as that.

3165. What would you suggest in the case of cloth that is damaged in the making and has to be mended; would you suggest that the employer should not make a deduction for mending, or that he should really reduce the wages—No.

3166. In the cases you put before us, a bad worker necessarily does not draw so much money as a good worker, having practically to pay for the time occupied in mending?—Yes.

3167. If the employer is to do away with that system, would he not necessarily have to recoup himself. Would you suggest that he should reduce wages and do away altogether with the system of deductions for mending?—He cannot do away with the mending; he must carry that on. But it seems to me he might take some means to bring bad work definitely before the notice of the employees, and the employees, in the majority of cases, have sufficient skill, as well as sufficient interest in the work, to do it better if the necessity for an improvement is brought to their notice. The old practice was to fine a workman for bad work without giving him any chance of seeing how bad it is.

3168. If the old system was abandoned, would the wages not have to be lower?—In the case of U. 10, they have done away with the system, and the wages are slightly higher.

3169. I thought you told us in the case of U. 10 that the employer is paying rather less in wages, but that you thought the change worked out rather better in the long run for the worker?—Yes.

3170. The only difference that I can see is this, is it not that some employers think it better to deal with the matter in one way, whereas U. 10 think it better to do the other way, and you think that by the latter the workers get a little advantage?—Yes, not only in money, but in opportunities of improving their work through defects being brought to their knowledge.

3171. Many other employers are not of that opinion?—They have not been converted yet.

3172. With regard to fines for being late; is it really a case of fines versus suspension or dismissal?—Not even suspension in many cases.

3173. How are the employers to deal with people who continually come late, like the lady you mentioned who came so late after the Bank Holiday?—I am afraid that is one of the drawbacks of employing married women.

3174. Do not you think the case is one of fines versus suspensions or dismissal?—Or better management.

3175. How can you get better management without some way for either encouraging or penalising a worker?—I can only say that in the case of one collar factory known to me, they have actually attained a very high standard of attendance and good time-keeping without the imposition of fines, and the employer tells me he has done it by giving the matter his personal attention and inducing the girls to come punctually to work. He has no doubt had to threaten some of them, but the number of suspensions has been infinitesimal in the period of four years about which I speak.

3176. Has he had to suspend some of them?—He has had to threaten to suspend.

3177. He has to exercise personal influence?—Yes.

3178. And he suspends very little?—Yes.

3179. Do you think the workers in these factories, taken as a whole, object to fines for late attendance, and would prefer the penalty of suspension or dismissal?—They strongly object to the fines, and I think they would much prefer to take the risk of probable dismissal.

3180. That is rather what I wanted to get at. With regard to the payment for doctors, is there any benefit to the employers in any case that you know of through these sick clubs, and through having to pay so much for

medical attendance ?—In one case it looks as if the firm were having the benefit of £50 in their banking account, and they also had the distribution of some £51 15s. 1d., for which there were no vouchers.

3181. That comes under the Truck Act ?—This was a medical fund.

3182. Is not that an indictable offence ; if the firm were taking and using money which they should not have taken ?—You asked me whether the firm were making anything out of it. I replied that the firm had £50 at the bank, and that in addition they had the distribution of £51 15s. in a period of six months, for which no entries were made in the cash book, except the items called sundries.

3183. Was not that a clear case of making money out of the workers ?—Yes, it would seem so.

3184. Unfairly, and, one might almost say, fraudulently ?—It looked like it.

3185. But in cases where the employer derives no advantage from the sick club, do you think there is any disadvantage in such clubs from the workpeople's point of view ?—I think it sometimes bears hardly upon the poorer workpeople, who pay to two or three clubs, for out of a slender wage every penny is a consideration.

3186. But there are others not in any club at all ? Looking at the matter broadly, do you think the workers object to these clubs, even where the employer gets no benefit from them ?—In my opinion the workers do object to them.

3187. As a whole ?—Yes.

3188. Would you tell us the different things you would like to see altered by law that are not touched by the Truck Act ?—I would like to see deductions from wages prevented, or rather, that the wages to be paid to the worker should be clearly set out, and that the amount should be paid to him free from deduction.

3189. That embodies almost everything you would suggest ?—Yes, it practically embodies everything.

By Mr. Maddison.

3190. With regard to the deductions for mending, do you consider the piece-work rate for a piece of cloth to include mending ? Is the worker supposed to be paid for a perfect piece of cloth ?—It is a somewhat difficult subject. When I first made inquiry in one of the cases I have mentioned, I was told that the deduction was of long standing, and took the form of a penny in the shilling all round. When pressing the matter further, I pointed out that a deduction rate of a penny in the shilling did not amount to 2s. 6d. in 20s., and the reply was that the usual thing was to charge 2s. 6d. in such cases.

3191. My question is really this: is there any really accurate assessment of the time occupied in mending a piece of cloth ? Is there any scale ? Because mending cannot take always the same time ; it may take twice as long in one case as in another. Are the workmen charged differently for it according to the time taken ?—I got two of the firms to separate the mending, and the deduction is now left over until the piece has been mended, when the number of hours taken in the mending is reckoned up and the number of hours which the firm agree to give is deducted, the worker being asked to pay the difference.

3192. Do you regard that as an improvement on the old system ?—Yes.

3193. Then there is something like an equitable assessment of the imperfections in a piece of cloth ?—Now there is.

3194. But in spite of that, you think there should be no deductions at all ?—I think it can be worked without deductions.

3195. I understood from you that in Evans's case, in order to do that, they slightly reduced the price in order to recoup themselves ?—Yes.

3196. Are any of these weavers on day rates ?—All piece-work.

3197. Do you know of any similar cases where men upon day rates are fined for bad work ?—No, we have no day rates.

3198. Not in any similar trade ?—Perhaps among the Kingswood boot people.

3199. Are they upon day work ?—Yes.

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3200. What is the practice if a boot is not up to the mark ?—The classer estimates the damage, and very often for a trivial damage it is decided that the worker is not to get any "making" money at all.

3201. What do you think of that ?—I think it unfair.

3202. I suppose you think that competent workmen should be employed, and that if a man systematically does bad work you would caution him and finally get rid of him if necessary ?—Yes.

3203. You prefer that to fining ?—Certainly.

3204. With regard to sick clubs, I understood you to say that on the whole you thought them good if they were properly conducted ?—Yes.

3205. In making that remark, did you have in your mind clubs where the firms contribute something, or clubs entirely supported by the workpeople ?—I was thinking of the latter class ; the clubs supported entirely by the workers.

3206. Have you any clubs partly supported by the employing firms ?—Yes, we have.

3207. But your remark applies to those to which the firms do not contribute ?—Yes.

3208. Did I understand you to say you thought that if payments to these clubs were separated from wages, it would be better than a deduction from wages on that account ?—Yes.

3209. In the case of Hooper, was not that what happened ?—When I said separate payments, I meant payments to the officers of the club, appointed by the workers themselves, as distinct from payments to a man's own employers. A separate sick club I understand to be one in which the officials would be appointed by the workpeople, and the payments would be made to one of the recognised officers of the club, whereas in Hooper's case the payments on behalf of the club were made to the employer.

3210. Your suggestion would, of course, involve self-government of the sick funds ?—Yes.

3211. Such a club might have no connection whatever with the employers ?—Exactly so.

3212. You would raise no objection to such a club ?—Certainly not.

3213. Indeed you think it would be good ?—So long as it was not made a condition of employment.

3214. Among the girls in the corset factories, and such places, would you say that such a club, unless there was a strong union behind it, would be likely to be a really self-governing club ?—I should not like to say that it would.

3215. Would you have great doubts about it ?—I should.

3216. I take it that unless such clubs partake of the nature you have referred to, governed by the workers themselves, with all payments made to their appointed officials, you would think that it is not well to have such clubs connected with employment ?—That is so.

3217. Your faith in the abolition of fines does not go quite so far as W. 10's case, where fines absolutely did nothing at all ?—I gave my answer in view of the present management.

3218. I gather that you face quite clearly and plainly suspension as an alternative to the abolition of fines ?—Yes.

3219. From your knowledge of working girls and women, do you still think that suspension would not be open to a similar abuse to fines ?—I don't think it would be open to quite the same abuse.

3220. It would, at all events, be open to the Home Office to inquire as to the fairness of suspension ?—Yes, I think it would be fairly easy to get particulars.

3221. Do you not fear that on the abolition of fines suspensions might be rapidly carried to the further stage of discharge ?—I do not think so.

3222. In any case, you think it would act as a deterrent to faults on the part of girls with regard to their work ?—Yes. I think the fact that there were other girls ready to do the work would act as a deterrent.

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3223. I think it was at W. 10's place where the advent of a union made such a difference so far as the sick fund was concerned? Has it been your experience that where a well-recognised union exists or has been formed it helps to the promotion of general fairness?—Yes. One does not find the same advantage taken of workers where there is a union.

3224. Is the discipline of factories interfered with prejudicially by a union?—I think not.

By Mr. Delevingne.

3225. With reference to the medical fund in W. 10's place, what was the nature of it—was it in the nature of a club?—It was only in the nature of a deduction.

3226. But I mean what was the nature of the fund?—Did the men pay weekly into it?—It was stopped from their wages.

3227. The employer is supposed to pay these deductions into the fund, is he not?—It is impossible to say what becomes of them.

3228. Was there any system or organisation about it at all? Had it even a name?—None whatever.

3229. Was it managed entirely by the employer?—Quite.

3230. You say there was no contract between the employers and the workmen, and no audit of the accounts?—None.

3231. What has happened to that fund now? Did you say that the trades union had compelled the firm to employ their own doctor?—The question of the doctor turned upon a question of fines for absence from work. The trades union representatives took the view that they could not leave their members in the hands of the firm's doctor, and they had a small strike which settled the point, and it was decided that the appointment of the doctor should be in the hands of the trades union. The firm now have fixed notice of contract, notifying what the deductions will be, and the workers have appointed a committee to manage the fund, and have appointed auditors.

3232. Is the fund now in the nature of a sick club?—Yes.

3233. Before the trades union was formed it was nothing of that sort, but was entirely in the hands of the employer, who paid the doctor?—Yes.

3234. With reference to the case of Hooper, the reason why it was dismissed by the High Court was that the Court held that either the wages had been paid in cash or had not been paid at all?—Yes.

3235. In reality, if it was anything at all, it was a non-payment of wages?—Yes. That there was no payment other than in current coin of the realm.

3236. And that if the worker had not been paid his wages in full he had the civil remedy?—Yes.

3237. Had any of them attempted to recover?—No.

3238. Were they so much in fear of employers that they accepted the deduction without question?—That is so.

3239. Was that case not decided solely upon Section 3 of the Truck Act of 1831?—Yes.

3240. Is it not the case that Section 3 of the Truck Act of 1896 was not referred to in the information, although it appeared from the proceedings that a different result might have been arrived at if that reference had been made?—Yes. I did not think it was a matter which came under section of the Act of 1896 at all. I rather took the view that it was the making of a contract under, I think, Section 2 of the Truck Act, 1831, whereby an employee was bound to spend part of his money in a certain way with the employer—that part of the wages was to be laid out.

3241. The High Court did not accept the Home Office view, that it came under the Act of 1831?—That is so.

3242. Even if the practice was made illegal the employer could effect his object by reducing the wages by the amount of the weekly payment?—Yes.

3243. That is practically what he did, for, although he handed over so much, so much was handed back to him?—The head of the firm told me that he did not consider that he had been deducting twopence; he thought the wage was 29s. 10d. The men understood that the twopence was deducted for compensation fund.

3244. Practically the effect was that when the Workmen's Compensation Act was passed the employer reduced the wages by the amount of the weekly payment?—Yes.

3245. Can you suggest any way of preventing that?—If a contract was made at the time that the men were to accept reduced wages, and the men were willing, then I do not see any means of stopping that.

3246. With regard to the medical funds, is it common amongst workers to avail themselves of the right of audit of the accounts?—I am afraid that often they do not know of it.

3247. Have you found cases where, after knowing of it, and after using it for a time, they have dropped it?—No.

3248. I understand that, on the whole, you would be in favour of altogether abolishing fines for discipline? Have you had cases of abuse in regard to the imposition of disciplinary fines?—Yes. I have here one contract which is at present the subject of consideration in Bristol. It is one I have recently taken exception to. It pledges the workmen to abide by all the printed rules and sets forth certain fines. Some of the workpeople earn only four shillings for a week of fifty-four hours, so that they are earning only about ½d. or perhaps ¾d. per hour, yet if they are late deductions are made from them at the rate of 4d. an hour.

3249. Is any loss or inconvenience caused to the employers by the workers arriving late?—In this case there would be practically no inconvenience at all, because each worker is engaged upon his own material, and there is no subsequent process depending upon that worker. Of course, there are cases where the absence of a leading worker might result in inconvenience and delay to others.

3250. In this case the fine exceeded the loss occasioned to the employers?—Yes. I instructed the occupier to amend the contract in that respect, and he has promised to do so.

3251. Apart from fines for being late, have you had any cases of unreasonable disciplinary fines?—No prosecutions.

3252. Have any cases been brought to your notice?—I think not.

3253. Is it common to have disciplinary fines?—They are very common.

3254. Then I understand you to say that on the whole, although common, they are not unreasonable?—I have not had complaints of their unreasonableness in the Bristol district, except in one case, where the workers were charged 2d. for three minutes' absence. The occupier has, in that instance, promised to amend.

3255. As a matter of experience, are the fines often imposed?—Yes, in some factories.

3256. Where there is a long list of fines, and they are frequently put into operation, what would you say as to these factories. Are they badly managed?—Yes; where there is a long list of fines, and they are frequently imposed, the management is invariably poor.

3257. Are the fines imposed by the foremen and forewomen or by the proprietors?—By the foremen or forewomen.

3258. At their discretion?—Yes.

3259. Does your experience chiefly lie in the weaving trade or similar industries?—It is principally in the wearing apparel trades, where there is the long list of fines.

3260. Do you mean the dressmakers and tailors?—Yes; clothiers and corset makers and underclothing makers.

3261. With regard to the question of damaged work, I gather that your evidence chiefly has reference to the weaving trade and the boot trade?—Yes.

3262. Apart from these trades, have you come across many instances of deductions for damaged work?—I have had one case of damage to a tool which was lent to a worker by his employer. The workman had an accident

and he was charged the full new value of the tool, although it had been in use for four or five years. In that case the employer was proceeded against and fined. In another case a similar set of circumstances took place.

3263. How did you come to know of these cases?—From information received. One was found out upon a visit and one from complaints.

3264. That was a question of damage to the property of the employer. What about damage to the work done. Are such deductions, on the whole, fair?—I don't think they are.

3265. What action have you taken?—I have warned the occupier of the premises, who has undertaken to moderate the charges. The difficulty is to say whether the damage to goods is accidental or intentional. The workers invariably take the view that it is accidental, whereas the employers often think it is intentional.

3266. What the Act refers to is neglect or carelessness or bad workmanship, and no deduction can be made for accidental damage?—Quite so, but in some boot firms the men are charged for damage irrespective of the condition of the materials used.

3267. Have you been able at all to go into that and to test whether the men's contention is a true one that the damage is due to the material?—It is exceedingly difficult to get sufficient evidence to warrant us in taking up a case.

3268. Why?—Because the worker often refrains altogether from giving us evidence. One may see the boots and make enquiry of the foreman, but the very worker concerned very often fails to give us material and essential evidence.

3269. Does he break down in the witness-box?—No, before we get to that stage. In taking his declaration or proof he will often turn round in order to avoid giving evidence against his employer.

3270. Afraid of being dismissed?—Yes, or afraid of not having other work given to him.

3271. With regard to meal rooms, I understand you were in favour of prohibiting any deduction at all for the use of them?—Yes.

3272. You are, of course, aware that there is no provision in the Factory Act to compel employers to provide meal rooms?—Yes.

3273. Would it not be rather an inconvenience to the workers in many cases if the meal room, which is now provided for their use, was shut up?—Yes, I think it would.

3274. When an employer voluntarily provides conveniences of that sort for his workpeople, it may be generous of him to provide such accommodation for nothing, but if he chooses to make a small charge to cover the outlay or the upkeep, is that unreasonable?—The difficulty I would have is to determine what is a fair charge, and what the original outlay has been.

3275. Is not the usual charge 1d. per week?—One finds such a varying quality of attendance provided for that.

3276. You could not charge much less?—I don't think so.

3277. Does 1d. strike you as unreasonable for the use of the room, hot water, etc?—It may be so in case of small workers who earn only about 3s. or 4s. a week.

3278. Of course the worker is not bound to use these conveniences?—No, but the workers are usually charged for them in any case.

3279. The instruction given by the Home Office to inspectors is not to allow such deductions as against those who have not used the conveniences?—Yes. But cases arise where the charge has been made.

3280. The idea is that those who do not use the mess room should not be bound to pay for it. That view has been laid before certain firms, who have promised to exempt those who do not use the meal room.

3281. I do not quite appreciate your objection to any deduction under that head?—I think a meal room is part of the convenience that one might fairly expect an employer to provide for his workers.

3282. But you know he is not compelled to do it at present?—No.

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3283. If he chooses to do it voluntarily for the benefit of his workers, would you deprive them of the convenience by refusing to let the employer make a moderate charge for it?—The difficulty is to say what is a fair charge.

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3284. Have you had any experience of the working of the Shop Clubs Act?—No.

3285. You have not come across it?—No.

3286. Do you know its provisions?—Quite well.

3287. Have you had any complaints on the subject?—No.

3288. Do you know who carries it out in your district?—No one, so far as I know.

3289. With regard to the Kingswood Boot firms, you said the employers sell the nails to the men at the same price at which the men could buy these nails in a shop outside?—Yes.

3290. And I suppose if they make a profit in the shop on the sale, the masters are overcharging the men?—One expects the shop to make a profit. But one cannot say whether these particular nails may be a leading line sold cheaply to attract custom for other goods.

3291. Have you been able to make any enquiries about that?—I have made enquiries, but have not been able to trace the actual price which any particular man is paying.

3292. Is there any difficulty about finding out the ordinary outside price of a thing of this sort?—I think not.

3293. Have you not been able to find out the ordinary outside price?—I tried it in the case of one man, but the local men held that the charge was reasonable.

3294. The point is that the charge to their workmen must not exceed the cost to the employer?—It is difficult to find out what an individual employer is paying for a particular brand of goods.

3295. *Primâ facie*, if he is charging the same as a shop, he must be overcharging, for he no doubt buys wholesale and at a lower price than the retail price?—Yes; but he says he has to go to considerable expense in booking and weighing and packing, etc.

3296. He takes establishment charges into account?—Yes, and says he is only just recouping himself by charging what the shop charges.

3297. Does he supply a better article than the shop?—About the same.

3298. Is it a convenience to the men to get the nails at their employers?—Yes; it may be a slight convenience, inasmuch as they do not have to pay for them until the end of the week.

3299. Have you not taken any action with regard to the supply of nails?—No. prosecution.

3300. In one case you said that an employer, with reference to cotton, denied that he was allowed a trade discount, but afterwards admitted a mistake in that respect, and you said you thought the system still went on under different circumstances, which it is often difficult to investigate. Will you kindly explain that?—I have been to the factory since, and have found no deduction of any kind from the workers' wages. They are put upon day work rates and no deduction, but I have had some information from a reliable source which points to the fact that he is still making some deduction although apparently giving them a clean book.

3301. How?—I have not had time to investigate it.

3302. That might come under the Truck Act?—Yes.

By Mr. Yarrow.

3303. I think you referred to some ideal and well-managed firm who have done away with fines?—Yes.

3304. If one firm can manage so well without fines, have you ever suggested to other firms in the same business that they should abandon fines?—Yes.

3305. And what do they say?—That they cannot do without them.

3306. Do they not give any specific reason?—They simply say we cannot do without fines.

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3307. If fines were made illegal, do you think there would be great opposition from the employers ?—Yes; from a certain class of employers.

3308. In your reply to a question by Mr. Macdonald about the Hooper case—that of deducting 2d. as payment for insurance under the Workmen's Compensation Act, you said the workers did not know they would have to pay that until the end of the week came. Do not you think it would be a good thing for everybody before entering the employment to know exactly what the conditions are ?—I do.

3309. But in particular cases you think it is very likely that many of them do not know ?—There were no means of informing them until the first pay day arrived.

3310. You think, however, it would be a good thing in every case for the worker who seeks employment to be made distinctly aware of the conditions as to fines, etc. ?—Certainly.

3311. Do you think it would be feasible to have the conditions posted up in some conspicuous place outside the factory, so that there would be no excuse if applicants for work do not read them, or they might be printed on a slip and a copy given to every worker taken on. Would there be any harm in such an expedient ?—I think not. We have it done under the Truck Act. The employees are entitled to a copy of the contract.

3312. Do the employers in your experience subscribe liberally to the sick clubs, or are such clubs usually dependent upon the subscriptions of the working members ?—Generally the firms subscribe.

3313. Then it is surely a good thing to have such clubs in connection with works and factories, so far at least as the subscriptions of the employers are concerned, for if these clubs were abandoned that benefit would be lost ?—True.

3314. If it were not compulsory to subscribe to a doctor do you think the average workers would be thrifty enough to subscribe to any such funds ?—Yes, I think the majority belong to some friendly society.

3315. Still, that society would be in no way financed by the employer, as it would lose his help ?—The amount of subscriptions from the firms I have come across is very small per worker.

By the Chairman.

3316. With reference to your replies to Mr. Delevingne about the meal rooms, I suppose it is almost a necessary part of that system that all the workers have to pay a small contribution for the meal rooms, whether they take advantage of them or not ?—That is so.

3317. If a worker who makes separate arrangements were to take action against that charge on the ground that she does not want the use of a meal room and object to the deduction, might not that cause a situation in which the employer would reply that he does not want such a troublesome worker ?—I think that is exceedingly likely.

3318. Is that one of the elements in your mind in thinking that so trifling a convenience should be open to all without charge or deduction ?—Yes.

3319. You do not think the upshot would be harmful to the employer ?—I do not think so.

3320–3321. You mentioned that you had a long list of fines. Do you feel free to show that to this Committee ?—I have not got one of the long lists with me.

3322. We will take precautions with regard to names, and unless there has been a prosecution the firm can be denoted by a letter ?—Quite so.

FOURTEENTH DAY.

Thursday, 12th July, 1906.

PRESENT.

The Right Hon. Thomas Shaw, K.C., M.P., Lord Advocate of Scotland *(Chairman)*.

E. A. Brotherton, Esq., M.P.
Frederick Cawley, Esq., M.P.
Malcolm Delevingne, Esq.
Mrs. H. J. Tennant.

T. E. Bettany, Esq. *(Secretary)*.

Mr. ARCHIBALD NEWLANDS, was called; and Examined.

Mr. A. Newlands.
12 July 1906.

By the Chairman.

3323. You are a district inspector of factories ?—Yes.

3324. You are stationed at Edinburgh ?—Yes.

3325. We are anxious to have any experience and knowledge that you have with regard to the practice of truck in the Orkneys and Shetland and the Hebrides and the West of Scotland. Would you tell me what has been your experience in the Home Office since joining the Department ?—I joined the Department in 1894; I was in Manchester over a year, then at Glasgow for several years.

3326. In what capacity ?—As junior inspector. Then I was appointed to the North of Scotland. I was district inspector in 1899. Then in May of this year I was appointed in charge of the Edinburgh division.

3327. In succession to whom ?—Captain Kindersley, retired.

3328. The period of your actual experience in the north is from 1899 to 1906 ?—Yes.

3329. You know the object of this Committee; you know that we are to enquire into the practice of truck, and fines and deductions from wages. Would you tell me about your visits to the outlying portions of Scotland. You visited Shetland in May, 1901 ?—Yes.

3330. What is the class of workers that you visited there ?—I visited a large number of cotters—fifty who were employed making shawls and other hosiery, and about eighteen to twenty merchants.

3331. Were these in various parts of Shetland ?—Yes, all over.

3332. In the various islands ?—In the islands and on the mainland.

3333. Do you think that you have obtained a general experience of the working of the system in Shetland ?—Yes, I think I have.

3334. Over what period did your visits extend ?—I first spent about a week in 1900; then I spent about three weeks in 1901 and about fourteen days in 1902.

3335. Engaged in the same enquiry ?—Yes.

3336. Did you find a system existing of payment to hosiery workers in goods ?—Yes.

3337. To a large extent ?—Almost universal.

3338. Now, will you describe to me the class of people who do that work. You call them cotters. What is their kind of dwelling ?—Simply a small cottage—the ordinary thatched cottage you meet with in Scotland, with a small croft attached.

3339. A small patch of land ?—Yes.

3340. And the inmates—the family?—Often you find the men attending to the croft—two or three acres of ground ; sometimes they are engaged in local fishing, and the wife does a little shawl work ; occasionally you find that the shawl industry is the sole means of support for the family.

3341. Is that on account of the age of the husband ?—Sometimes on account of the age, or it may be, of course, through his death ; there are a number of widows among this fishing population.

3342. Then there is a family of children, I suppose ?—Yes, generally.

3343. Is it stone and lime house ?—Stone and lime walls.

3344. What about the cattle—the beasts; where are they kept ?—In Shetland we have no cattle housing ; that is all outside.

3345. Does that small class of tenant farm ponies at all ?—The pony trade is dying down.

3346. How is the raw material supplied to these people ?—In Shetland the sheep are not shorn in the usual way ; they drop their wool and it is caught by the heather and brambles ; the fleece would drop naturally ; the people gather the wool that is left on the thorns and the heather, etc. It may be "collected" in the usual form from the sheep direct—or occasionally purchased from merchants.

3347. At certain seasons, of course, there will be a great deal of that ?—Yes.

3348. So that you may say it is their own wool ?—That is so.

3349. Having thus got the raw material, they proceed to what is known as the Shetland knitting ?—Yes, carding and spinning.

3350. Do they do that in their own dwellings too ?—Yes, entirely.

3351. In fact it comes from the sheep's back to the man's back, you may say ?—That is so.

3352. Besides Shetland shawls, are there other kinds of goods ?—Yes, all kinds of work is done.

3353. Can you tell me anything about patterns ; do they work to any particular pattern or is it a native design ?—a purely native design ; in fact it is said that the woman does not know what her shawl will be like when she starts.

3354. You found the artistic faculty pretty well developed ?—Very well developed in the finer class of shawls. There are only certain of the natives able to work that kind of shawls.

3355. Does the knowledge descend from generation to generation ?—Yes.

3356. Then having made the shawl or article of apparel they proceed with it to where ?—To the nearest merchant, or possibly to Lerwick or Scalloway and sell it.

3357. Were those the class of merchants whose establishments you inspected ?—Yes.

3358. What is the system adopted by these merchants ?—The woman brings the hosiery in ; it is valued ; then she is asked what she wants for it.

3359. What would be the size of shawl ?—It varies from one to seven yards.

3360. Take the ordinary size of shawl, not a very large size—say one yard square. She has wrought it and she has supplied the raw material and then she sells it ?—Yes.

3361. What is that valued at ?—There are so many differences in Shetland shawls that it is almost impossible to say off-hand what the value of a shawl one yard square would be. The finer knitted shawl, what is known as the Shetland lace shawl, is a very expensive shawl ; it may run, for a yard square, up to £1 ; but the ordinary rough soft wool, what is known in the trade as a "hap" is a very cheap commodity ; for a yard square the value would be possibly 1s. 6d.

3362. That is larger in the stitch than the lace shawl ?—Yes, and the wool, of course, is very much finer for the lace shawls—very very fine indeed. That is the difficulty with making a shawl ; the difficulty is not so much in knitting the shawls as in carding the native wool so finely.

3363. All that seems to suggest, at least when you come to the finer qualities, that there is a very great deal of not only skill but experience and attention required ?—Yes.

3364. Then having taken the article, whether fine or not, to the merchant, you say it is valued ?—Yes.

3365. Then she is asked what she will have ?—Yes ; she is asked what she will take.

3366. Then she has the selection of the goods ?—Yes.

3367. Are these goods always at ordinary shop prices ?—Unfortunately no, they are not.

3368. Will you explain how that is ?—There are two prices for all articles in some of the shops. What is known as the two-price system is practised. A cash buyer can buy for considerably less than a knitter can get in truck transactions. That varies as much as 10 to 25 per cent. on the price of the goods.

3369. I am sorry that I do not quite follow you. You say there are two prices ?—Two prices. If a woman brings in a shawl and she takes a pound of sugar and a pound of tea as part payment for the shawl, she will be charged 3¼d. or 3½d. a pound for the sugar, and 2s. 6d. a pound for the tea. If I came in to buy the same goods I could get the sugar at 2¾d. and the tea at 2s. a pound. With regard to drapery goods usually there is 1d. a yard difference in the price, and in flannel 2d. a yard.

3370. Dearer to the worker ?—Dearer to the worker.

3371. Will you tell me, are those workers free to take the money at which the goods are valued ?—No. There is 20 per cent. taken off the price of hosiery if cash is taken, and they can only get cash occasionally, that is to say, they cannot make a practice of taking cash in every transaction.

3372. Tell me the districts in which this practice prevails. Your enquiries covered the islands of South Ronaldshay—— ?—That is the Orkney group. In Orkney they work no shawls.

3373. What parts of Shetland did you visit ?—The islands of Unst, Whalsay, and Bressay. Then on the mainland we visited from Hillswick to Dunrosness.

3374. The practice that you have described is found throughout ?—Yes.

3375. In those remote islands is there a little merchant in each of them ?—Yes, there are merchants scattered all over the place ; they have very small places. Of course that two-price system is not universal ; it is met with, but it is not universal in Shetland.

3376. Now the price at which it is valued represents goods nominally to that value, but really to about 10 to 20 per cent. less ?—That is so.

3377. And if it is cash, instead of that nominal price they get 20 per cent. less ?—20 per cent. off, yes.

3378. Is that what you call the twoprice system ?—No ; that I would hold as a certain commission or exchange. The two-price system lies in commodities being priced differently in the shop between the outside buyer and the knitter ; for instance, in the case of tea and sugar that I exemplified.

3379. It is two prices for what is given as the wage ?—Yes.

3380. Does that system suggest to you any means of remedy ?—Yes, absolute cash transactions for everything.

3381. Suppose it was cash transactions for everything, the cash would just be so much less, would it not ?—It is questionable. Arising from those visits paid, I took some action to stop truck in Shetland, and we were fairly successful to a certain extent. Every merchant in the islands was written to and a copy of the

Mr. A. Newland.

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Home Office memorandum on the Truck Acts sent and correspondence invited should they meet with difficulty. The next year when we visited we found a decided diminution of truck; no hardship was spoken of; the price was at its normal level, that is to say, take a spencer; that was at 1s. 9d. and 1s. 10d. level still; the folks were now getting 1s. 9d. and 1s. 10d. in cash for the spencers, whereas in former years they were getting 1s. 9d. and 1s. 10d. in goods for the spencers. The experience we have is that insisting on cash payment did not injure the trade in the way of altering prices.

3382. Had you to take prosecutions in such cases?—In 1902, I think, I investigated and brought before the notice of the Procurator Fiscal a certain case of continued truck.

3383. And did a prosecution result?—Yes, and the man pleaded guilty, and was fined.

3384. Tell me under what category the prosecution could be had there?—I really do not know what section the Procurator Fiscal took his action under.

3385. Was it the Procurator Fiscal in Lerwick?—Yes.

3386. That was in the year 1902?—In July or August, 1902. It was the case of William Pole.

3387. Of course, these proceedings will be extant; the Fiscal of Lerwick will be able to supply us with information as to that?—I imagine so

3388 Then you say the result was immediate improvement?—Yes.

3389. Does the faulty system exist yet, or have you eradicated it?—There was a considerable improvement in 1903 or 1904, but I believe, from later unofficial reports received, things are going back again.

3390. What I want to get at is this. Apparently you were able by prosecution to hit the system?—Yes.

3391. There seems to be no impediment to the Home Office proceeding in that way again?—Yes, I think there is; there is a double difficulty to the Home Office proceeding. First, the hosiery workers are not outworkers, nor can we hold the shopkeepers as contractors. We have no remedy. Our powers are limited by Section 14 of the Act of 1896 to outworkers and contractors.

3392. That was the reason for my question to you to begin with as to how you were able to hit them in the previous proceedings?—By reporting to the Procurator Fiscal and leaving him a free hand. He has the powers under Section 10 of the Act of 1887.

3393. The point I want you to inform us about is, why you could not operate your remedy in the same way now; Section 10 is still operative?—That is so; that is to say, all we could do then is to report the matter to the local authority. The places are really not within our jurisdiction; the knitters are not outworkers.

By Mr. Delevingne.

3394. What you mean is that the factory inspector has no power under the Act to inspect and make enquiries?—Exactly.

By the Chairman.

3395. That is to say they could have turned you out if you had gone in?—Probably, yes.

3396. This transaction in 1902 was a casual thing which had come to your knowledge?—Mr. Cooke Taylor, the superintendent, and myself visited Pole's shop to make enquiries as to what action had been taken to stop truck. They did not attend to us at the time; we stood in the shop for an hour before we were attended to, and during that time we were witnesses to a number of truck transactions. We took action with regard to this one.

3397. Do you think that the system which you succeeded at the time in partially putting down was a bad system for the workers?—Oh, yes.

3398. In what respect? You say they get less on the whole for their work to begin with?—That is so. The worker is supposed to take goods whether she requires them or not.

3399. By force do you mean under the penalty of 20 per cent. off?—Yes.

3400. She may not want the goods to the full value?—That is so. And the consequence is that on more than one occasion we found that where the money was really wanted and the woman could not afford the deduction of 20 per cent. she accepted goods to the full value of a shawl in packets of tea, and hawked that tea round the country so as to make up the value of the shawl by the sale of the tea to cottars.

3401. That came within your own experience, did it?—Yes.

3402. Then I think you found a system of merchants issuing cheques or tickets which entitled the bearer on demand to receive the face value of the goods at any time?—That is so.

3403. Then did you find bartering in these tickets going on?—Yes, we found that the tickets were bartered quite frequently; especially is this the case in the island of Unst.

3404. You knew, I think, of one knitter who had a cheque for 12s. 6d. and sold it for 11s. 9d.?—She sold it for 11s., and then it was sold again to another for 11s. 9d.

3405. Do you think it would be any advantage if instructions were issued to the authorities in Shetland to keep an eye on those practices?—Yes.

3406. In your judgment has there been any laxity of administration?—I know of no administation exercised by the local authorities in Shetland.

3407. And by the local authorities you include the others?—Yes, they profess that they are desirous of stopping it, and in an interview I had with the Procurator Fiscal he put forward this. I have an extract of the interview that I had with him, if you would care for me to read it.

3408. We should be glad to hear it?—"There has been no prosecution for at least ten years." This examination was taken by me in 1901: "There has been no prosecution for at least ten years in Shetland for violation of the Truck Acts. This is not in any way due to the diminution of activity on the part of the officials, nor to the want of desire to put an end to the practice, but to the difficulty in proving a case. Proof cannot be obtained. He is quite aware that the system is prevalent; in fact, that scarcely any other exists. He quite recognises the evil, and expresses himself as delighted to have the co-operation of other officials in putting a stop to the evil. He fears that the violations are far too numerous and widespread, and, having the sympathy of the people, would be very difficult, if not impossible, to put down entirely."

3409. That refers to having the sympathy of the people. Do the people understand this hardship?—Some do, some do not. They have known no other style of business. In the small country districts they never get cash, always goods. There is no question of price at all in the smaller country districts. They do not realise the hardship, because the shawl is simply knitted to get so many petticoats or so much tea and sugar and so on.

3410. Do you think that that substantially results in the impoverishment of the people?—It tends to it.

3411. It tends substantially to the impoverishment of the people?—Yes.

3412. I now ask you this. The law, if enforced, in your judgment, could hit transactions of that kind?—Yes.

3413. But it fails to be enforced by the General Criminal Authority of the country?—Yes. There is evidence here from one who was long connected with the trade. I do not know whether you would desire me to read it.

3414. Yes, we would be glad?—"Does nothing in hosiery now, knows many hosiery workers take goods they do not require, but must take them, as merchants do not care to give cash."

3415. We must ask you for the name of that person?—The name is [Al.] "The stoppage of truck will not injure the trade; only a rearrangement between the manufacturers and consumers is required. Knew truck system when everything in the whole island was truck, and considered it very bad indeed. The hosiery trade is under-paid and carried on under worst conditions; hosiery working yields about 1d. an hour to the knitter, and is generally only a supplementary wage. There is

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no doubt goods are much higher in price in truck shops; tea, one pound, bought at 1s. 6d. sold cash for 1s. 8d. to 1s. 10d. is sold by hosiery under truck at 2s. 6d. The girls get bedizened" (that is a local expression) "with dress because as a rule they have to take drapery."

3416. Is that man alive ?—Yes.

3417. Up to this point then we may take it that the Shetland case is a case for better administration even of the law as it stands ?—Yes.

3418. Now take the Orkney case. Where did you visit in Orkney ?—The islands of South Ronaldshay and Burray and Hoy, the mainland of Orkney from St. Mary's in the south-east to Bursay in the north-west: the inlad of Shapinsay, Stronsay, Sanday, Eday, and Westray.

3419. What is the system prevailing there ?—The Orkneys are almost entirely clear from truck; there is no shawl-making or tweed making or any home industry that might tend to give rise to truck; it is purely barter of dairy produce, with two exceptions, in Westray. That is an island separated about seven hours' sail due north of Kirkwall; it is certainly in the condition described by Sheriff Guthrie when he visited it in 1892; the whole place is truck; there is very little currency in the place.

3420. What are the trades that they work there ?—Everything. A joiner may be hired to build a byre or repair a byre by a farmer; he is paid by so many potatoes or boles of meal. If he makes boxes or anything of that kind for a merchant, he is paid in so much tea and sugar. The whole system is the same. Then in the fishing we meet the same thing. Of course, in neither of these cases is that within our scope of action.

3421. Now, did you visit the Fiscal in connection with that ?—Yes.

3422. As well as in conection with Shetland ?—Yes; it was a different Fiscal. of course. This is Mr. Howman, the Procurator-Fiscal at Kirkwall.

3423. What was the result of your interview with him ?—He said he would act. I was at Westray last year, in May, 1905, and I found that the action I had taken regarding the fish curing, had had a certain result; it had certainly lessened truck, and the other minor details of truck I found had stopped in Westray; but for the local tradesmen, they were still being paid in kind.

3424. With regard to the local tradesmen and the fish curing, that is a case where there is a direct relation of employer and workman ?—I hardly think so.

3425. Will you just explain that to us ?—The merchant is the employer if possible, if the employment comes in at all. The merchant employs this small tradesman who works alone to make a certain egg-box, and in that sense he is the employer for the time being, but he is only the employer so long as that egg-box is being made.

3426. The wages for making that egg-box are paid in kind instead of in coin ?—The man being in business for himself, it is hardly a question of wages so much as a certain amount of money due.

3427. There again it is not exactly a case where you, as an Home Office official, have jurisdiction ?—No, we cannot touch it.

3428. That seems to have been your trouble all through ?—That is the entire trouble.

3429. Suppose all this had been completely within your jurisdiction as an inspector under the Home Office, do you think you could have extirpated this system by this time ?—Well, it would certainly be very much improved. I could not guarantee for the extermination of the system, but the systematic visiting that we had during two years certainly gave us the impression that we could have exterminated it.

3430. Can you give me with regard to the class of population in Shetland who work in soft goods what their weekly earnings would be, or weekly profits, if they were steadily occupied ?—This note that I have here may possibly give an index. B1, a worker at Roadside, Baltasound. Her evidence is: "Her sister and she work together; they spin their own wool; shawls and haps made; used to work for her late Majesty, Queen Victoria; except to private customers all hosiery is disposed of by truck; she knows that a quarter of the value is deducted when cash is paid; her husband has been an invalid, and in order to get him proper medicine, she has been forced to take cash of late where she could get it, and has had to send shawls to Lerwick and North Sound. A certain merchant in North Sound has a shawl for three months back for sale from her and for which she hopes to get 25s.; a shawl of this value would take six weeks constant knitting; her sister doing the housework in the meantime."

3431. The result would be about 4s. or 5s. a week earnings ?—Yes. That is fine work. B1 is one of the known good makers of shawls. The fine work cannot be worked at constantly. The coarse work will be better paid because you can work at it constantly; that is to say, per week it would be better paid.

3432. Would the wages run up to about 8s. ?—I expect that would be about the maximum.

3433. So that from 4s. to 8s. is what could be earned by prolonged industry ?—Yes.

3434. Could you give us any idea how we could get at the system prevalent at present. I wish to ask you quite plainly. Do not you think it expedient that we should cite the Procurator Fiscals of Shetland and Orkney, and ask an explanation of the local position and of the inaction of the criminal authorities ?—Well, so far as Mr. Howman, the Procurator Fiscal of Orkney, is concerned, there is so very little, except in Westray itself, of truck going on in Orkney; but as to Mr. Galloway (I think the name is), the Procurator Fiscal in Lerwick, he must know, and does know, of the violations that are occurring. I should say that in his evidence that I took, at the same time, he made no hiding that he knew all about it.

3435. He is still alive, is he ?—I think so; Mr. Kirkland Galloway.

3436. It is no part of your province to suggest, and you do not suggest, any failure in proper administration; all that you do is, that you call our attention to the subject in order that we may make inquiries ?—That is so. I have nothing to do with the local authorities.

3437. You wish your evidence to be read in that way—that you would be glad of the co-operation of the Fiscals in these districts, if they could see their way to give it to you ?—That is so.

3438. But that, so far as making any suggestion that the matter is not properly looked after, that is not at all within your province or your wish ?—That is so.

3439. Now the result of these transactions in or about the year 1902 was this, you casually obtained this information, and you thought it your duty to communicate with the Procurator Fiscal; one prosecution was instituted, and finally you met the various merchants and obtained promises that a change would be made ?—That is so.

3440. Do you know whether any additional step was taken by the Procurator Fiscal in communicating with these merchants ?—Nothing that I know of.

3441. Did you find your difficulties added to by the Irish decision in the year 1903 in regard to out-workers ?—That is so; that did not help matters.

3442. Then under the recent decision in *Squire* v. *The Midland Lace Co.*, the Truck Acts are found to be powerless to meet the case of out-workers ?—That is so.

3443. Have you any opinion with regard to that. Do you think that the law ought to be rectified in that particular, so as to bring outworkers under the protection of the Truck Acts ?—I think it should.

3444. Now come forward a year or two. In May, 1905, you were in Orkney, were you not ?—Yes.

3445. And you found that the truck practices which you have referred to had lessened, but had not stopped ?—That is so.

3446. Then as to Shetland, the prosecution did good for a time, but you fear that it has relapsed to the old condition ?—Yes, it is much the same as the old conditions, at least it is tending that way.

3447. Almost as bad as in 1900 ?—Yes, it is tending that way.

3448. Before we leave Shetland, let me ask you this. Is there any co-operative movement or trade or worker

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union or organisation ?—None that I know of. There is no organisation among the workers.

3449. Do you think that if that could be taken in hand, whether officially or by way of kindness, by people of good standing in the country, that might have some advantage for the workers ?—Well, I would not like to express an opinion on that.

3450. Are you aware of the services of the Duchess of Sutherland in connection with some of these industries —I am aware of that.

3451. There has been nothing of the kind in Shetland ? —Yes, lately. She sometimes buys shawls.

3452. Is that done through those merchants ?—Yes, according to my information.

3453. So that it really does not touch the actual worker and his or her condition ?—Not in Shetland.

3454. Now the next part of your evidence is with regard to the Hebrides. In 1901 and 1902 you made an inquiry in the Hebrides with regard to the Harris tweed trade ?—That is so.

3455. And you made inquiries with reference to payments in goods to the native workers of Harris tweed in the Hebrides ?—That is so.

3456. The manufacture, I believe, has undergone some alteration ?—Yes.

3457. Formerly native wool was collected, and the whole process, including the carding, dyeing, spinning, weaving and shrinking, was carried on in the homes of the workers ?—That is so.

3458. Did that practice prevail in your time ?—No.

3459. It has ceased ?—Yes.

3460. Owing to the demand for the fabric and the decrease in the number of native sheep, you find that the native wool forms only a very small proportion of what is used ?—That is so.

3461. This native wool used to be carded in mills erected for the purpose ?—Yes; two being in Harris and one in Stornoway.

3462. But the wool carded even in these mills was not exclusively native, a very large proportion of it being Cheviot and other wools ?—Cheviot and Blackface and other wools bought in the open market.

3463. Then in addition many merchants in the townships and in the country were buying wool that had been carded, dyed, and spun in Bradford, and so distributed by these merchants to the natives to be woven ?—Yes.

3464. So that it was Harris tweed only in the sense that it was tweed woven in Harris and Lewes ?—That is so. Especially so where the yarn has been bought from merchants.

3465. In connection, however, with the industry as carried on, there was the introduction of the outworking system ?—Scarcely. It is difficult exactly to define whether they are out-workers or not. I will describe the system of the trade, and you will possibly follow it from that. Take A, a merchant; B, the spinner, may come and buy a certain amount of wool from him; that is a transaction pure and simple, though not cash; it is debited to B in A's books; B takes this wool home; he will pick it, clean it, and dye it, and then send it to a mill and have it carded.

3466. B being a worker ?—No; the carding is done in the mill, for which B pays a certain amount of money for, say so many stones of wool being carded; then after he has his wool delivered to him, he spins it into yarn, and may take it to a weaver and that weaver weaves for B—we will call the weaver C—C weaves for B. When it is woven at the full breadth, 34 inches, it is sent back to B, who shrinks it—"waulks" it, as it is called—and finishes and takes it to the merchant A. Now, there is no possibility of holding B as an out-worker to A, because B is not bound to return the finished cloth to A; it is purely a cash transaction; B is not at all employed by A. C, on the other hand, is employed by B. There we have the trace of out-working.

3467. It is a sort of sub-contract ?—Just so.

3468. And, of course, that would be a case where you would have jurisdiction if you had not had *Squire* v. *Midland Lace Co.* and cases like that ?—There are other things besides that. The difficulty is great with Harris tweed. Section 10 of the Act of 1887 limits the value to things under £5. Now, a web of cloth would be 48 to 60 yards long; they get from 1s. 10d. to 2s. 2d. a yard for it; that makes it over £5. The article therefore is over £5 in value, and the Truck Act does not apply.

3469. Have you any opinion with regard to the expediency of abolishing that limit ?—I have no personal knowledge myself of the reason for this limit in those districts; I do not see why there should be a limit.

3470. But do you think that the prosecution if it had not been obstructed by the Statute would have done good to these people ?—I think it would.

3471. Now that out-worker is paid in what way ?—C is paid by cash by B.

3472. Then I do not see where your prosecution would come in ?—From our Department no; from other public authorities, yes.

3473. Why, if it is paid in cash ?—But the prosecution against A for his dealings with B would come in—against the merchant for his dealings with the seller of the wool —under Section 10.

3474. Because A did not pay to B in cash ?—No, he pays a part in cash. It is a most peculiar system. When B returns his web it is examined to see that the dyes are uniform and the cloth is fairly well woven; a price is named, and should he agree to accept that price he will get from 6d. to 1s. (varying according to the stuff) per Highland yard—the Highland yard is 8 feet; he will get from 6d. to 1s. per Highland yard in cash, that being looked upon as the amount of money B requires to pay to C; all the other value is taken in goods.

3475. So that so far as B's own personal reward is concerned, it is goods ?—It is truck. Of course, if he were to insist on having cash you will have a deduction of 15 per cent. to 20 per cent.

3476. The same as in Shetland ?—Yes.

3477. What class of population is B ?—Very often cotters, and C is very often a squatter.

3478. Still the cotter B is able apparently to manage a pretty complicated commercial transaction ?—Yes.

3479. He must be a person of at least average intelligence ?—Well, they manage to muddle through, although their intelligence does not strike one.

3480. If the law could get at a transaction of that kind, do you think it would be advisable that it should ? —Yes, I think so; at least in the Harris tweed trade, I think, it should be stopped.

3481. The net wage payable to B is the goods that B gets from A ?—Yes.

3482. What would be that net wage ?—I forget the price of wool just now; it fluctuates very much in value; I would not like to hazard a statement.

3483. It would be presumably rather over the wage of the Shetland worker ?—Oh yes, decidedly. If a weaver works all the time, he can make 18s. a week, roughly speaking—at least that is my information from workers themselves.

3484. Then is that the nominal value of the goods ?— How do you mean ?

3485. I am still on B; is 18s. the nominal value of the goods that he gets from A ?—No; that is the wage of the weaver.

3486. But what would B make in a week ?—I would hardly like to estimate that.

3487. At all events, it is the same principle of paying, shall we say, 20 per cent. off the cash ?—15 per cent. to 20 per cent., as in Shetland.

3488. Then did you interview the merchants about this system ?—I did.

3489. What was their attitude ?—They all acknowledge truck. They say that they cannot see how they are to exist if we abolish it. That is the same attitude as was taken by the Shetland merchants. It was found, of course, by experience that they could exist perfectly well.

3490. They did in 1902 and onwards do very well?—Yes.

3491. I forgot to ask you this. In 1902 and immediately following that, when your intervention secured the alteration of the system, did you find that that lowered the net wage paid?—There was some difficulty for the first two or three months I understand; but when I returned next year to make an investigation myself, I found that the prices were normal, and that the payments were in cash instead of as formerly in goods.

3492. So that your intervention substantially resulted in raising the wages of the workers?—That is so.

3493. Making the nominal sum a real sum instead of under a deduction of 20 per cent?—That is so.

3494. Does the two price system prevail in the Lewis?—Yes—at least frequently found.

3495. More than in Shetland?—Yes. Perhaps I may read you some evidence that I have on the two price system. This is with regard to the case of C1. "Wife spins incidentally; sells in Stornaway; truck to be met with; merchandise cheaper if bought by cash; 1d. per pound sometimes on sugar; other things in like proportion." That holds all over; it is the same thing. I made during that year 128 visits to workers in this district. I should say that in 75 per cent. of the cases I visited there was truck.

3496. Then I believe to such an extent was that system of truck prevalent in the Hebrides that you found the largest wholesale dealers in Harris tweed were tea merchants in Edinburgh and Glasgow?—That is so.

3497. They got Harris tweed; they sent the tea to these people in the islands?—Yes.

3498. Who was the intermediary?—The agent—the traveller—goes up in the usual way just as a commercial traveller goes. Even in Shetland to some extent, but particularly in Harris, they go up and take their orders, and then they buy the tweed and give them a credit note for the amount of tweed received.

3499. At the beginning of the transaction what do the agents give out; do they give out anything?—Tea.

3500. That is in payment, but I mean what do they give out before the contract?—Nothing.

3501. So that they are just buying goods for goods?—That is so.

3502. These people have nothing to do with the conditions under which the goods are manufactured?—Nothing.

3503. Who is the person responsible for that?—Except in the case of outworkers—and even then—they come under the local authority. I should say the local authority are responsible for the conditions, both the sanitary and the truck conditions.

3504. And by that you include the police, who should report under Section 10?—That is so.

3505. Did your visit succeed in suppressing this in any way?—No.

3506. Do you think that still up to the present time about 75 per cent. of the whole trade in the Hebrides is done in truck?—The superintendent of police estimated this year that he thought at least 60 per cent. of the tweed was bought by truck; I think that is very much of an under-estimate.

3507. Now I want to put this general question to you. In those remote districts, whether in the Hebrides with Harris tweed trade, or in Shetland with the shawl trade, have these people any option except to deal with these shops?—In Shetland there is one shop that runs on a pure cash basis. That is the shop of D 1. I have this note. "Purchases hosiery for cash only; one of the evils of the truck system is the charging of very high profits in exchange; saw material in Glasgow recently sold at 3½d. per yard, that is material such as flannel; the same was sold in Shetland at 1s.; sometimes supplies worsted for knitters, especially those who cannot spin owing to illness. In this case she pays in cash for the labour done; often pleased to accept, and does accept goods when she has no cash to pay for them; worker has to be out of cash sometimes for weeks; they are willing to do this rather than go to the truck shops when cash is wanted; often ladies visiting poor people give orders to them for shawls more than can be supplied; the cotters then go to the truck merchant and make up their order, generally giving a small commission."

3508. Did you say that in some cases the flannel was valued over to these people at 1s. a yard when the material was sold for 3½d. per yard?—That is D1's evidence to me. I have here a sample of the accounts of some of the merchants, and certainly flannel is quoted fairly high.

3509. Where did you get that sample of accounts?—The merchants offered it.

3510. Could you give one of these accounts?—Certainly.

3511. You have authenticated this account as being a real account?—Yes. (*Witness handed in the following samples.*)

SAMPLE OF ACCOUNTS IN LEDGER OF E1, LERWICK.

Mrs. Mc.L.

	s.	d.		s.	d.
To shawls, haps, and half hose	16	0	By tea	2	0
			„ cash	4	0
			„ tea	2	0
			„ balance due	8	0
	16	0		16	0

Mrs. R. , Dunrossness.

	s.	d.		s.	d.
By shawl	12	0	To tea	2	3
			„ goods	1	0
			„ hat	3	6
			„ pinafore	2	6
			„ balance due	2	9
	12	0		12	0

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Mrs. M. M. , Lerwick.

			s.	d.
Feb. 18.	By hose	- - - - -	4	0
„ 1.	„ „	- - - - -	8	0
Mar. 1.	„ „	- - - - -	12	6

			s.	d.
Feb. 18.	Tea	- - - - - -		
„ 1.	„	- - - - - -		
Mar. 1.	Flannel	- - - - -		
„ 1.	Tea	- - - - - -		
„ 12.	„	- - - - - -		
„ 20.	„	- - - - - -		
May 1.	„	- - - - - -		
June 14.	Petticoat	- - - - -		

Mrs. A. P. , Papa.

		£	s.	d.
Mar. 21.	Knitting - - - -	0	18	0
	Balance due to Messrs. E 1. -	5	13	9½
		£6	11	9½

		£	s.	d.
Balance brought forward	- - -	4	12	2
Mar. 20.	Goods (tea) - - - -	0	0	11
„ 21.	„ „ - - - -	0	4	0
„ 21.	Cash - - - - -	0	6	0
„ 23.	Boys' shirts - - -			
„ 23.	Tea - - - - -	0	2	4
„ 28.	Goods (tea, &c.) - - -	0	4	1
April 17.	„ „ - - - -	0	6	0
„ 22.	„ „ - - - -	0	9	0
May 3.	Goods - - - - -	0	4	3½
June 17.	Shirt - - - - -	0	3	0
		£6	11	9½

COPY OF INVOICE OF SHETLAND HOSIERY TO FIRM, SHOWING WHOLESALE COST OF SPENCERS.

Those Spencers are bought at from 1s. 10d. to 2s.

Lerwick,
Aug., 1901.

To_____

Glasgow.

Bought of L & Co.

	£	s.	d.
——doz. Spencers, @ 30/- - - - - - - - - - - - - - - - - -	–	–	–
Nett	£ –	–	–

3512. What are the items that you call attention to in the account?—The frequency of purchases of tea would almost lead one to suspect the hawking of tea according to several of these accounts. Let me refer to one account that I have here. There is something like 24s. 6d. made up as follows; tea, 1st February; tea, 16th February; flannel, 1st March; tea, 1st March; tea, 12th March; tea, 20th March; tea in May, and a petticoat. Taking it generally, on examining these accounts we were struck with the amount of tea that was supplied, far in excess of what we would expect in even Shetlanders.

By Mrs. Tennant.

3513. It seems to me that in all circumstances the worker is heavily penalised. If she is inconvenient enough to want money she has to lose to the extent of about 20 per cent. off the nominal value?—15 to 20 per cent.

3514. And if, on the other hand, she is convenient enough to want or to be ready to accept goods, she seems to me to be penalised even to a higher extent?—That is so in certain cases, but not universally.

3515. From 20 per cent. to 33 per cent.?—Yes, up to 33 per cent. in the case of one of the merchants.

3516. She receives tea which really only has the value of 1s. 8d. a pound. It is sold at 2s. 6d.?—Yes.

3517. That amounts to about 33 per cent.?—Yes, pretty nearly.

3518. Now I find it hard to reconcile the statement you read out from the procurator fiscal that there would possibly be some difficulty in enforcing the law because of the sympathy of the workers with the system, with the fact that they have shown preference for a shop that does not indulge in that system; even though that shop is not able to pay ready money?—That is so. The sympathy I think Mr. Galloway refers to is more in the outlying country districts. I have some sympathy with the feeling myself, when you consider that those merchants year in and year out have assisted them considerably. In the case of a bad harvest or a bad fishing, or illness, or anything of that sort, the merchant you usually find has given unlimited credit during the illness; they do not look at the business side of the thing, and see that he is very well paid for it, but they say to themselves: "He is a very decent man, he has been very kind to us," and they do not see any hardship in their paying under those circumstances 3½d. instead of 2¾d. They allow their sentimental regard for the man to overlook the mere business nature of his transactions.

3519. Then it is not among the people in the outlying districts that this preference is found for the particular shop which does not engage in the truck system?—I found it in the case of D1, and in places

to the north in other islands, Yell, and Unst, and North Sound, and also in Burraywood—all in the north seem to go to D 1's place; I have not found many transactions going on with the folks in the south, say about Dunrosness. But then the amount that is bought by D1 is a very, very small quantity indeed compared with the output.

3520. But still there are many people who are anxious to sell to them ?—Yes.

3521. You mentioned that the Duchess of Sutherland buys some work from these people. Could you give the comparative extent of her trade ?—It is very small. They may have opened a depot since; they had no depot in Shetland. There are depots in Harris and Lewis, but they have no depot to my knowledge in Shetland; I am informed they buy it from a Lerwick merchant.

3522. You said that you informed the merchants of the breaches of the law, and you left a memorandum of the Truck Acts with them ?—Yes.

3523. Do you know if any steps were taken to inform the Duchess of Sutherland of the fact that the merchants with whom she was dealing were breaking the law ?—I do not know; I think not in Shetland.

3524. Has she been communicated with at all on the subject, do you know ?—Do you mean with regard to Shetland ?

3525. I do not know if she gives out work in any other place ?—In Harris I believe she was communicated with, but I could not make a definite statement to that effect. I understand she was communicated with regarding the purchases by her association in Harris and Lewes.

3526. Officially or by a voluntary organisation; do you know from whom the communication was received ?—I know she was communicated with.

3527. By the Home Office ?—No, it was not by the Home Office.

3528. You do not know who made the communication ?—No, I said I did not want to know. I considered my drawing the attention of the Duchess of Sutherland to that would be outside the scope of my business; I instructed the local managers of this association, but I believe she was communicated with, and there has been no depreciation in the purchase of Harris tweed by truck by her association. They could not help knowing about it. They know perfectly well that almost the entire—to be charitable I will say 50 per cent.—of their tweed is bought by truck. They acknowledge it.

3529. Of course I see that it is outside the province of the Home Office, but equally it is outside the province of the Home Office, is it not, to communicate with the merchants ?—Not quite. Until we had made up our minds and thoroughly investigated the whole system of both trades we could not see whether we could hold them as out-workers or not, or whether they were domestic workshops. We had to get information with regard to the trade before we could come to the decision that has been come to.

3530. Perhaps I understood wrongly, but I understood that some of the advice, shall I say, which was left with the merchants was left after you had decided that they were outside your jurisdiction ?—No; it was immediately after my 1901 visit. Here is a letter dated 9th July, 1901. It was after that—it was next year—that we fully made up our minds with regard to the position, and then the Irish case came on, which prevented us even going into the question again.

3531. My questions were rather guided by a statement that a similar organisation in Ireland has, on seeing the report of Miss Squire's evidence, communicated to the people with whom it deals its intention not to be responsible for this practice in any way. I wondered whether, if the attention of the Duchess of Sutherland had been similarly called publicly to those matters there might not have been a similar result ?—I do not know who wrote, but I believe the Duchess of Sutherland was written to unofficially, and the gentleman who wrote stated that possibly she was not aware that Harris tweed was being purchased exclusively by truck in her Scottish Home Industries Association; the letter went on to deal with other matters which were replied to, but the reference to truck was not lifted at all. I am afraid after all that she was aware of it; I cannot conceive otherwise.

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Here is a piece of evidence that I had from a gentleman, an ex-provost of Stornoway; he is senior member of the committee who direct and govern the work of the Congested Districts Board's weaving instructor. His committee was appointed by the Duchess of Sutherland, and it is under her instructions that they act. The committee has absolutely no official standing; it is purely a committee to act for the association, whose directors are in London. My note is, "Refuses to give any information *re* customs of trade or any other information."

By the Chairman.

3532. Who refuses ?—This provost.

3533. Is this in Stornoway ?—Yes. "In doing so he is acting under instructions received specially from London; also refuses to allow the weaving instructor to supply in any way list of addresses; refuses to permit him to give any other information."

3534. Who instructs you to that effect ?—That is an interview I had with this gentleman, the ex-provost of Stornoway.

3535. What is his name ?—F 1. I may say that after he took that position I said, "Very well, I am afraid you must leave the Home Office to draw their own conclusions." I do not know whether he wired or not, but he sent word to the instructor to give me every information after that; two or three days afterwards he sent him to give me every information and to say that I could get every information in the shops.

3536. Is this instructor in the service of the Congested Districts Board ?—Yes. Then, the evidence that I have from the manager of both branches shows that truck was prevalent; they acknowledged it, of course that was three years ago.

By Mrs. Tennant.

3537. What I wanted your help to get at is this: whether the exact and peculiarly disagreeable nature of these truck transactions has been brought to the notice of the Scottish Industries Association. There is an impression that the truck system, unabused, might be of value to the workers. I have heard it argued that, we will say, in Shetland, it is more convenient for the workers to receive the goods than the money; that is an opinion from which I profoundly dissent, but still I do not think that that opinion would be put forward when it is known that they receive only 77 per cent. of the value of their work ?—Exactly, and that is exactly my position with the Scottish Industries Association; they also reduce on giving cash, or did at the time of my visit; I cannot say what is done now; they certainly did make a deduction or a charge for exchange or commission, whichever you like to call it. I cannot conceive of the firm not realising the difference it must be to the workers; there must at least be the difference of the value of their exchange.

By Mr. Brotherton.

3538. How often do you visit the places we have been speaking of in Orkney and Shetland ?—Once a year.

3539. You were there last year ?—No, I was not in Shetland last year.

3540. Have you gone specially to see with regard to these questions of truck ?—Yes.

3541. You have had the question of truck brought prominently to your notice, and you have been requested to inquire into it ?—Yes.

3542. When you have gone over you have told the people, both the traders and the workers, what your object was ?—Yes.

3543. And some of them have given you information ?—I had only one case of refusal of information, the case I have referred to.

3544. And even there the information is now available ?—Yes.

3545. So that you were well received by both the traders and the workers, and they placed their whole position before you ?—Yes.

3546. You do not find that the workers have any grievances; they do not complain to you personally of any hardships or wrongs ?—Oh yes; they all complain—at least, except in the cases I was referring to where

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there was sympathy or sentiment expressed with a merchant who had befriended them so long; but, generally speaking, they do complain bitterly of truck.

3547. They consider (and you confirm it) that with truck they have to pay higher than if they had cash?—That is so.

3548. But if they spend the results of their labour they cannot have the cash; in that sense they are complaining because they are poor people?—No, I would hardly say that. They are complaining that they are forced to buy in a shop where they realise that the prices are higher than in other shops.

3549. They have a very limited market, and the other shops requiring cash cannot take their goods in exchange?—Yes. I may just mention this. Opposite two of the largest truck shops in Lerwick there is a cash shop; the folks cannot help comparing the prices that they are getting for their goods in the truck shops when they have to pass on the other side of the street and see this other shop where everything is marked cheaper.

3550. It would seem to me that much of the trouble arises from the financial restrictions of the island; that is, they had not cash to trade with, and therefore they have a very limited market indeed, both in selling and in buying. Now, if we were to do away with truck altogether, it is not at all clear in my mind that their position would be better financially. Would they, for instance, have more buyers?—The market would be constant, whether the articles had been bought by truck or not. I think we may accept that.

3551. I cannot see that. It would depend to a great extent upon what inducement the traders had to deal in their goods and find customers for them. These goods all come south, I take it?—Yes.

3552. Do you suppose that the traders among themselves compete, or do they seem to have a trade margin which they mutually respect?—I think there is competition; I think you might safely accept that there is competition for the goods.

3553. Even among the truck shops?—Even among the truck shops; at least there is decidedly competition for the finer class of shawls.

3554. I suppose the shopkeepers are the islanders themselves; they are Shetland and Orkney men, they are not strangers?—Quite so. In one or two cases we have large establishments in Lerwick, with branch shops in the various small towns; otherwise they are all natives of the village in which the shop is.

3555. When the workers bring their goods and shawls and so on, they supply usually the whole of the wool, I think; they do not purchase the wool from the shopkeepers?—Very seldom.

3556. So that, rather than a worker dealing with an employer, it is almost entirely a matter of one trader dealing with another?—That is so.

3557. Then where does the law step in between two traders to prevent what is called truck?—Section 10 of the Act of 1887 almost gives that feeling; in fact it seems to me to be entirely drawn up to meet this case. The words are, "Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer."

3558. We may take it then as a general principle that where cash is paid for goods, in your opinion the person who produces the goods is put on a better footing?—Yes.

3559. But you cannot of course compel the shop people, the purchasers, to give cash?—I cannot.

3560. I mean the law cannot; or do you take it that the law can?—I think by this section the law can.

3561. You have only this alternative; the shopkeeper may simply refuse to take the goods?—He may.

3562. Or, if he gives cash, he may give what amount of cash he likes?—That is so. Naturally then you become on a fairer basis for comparision.

3563. You mean, it is better for the man who produces the goods to have cash to dispose of as he thinks right?—Yes.

3564. Then do you recommend any action with regard to legislation?—No. I only say that, as I find it, I do not think our Department could take any action; I believe action could be taken by other authorities; but that is outside my province.

3565. You say this, in effect, then; that the producer by not having cash is put into a more difficult position than if he had money?—Certainly.

3566. And if it could be made compulsory for cash to be paid for the produce of his labour, you would recommend that, as far as your experience goes?—Yes; if it is found necessary to make any alteration in the existing statute, I think that might be done.

By. Mr. Cawley.

3567. Do I understand that there is a shop in Lerwick where they could go to?—There is one cash shop.

3568. And they really prefer not to go to it?—They go to it, but the people who carry on the shop have only limited capital, and cannot supply everybody.

3569. Does it come to this; that if a shop were established with money, which would compete with the other truck shops, the people would go to that shop?—I have every reason to believe so. I mean, there is that sentimental regard for a merchant who has befriended them for years, and I think they do double or treble owing to that.

3570. Really it comes to this, that if there were a shop in these places where they paid hard cash much of this truck would be done away with without legislation?—That would be the tendency.

By Mr. Delevingne.

3571. On the question of the enforcement of Section 10. As you said, it apparently does not rest with the Home Office, but with the local authorities?—Yes.

3572. For the suppression of such a system as prevails now in Shetland and the Hebrides, which authority do you think is the best for administering Section 10, the Home Office inspectors, who at best can only visit occasionally or the local authorities, who are always on the spot.—The local authorities, I should say.

3573. You think that they would be the best authority for that purpose?—Certainly. Take Shetland. Shetland is now in the Inverness district; it is almost two days' journey from Inverness; it is small, industrially, and the inspector can only spend at the most a few days twice a year; during those few days I have no doubt the truck might be carefully administered, but during the rest of the time it would be perhaps without supervision; whereas, if it lay with the local authority, every local constable for that part might be an inspector.

3574. Would you suggest, as an improvement on the present system, that, without placing the administration of Section 10 under the Home Office inspectors, power might be given them to enforce Section 10, and in that way to supplement and supervise the action of the local authorities?—Yes.

3575. In much the same way as you supervise the action of the local authorities in workshops?—Exactly.

3576. You think that that might be an improvement?—Yes.

3577. You could do some useful work in your visits?—Yes. In any case where it was found that truck existed notices could be sent to the local authority and my department would only act in default of the local officials.

3578. There is one point I should like to mention about the application of Section 10 to tweed weaving in the Hebrides. I see the difficulty about making it applicable to the case you described, because the woven cloth passes through more than one hand possibly; it goes to the cottar, who passes it on to the weaver, and receives it back from the weaver?—That is so.

3579. Section 10 would not apply to a case like that ?—I think not.

3580. Can you suggest in what way the Section can be amended to meet that class of case ? If you alter Section 10 by including goods manufactured by a series of persons you rather get into a region of larger contract or different kinds of contract ?—That is so. You could only do it by the use of the word "contractor" or "person employed by him to do part of the work."

3581. It seems to me that if you open out the Section to include the employment of other persons you get into difficulties, and especially if you abolish the £5 limit in money value ?—I believe if you throw it open to contractors, the money value must be retained. If contractors were admitted into the Section I think it would be unwise to take away entirely the £5 limit, otherwise you would open up large fields of more considerable contracts.

3582. Have you had any experience of the same system in regard to articles which are not included at present in Section 10 ? For it applies only to a limited number of articles ?—No. As a matter of fact I have met with very little truck in the North of Scotland. When I met with it in the Hebrides and Shetland, I expected to find it in factories and workshops elsewhere, but in only one case did I find it, and that was at a workshop in Westray. Throughout most of the North of Scotland I found nothing in the way of truck.

3583. Does your experience suggest the desirableness of extending the list of articles mentioned in Section 10 ?—Not my experience.

3584. In the Harris tweed weaving would "B," who buys the wool, pay the weaver "C" always in cash ?—Yes, always in cash.

3585. Why is that ?—It is the custom of the trade.

3586. Is C in the position to impose his own terms ?—Well, the price of the weaving of cloth is pretty well settled. It is always known to range from 7d. to 9d., according to the regular recognised and conventional patterns which are worked upon it. The price is well-known to the weaver, who is always paid in cash.

3587. It is rather curious that the weaver should be always paid in cash and the other workers in kind ?—That is so. The custom goes further than that, because A, the merchant, in squaring up his account with B, always gives sufficient cash to him for C's work.

3588. Is a possible cause to be found in the fact that the weavers are a limited number, and that there is therefore some competition for their services ?—There might be something in that.

3589. Does B ever do the weaving himself ?—Or, in other words, does the weaver ever take out the wool direct from the merchant ?—Occasionally you find that the man weaves and the girls pick and clean card and spins, etc.

3590. Would he get paid in cash by the merchant ?—No.

3591. When he does the weaving himself he is paid in goods ?—Yes.

3592. Is the Scottish Home Industries Association a private association ?—Yes, I believe so.

3593. A limited company ?—I think it is.

3594. Can you tell us what is the professed object of the association ?—I believe it is charity.

3595. Do you know what are the Articles of the Association ?—I believe, roughly speaking, that after the expense of working is deducted and after paying a dividend on the money lent or on the shares held, the surplus goes in some way to benefit the worker; and the Association is benefiting the workers in many ways, but not in the way of truck—at least, that is my information.

3596. It does declare a dividend ?—Yes, I am informed a dividend of 3 per cent. or 4 per cent. has been paid.

3597. Do they publish a balance sheet ?—I do not know.

3598. What is the nature of their operations ?—Do they simply buy Harris tweeds from the workers direct ?—Yes, they are ordinary merchants. They also have the A, B, and C system at work.

3599. Do they give out the wool ?—Yes. They give out large quantities in Lewes every year.

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3600. Where from ?—From Galashiels; there is some Australian, but not much; and, of course, a little native wool. A man gets so many stones—there are 24 lbs. to the stone—and he picks and dyes it. The association, like any other merchant, debits the man with a quantity; he picks it, cleans it, and dyes it, and then sends it to the nearest convenient mill to be carded, after which he spins, has it woven, and then usually takes it back to the association. But the association has a right to refuse it, and he has a right to refuse to take it to the association.

3601. They pay for that in goods if it is taken back to them ?—Yes.

3602. Does the association keep a large shop ?—Yes with two hands, I think.

3603. Is it open to any customer to go there ?—A visitor can go and buy Harris tweeds there.

3604. But the goods are mainly kept for the payment of the workers ?—That is the statement of the manager.

3605. Have you ever tried to buy anything there ?—I have not.

3606. Are the articles of a good quality with which they pay the workers for the tweeds ?—I believe of the ordinary quality used by people of that class.

3607. Do you think the worker gets full value for his tweed in these goods ? Or is he charged a higher price than an ordinary customer would be who went to buy them ?—The two-priced system is not universal. It is still to be met with. Where it does exist it may happen as you say. Under ordinary circumstances you can go in and buy your goods at the price marked, but there is a discount allowed to a cash customer, perhaps 10 per cent.

3608. Does the two-price system prevail at the depot of the association ?—I do not think so.

3609. On the other hand, if the worker does not take his payment in goods he gets a less cash payment ?—That was the case in 1902 when I went there. It may be altered now, but certainly the truck system is going on. I asked the superintendent of police in May of last year if he could not take some action, as surely he had seen enough of the evils of the system. He replied, "Where am I to start ? They all do it." I suggested he should take the biggest, and that is the Scottish Home Industries Association. When I found that I had no *locus standi* I did not repeat my visit, but I made indirect inquiries.

3610. Did this official say he could not touch the association ?—He said his difficulty was that the system was universal; and, moreover, the chairman of the committee was his provost, and three of the council were on the committee.

3611. You say the association does a great deal of good for the worker—in what respect ?—They have improved the sanitary conditions; there is no doubt of that.

3612. In what way ?—The style of milling is better, and, moreover, in certain places, if the sanitary condition is not good, they refuse to buy tweeds from that district. The association does good in many ways.

3613. Have you reported the association to the superintending inspector ?—Yes, the superintending inspector was with me.

3614. Did he report to the chief inspector ?—I do not know.

By the Chairman.

3615. With regard to these workers who deal in truck in that way and are paid by truck, are they indebted often to the merchant ?—Yes, sometimes.

3616. Have they a running account ?—Yes, I find in the invoices "to balance due, 8s." "to balance due, 2s. 9d." etc. "Balance brought forward £4 12s. 2d.

3617. Could you conveniently give me any comparative list of articles at the ordinary price as compared with articles at the truck price ? You did tell us

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something about sugar ?—Sugar and tea are the articles which lend themselves most easily for comparison.

3618. The shop price of sugar is 2¾d. ?—That is in the two-price shops. The truck price is about 3¼d. to 3½d.

3619. May we assume that the shop price of tea to the ordinary buyer is 2s ?—Yes.

3620. And how much is the truck price ?—2s. 6d.

3621. I thought you cited one case where the truck price of tea was 2s. 6d., and the actual price in the shop was 1s. 8d. ?—Yes. Prices vary in different localities, and according to the quality.

3622. And now as to flannel ?—G 1, a merchant, buys about £150 worth of hosiery per annum, which he barters with merchants in exchange for tea. His principal buyer is H 1. He writes: "We give cash if wanted, but generally goods (that is when dealing with the knitter); 20 per cent. taken off price of hosiery if cash is wanted. Have two prices, at least ½d. per lb. difference in sugar, and tea at 2s. when given in part exchange for hosiery is charged at 2s. 6d. Draperies 1d. per yard, that is ribbons, etc., Flannels 2d. per yard." The writer adds: "I must offer more than the hosiery is worth in order to get it; and consequently I have to put something on the price of these goods."

3623. That is his explanation ?—Yes. But it was hardly borne out by my inquiry. I found that the man did a big business in spencer work. Spencers could be bought from 1s. 8d. to 2s. each, but I have here an invoice of so many dozen spencers at 30s. a dozen. It is contended that they make nothing of their Shetland hosiery. The merchant says: "We take the hosiery in and give the full price for it, and that is why we have to make such deductions if they want cash." But I never heard of spencers sold at anything like 30s. a dozen.

3624. What would they be sold at ?—From 1s. 8d. to 2s. each.

3625. Under Section 10 of the Act of 1887 there is power to the King or Queen in Council to suspend the operation of the Section in any particular county or place. Has an Order in Council of that kind ever been applied for ?—After my first inquiry and conference with the merchant, it was suggested that they might apply to be relieved of the Truck Act.

3626. Under the Section to which I have been alluding ?—They first quoted Section 9 of the 1896 Act, but I pointed out that that would not relieve them of the previous Acts, but I do not believe anything was ever done in the matter.

3627. In these districts, as throughout Scotland, I suppose the prosecutor is the Procurator Fiscal ?—Yes, the Public Prosecutor.

3628. Do you work all the prosecutions with regard to the Factory Act through his department ?—No, we take them ourselves.

3629. But under truck ?—We would conduct them.

3630. What would you say if your jurisdiction could be extended to these cases without the intervention of the Fiscal, although I appreciate the inconveniences on account of distance ?—If that power were extended to us on the lines of supervision of the sanitary arrangements of workshops we would only take proceedings in default of the local authority.

3631. There would be no necessity for that if the local authority gave full effect to the statutory provision ?—That is so.

FIFTEENTH DAY.

Monday, 16th July, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

Mr. HENRY HALL, I.S.O., H.M. Inspector of Mines for the Lancashire and North Wales District, was called; and Examined.

Mr. H. Hall, I.S.O.

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By the Chairman.

3632. Will you tell us your position ? You are in the service of the Home Office ?—Yes, I am inspector of Mines for Lancashire and North Wales—quarries and metalliferous mines and coal mines.

3633. How long have you been in the service of the Home Office ?—I joined the Home Office in 1873 as Assistant Inspector of Mines in South Wales.

3634. And you had that post for how long ?—About eighteen months.

3635. And thereafter ?—I was made principal inspector in Lancashire after eighteen months.

3636. And you have held since that time your appointment as principal inspector ?—Yes.

3637. I understand that you have some evidence that you are willing to tender with regard to your experience of the working of the Truck Act ?—Yes, I can tell you how it works.

3638. Just gives us your evidence generally to begin with ?—I have sent in to the Committee a list of fines (if we deal with fines first) which have been inflicted in one particular firm (*I* 1) in one year.

3639. Is that a limited concern ?—Yes, it is.

3640. Where are they established ?—Near St. Helens, in Lancashire.

3641. You have framed the list of which we have a copy. This list will be *Exhibit No.* 1 of Appendix V. ?—Yes.

3642. Will you tell me what this list means ? It is headed "List of fines, year ending 31st December, 1904." Were these fines actually imposed, or were they the fines prescribed ?—Those are fines actually imposed.

3643. What number of workmen have these employers ?—They have over 5,000—about 5,200 or 5,300.

3644. And the fines are generally less than 5s., but a fine of 10s. appears now and again ?—I think only about twice in the list.

3645. I want to ask you one or two questions about these fines. In the first place do you think them fair and reasonable in amount ?—Yes, I do.

3646. So that they would answer the Statutory requisite under the Truck Act of 1896 ?—Yes.

3647. What is done with the amount of fines ?—In that particular case it is handed over to the men's Sick Club. I may say that that is generally the rule—not always I think, quite, but very generally.

3648. Are those fines made the subject of written contract ?—No; the amounts are not specified beforehand, but it is done in this way; when a man has to be fined on a particular day he is handed a form. They are not all exactly alike at the different places, but I will hand in one form (*see Appendix V., Exhibit No.* 2).

3649. This is entered before the man signs. "I agree to pay a fine of so much for the undermentioned act or omission," and then certain acts or omissions are specified; then "I hereby authorise you to deduct the same from my wages." Now, this transaction takes place after the offence for which the fine imposed has been committed ?—Yes

3650. Is that considered a compliance with the Act of Parliament ?—Under the words, "or the contract is in writing signed by the workman" they claim that they can do it in that way; that is Section 1, Sub-section 1 (*a*).

3651. And you have accepted that view of the law ?—I think they are right as the words are in the section.

3652. And is this practice a general one ?—Yes, it is in Lancashire.

3653. Has it occurred to the department to construe that as an antecedent contract at the time of making the employment ?—Attention has not been drawn to it until quite recently, since this enquiry was announced.

3654. What is the exact section you refer to ?—Section 1, Sub-section 1 (*a*): "Or the contract is in writing signed by the workman." It hinges on the word "or," I think.

3655. I suggest to you that it might hinge on the antecedent words which point to the making of the contract with the workman originally. At all events it is sufficient for our purpose that you say that that has not been considered by the department to be an infringement of the words of the section ?—Not so far as I know. It arose in this way. When the Truck Act of 1896 was passed, Mr. Ellis, who was the legal adviser for the coal trade, was asked to see how best it would be to conform with the Act, and that was one of the things he suggested.

3656. Who was Mr. Ellis ?—He is the legal adviser to the Coal Trades Association.

3657. Is he a solicitor ?—Yes.

3658. I point out to you that the result of that would be that the workman would have to assent, after a certain event which is construed as an offence, not only to the amount, but to the category of offence ?—Yes, he would, and of course he is in the position almost of compulsion; they generally give him the option of agreeing to be fined, or being prosecuted, or being dismissed.

3659. Then let me ask you this. When the man fills up this slip (*Exhibit No.* 2) does "the under-mentioned act or omission" already appear in a category of acts or omissions ?—The particular act or omission is mentioned to him.

3660. But is there a category of those acts or omissions published in the colliery ?—No, there is not, except so far as many of the fines are for breaches of special rules. The special rules of course are published, but there are many omissions which are fined for, which are not published in any way.

3661. And the amounts are not published ?—No.

3662. Now the situation of the workman in such a case appears to be that unless he signs an agreement to the effect of paying a sum which the employers stipulate, for an act or omission which the employers mention, he may lose his situation ?—Yes he would, I think.

3663. He having not had any definite information with regard to that act or omission as a finable subject before he entered the employment, apart from the exception as to special rules ?—That is so.

3664. What is the view of the workman with regard to that arrangement, or do you happen to know it ?—Well, I do not know it. They have never drawn my attention to it in any shape or form. There are not very many fines in that particular case; among 5,000 men I think the fines add up to about seventy-eight cases in a year; so that it is not a very serious matter

3665. Is there any agitation among the workmen on the subject of fines ?—I do not think so.

3666. Are they satisfied with this system ?—I think they are; I think they would have complained either to me or to their delegates if they had not been.

3667. This fining system is substantially the alternative to dismissal ?—Dismissal or prosecution. A great many owners do not like to prosecute their men; they would rather fine them; they think it is easier for the men. Besides, there would be great objections, I think, to constant prosecutions; it would take up so much time and be so costly. Every prosecution that is taken to a police court costs £3 or £4, I have no doubt, and it takes away the men's time attending there as witnesses.

3668. This firm that you are mentioning seems to conduct its business with absolute propriety ?—Yes, I think they are a very good example.

3669. Have you other examples in which a similar system is adopted with hardships to the men ?—Yes, I think there is one that I sent up to the Home Office. That was a quarry (*K* 1), where the fines seemed to be rather unreasonable. Here is the list (*Exhibit No.* 3., *in Appendix V.*)

3670. What is your observation with regard to this instance; "absence from work without permission except under doctor's certificate, three days' pay ?"—That is one that I think is very unreasonable: in fact, personally I think it is very objectionable to fine men for not attending to their work. These are men who are on by piece, and men whom the employer stops without any notice when the colliery or the quarry cannot work for want of trade and so on

3671. Still, this case is a case where the list is put up ?—Yes, it is published.

3672. Bad as it is, it is distinguished from the last case that you mentioned by the fact that the workman knows what the fines will be when he enters into the employment ?—He does.

3673. Can you illustrate some of these other things in this notice. For instance, "dressing knives, each 4s. 3d." what does that mean ?—That will be a knife for dressing the slates I presume. I think you will find as a rule that the prices for tools that they supply are something like fair prices.

3674. This list, of course, comprises authorised deductions as well as fines ?—Yes, it combines the two.

3675. Then "stopping before the horn blows, 1s."; that, of course, is a fine ?—Yes; that is for discipline.

3676. Then as to the charges for powder, rope, and so on; are these fair and reasonable ?—I think they are. I have looked through several lists that have come under my notice, and I find that the prices approach each other very nearly.

3677. What do you say to this, "defacing this list, 2s. 6d."; that is clearly a disciplinary fine, is it not ?—Yes; I think it is all right. A man has no business to deface the list.

3678. May I take it that with regard to this you approve of the system of fines ?—I think you could not dispense with fines; it is quite impossible.

3679. Why ?—Because you would have so many prosecutions. For instance, take the large colliery I have mentioned; you have seventy-eight fined there besides prosecutions; you might find another colliery where there might be 120 or 200 fines with the same number of men. If those cases were all taken into the police court the manager would be at the police court all his time instead of minding his business.

3680. You are referring to the things which are under the category of statutory offences—breach of special rules and so on ?—Well, it really includes almost everything; because there is a special rule which says that they must obey "instructions" and that they must not do anything to endanger life or do damage, and so on; so that really you can get hold of most of the offences under the special rules.

3681. I just want to see that I am right about this. Do I understand your evidence to be that you approve

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of the system of buying off prosecutions by imposing fines, if those fines are ultimately devoted to the benefit of the men ?—So long as the fines are paid over to some club belonging to the men I think the system has very little objection to it. Of course there are objections, no doubt, but I do not think that you could impose a better system. I think prosecutions alone are quite out of the question.

3682. You mean on account of their number ?—And that they would be harder on the men, too, I think.

3683. Have you any views with regard to the effectiveness of ordinary discipline; that is to say, supposing a man offended more than once, and was known to be a chronic offender, he would be penalised by simply being dismissed the service ?—At the collieries they generally do it in this way. Suppose a man has done something wrong underground, he is told by an official that he must not start work to-morrow until he has seen the manager; the man has to interview the manager in the office; probably if it is the first time that he has been before the manager the manager will let him off altogether; if it is the second time he will fine him probably; and if he has been there three or four times the manager will probably prosecute him. That is the way it is done.

3684. Do they never attempt dismissal ?—They would dismiss in a bad case. The man would probably say, "Well, I will leave"; he would probably dismiss himself.

3685. Does it occur to you that a system which permits the imposition of pecuniary fines privately is a safe substitute for the statutory precaution of prosecution ?—Well, I think it is the only practicable one; I mean in such a trade as coal-mining, where the offences are so very various. If you will look through the list you will see that they vary very much. You will see all kinds of things that you could not meet particularly by rule, I think; otherwise the rules would be interminable. It is very difficult to carry on a large works without having a tight hold of the men in some way or other so as to keep up the discipline.

3686. We have had evidence from a variety of other sources, applicable to other employments, to the effect that fines have been abolished with great success and reliance has been placed solely upon discipline, and the result according to the evidence we have had before us has been that the work has been effective and the output has been as good as before ?—You mean discipline enforced by prosecutions.

3687. Enforced by fines ?—By fines in the police court ?

3688. No, by fines as they are here imposed ?—You mean that those have been abolished; but what has taken the place of that to enforce discipline ?

3689. What has taken its place has been that the employers have relied on ordinary discipline; that is to say, they supervise the work well; that they take a chronic offender and dismiss that chronic offender. Do you think that that could be introduced with safety into coal mining ?—No, I do not think it could. In coal mining a lot of offences—a very great many of them have reference to danger either to the workers themselves or to others; that makes it rather different from a factory or anything of that kind.

3690. Then, this list (*Exhibit No.* 1) is a list of fines which have been actually imposed without any contract antecedent to the offence ?—That is so.

3691. They have been imposed by the operation of this contract form (*Exhibit No.* 2) ?—Yes.

3692. Here is a fine of 5s. for "neglecting duty"—no further specification than that ?—Of course the man would know when he was fined; he would be told what the fine was for; he would know quite well.

3693. Then there is a fine of 5s. for "being asleep during working hours" ?—That would be when he was in a position where he might endanger either himself or someone else.

3694. Then there are some closely affecting the safety of the workmen; as for instance "taking matches down a pit, 10s." and "having a pipe in his possession down a pit, 5s." ?—Yes. As a rule for those kind of things they prosecute. The colliery people as a rule prosecute for serious offences of that kind.

3695. But I point out to you that they did not. What they did was this. They kept the man in their employment, they did not prosecute him according to law, but they carried on their business with the man still in their employ, having extracted 10s. from him as a fine. Do you approve of that ?—If he committed the offence I think I do. The fine of 10s. is very like what he would have been fined if they had taken him to the police court. I have watched these cases, and according to my experience he would have been fined probably 10s. and costs; the costs would have been probably 5s. or 6s. and he would have lost a day.

3696. I understand your view to be that there would be a good deal of trouble about prosecutions—that the manager would often have to attend ?—Yes; even now the manager often has to attend.

3697. Take the case of taking matches down the pit, or being asleep at the works. Do not you think that the deterrent effect of a prosecution would be much more valuable to the mine than the private extraction of 10s. from the man ?—They meet that in this way. If it is a bad case they put a notice up on the pit head saying that John so-and-so has been fined 10s. for taking matches down the pit. That is the way that they try to make it effective. They do not do that in every case, but in very serious cases they do.

3698. You see yourself that that is not the policy of the statute ?—No, it is not. I see that there are objections. The difficulty is how you could better it.

3699. I suggest to you that the way to better it is by obeying the law. I suppose your answer to that again is that it would be a great deal of trouble ?—You mean to make the man obey the law by supervision ?

3700. No—to take the statute and just to give effect to the statute which provides for prosecutions in the case of offences ?—You refer to the statute which contains the special rules.

3701. Yes ?—That is done in regard to what the manager considers a bad case. He gives the man no option; he says, "You will be prosecuted;" but in the other cases in the man's interest the manager must take some notice of any omission that the man has made or any commission that he has made, and he thinks it better for the man and that it will meet the case that he should fine him 2s. 6d. or 5s. That is the position that the manager takes up. He does not wish to fine.

3702. But I put it to you whether you think it a safe thing to allow a public system of this kind to be conducted under which, at the will or the caprice of the manager, he may—probably in the interests of the workman if he so thinks it—avoid the execution of the law. On the whole do you approve of that ?—On the whole I approve of the system that they pursue. I agree with you that probably a prosecution in the police court is much more effective on the men as regards discipline, but whether it would prove so if you were constantly prosecuting them instead of fining them I am dubious. It would become a kind of matter of course, and it would not have the same salutary effect I should think.

3703. I will put to you this case; that the law were so changed as to make it impossible to buy off prosecutions; that would be done of course by the abolition of fines; then the result would be that a prosecution would follow, and if it was a bad case the employers would dismiss the offender; if it was a case involving, for instance, danger to the life of fellow workmen, the employers would dismiss the man ?—In that case I should recommend prosecution and not dismissal, because the man would only go elsewhere.

3704. The publicity of the prosecution would be effective without the masters incurring odium for having prosecuted ?—Yes.

3705. At present the masters are blamed for prosecuting, they having by Statute the option not to prosecute. Do you think that that is a safe position ?—I know what you are thinking about, of course. If you did away with fines altogether and relied on prosecutions, you would have to extend very much the rules so as to cover all these various offences, which would be a very difficult matter, I think.

3706. You will not misunderstand our position. We have had strong evidence given to us in favour of the abolition of fines, and we are bound to put the points to you so as to elicit your view. I take it from you that in addition to what would be an offence under the Coal Mines Regulation Act and under the special rules, fines are imposed for other things ?—That is so.

3707. Then as to these other things there is no list of them in the pit ?—No.

3708. And the workman therefore is fined, after some delinquency, a sum which is fixed by the employer, for an act which is specified by the employer ?—Or not specified.

3709. An act or omission ?—An act or omission that is not specified. There are so many things that a man might do that you could not specify them beforehand. You could not know that a man would do so and so, yet he does it, and it is on the face of it a wrong act; so he is fined for doing it. I think you must have something generally of that kind. I suppose it could be included in some kind of general clause—" misconduct " or something of that kind.

3710. That is on the assumption that you were permitting fines ?—No. If you were relying altogether on prosecutions, you would have to extend your special rules or bye-laws so as to include all these other things which we see appear among the fines, and which do not appear in the special rules.

3711. Naturally the alternative to fining is prosecution, and that is what you have in your mind, under the Coal Mines Regulation Act. May I ask you to look at it from our point of view, which may possibly be this; that the alternative to fining is to consider whether the man would be dismissed ?—Well, as I said before, I am not a believer in dismissing a man; he will only go elsewhere and probably do the same thing over again, if he receives no punishment other than dismissal. If you keep him on, you fine him or prosecute him; he has had a lesson, and he ought to be a better man after that; that is my view of the matter.

3712. Is that method that you have just described to us, the one almost universally adopted at the collieries ?—Yes, only in Lancashire; I am only speaking for Lancashire; I do not know how they do elsewhere.

3713. Of course there is, you see for yourself, a good deal of compulsion in the matter ?—Oh yes, there is.

3714. In short, if the man does not suffer his deduction, whatever it is, off he goes ?—Yes; there is a good deal of compulsion.

3715. Still you do not feel yourself in a position to condemn the system ?—No. The man is the offender; you must not look upon him as an innocent party.

3716. And you do not think that the publication of the list of fines beforehand would be an advantage ?—Well, I think it would be, possibly; but that again would have to be inclusive somehow of things that you could not very well foresee; the list would have to be a very long one; unless you could say that for breach of a special rule where a prosecution was not instituted, the fine should be so much or so much.

3717. Will you tell me about the pay tickets in the cases you have mentioned. Take this one (*Exhibit No. 4 of Appendix V.*), issued by the firm *L* 1. In that ticket the gross wages are given, and then a list of fines, ending up with " (12) Fines see back," and at the back there is a list of "acts or omissions." That is filled up, I understand, the deductions are made, and then the net wage is paid to the workman ?—Yes.

3718. So far as his Saturday night's account or his fortnight's account is concerned, he knows everything that is deducted from him ?—Yes. That particular form is very complete, as a rule, at all the collieries, and it is very general; but I have one here (*Exhibit No. 5 of Appendix V.*), which is not so satisfactory; this is from a lead-mining company, where they do not give the quantities; that is rather exceptional.

3719. Have you any idea as to what should be done with those fines. In the cases you have mentioned they are devoted to some purposes of the men—sick benefit clubs or something of that sort ?—I would make it compulsory that all fines should be paid over to a society that the men might select themselves.

3720. But apart from that, you think it impracticable to dispense with fines ?—I do at present.

3721. Now you call our attention to a phrase that occurs in section 1 (1)*a*, 2 (1)*a*, and 3 (1)*a* of the Truck Act of 1896, viz: " The terms of the contract to be contained in a notice kept constantly affixed at such place or places open to workmen, and in such a position that it may be easily seen by them." To meet that requirement there is a book—you call it a signing-on book ?—Yes. You mean that we are now dealing with deductions from wages.

3722. Yes ?—Yes. There is a signing on book which is kept in the manager's office or the under-manager's office. When a man comes and applies for work he is called on to sign this book, and on each page of the book there are certain clauses of the Truck Act inserted; on each page there are certain clauses of the Truck Act for a form of contract. That is not very satisfactory, because when a man comes and asks for work, he does not like to pry into things; he would never think of asking to look at those clauses to see what they were; he would sign without any question. I put in one of these forms (*Exhibit No. 6 of Appendix V.*), issued by the firm I. 1. I have been in a position to go into these matters very closely, and I may say I have seen many a man come and ask for work—he would not like to ask what it was he was signing for, and having signed it, so long as it is kept in the office, he has no further opportunity of seeing it or knowing anything about it

3723. Then I take it you favour some sort of more general publicity ?—The terms ought to be published somewhere so that the workman can refer to the terms of the document if he has any reason to believe that he is being unfairly treated; I mean it is not enough for him to simply go into the office and sign; it is not quite fair to him.

3724. In Section 2 (1)c of the Act there is the phrase " reasonable having regard to all the circumstances of the case." Do you think it is easy or difficult for the inspector to get to know what the various articles have cost ?—I find it is very difficult.

3725. Or to find out what expense is incurred in making purchases and dispensing to the workmen ?—Yes, that is the difficulty. They are allowed under the old 1831 Act to add to the price of things any reasonable expense that they have been put to in purchasing and storing and dispensing again, and so on.

3726. Have you come across a case in which the price charged appeared to be clearly excessive ?—Yes; early on, soon after the Act was passed, I had complaints in two or three cases that the prices of things seemed really higher than the expense that the employers were put to. On my representations some of the employers reduced the prices somewhat.

3727. Do you remember the agitation in North Wales in 1897 ?—Yes. That was specially about explosives.

3728. It was about the price that was charged to the workers ?—Yes.

3729. What was the result of the agitation ?—The miners' delegates took it in hand, and they asked me to see to it, and I made myself acquainted with all the facts. Then I had a meeting with I think the owners' representatives separately from the men's representatives; then I had a meeting of the men's representatives; eventually prices were agreed upon, as I think, fairly liberal to the owners and fair enough to the men. I find the men are never very hard on the owners when a price has to be settled for anything.

3730. Are the men that you refer to organised labour ?—Yes.

3731. Do you find that organisation is an advantage to all parties ?—Yes, I think so.

3732. It gives the men's wants, as it were, a voice ?—Yes.

3733. And the verdict of any committee of the men in conjunction with the employers is usually accepted by the men ?—Yes, certainly; I think organisation is good for both sides.

3734. As for the prices charged for materials, and so on, if there was anything unreasonable about that, these

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organisations would at once take the matter up ?—I think they would.

3735. Then you have a certain view as to an official abstract of the requirements of the Act being published ?—I find that this Truck Act seems to be very little known among the men, and I think the reason of that is that there seems to be no clause in the Act requiring it to be published. I think myself it would be much better if we published an abstract of the Truck Act, in the same way that we publish an abstract of the Collieries Act and the Quarries Act and the Metalliferous Mines Act. It is not often that the men want to refer to it, but occasionally when a difficulty arises it is better for them to have the opportunity of referring to the Act; their action may be due to a misunderstanding on their part, and if they had an opportunity of looking at the Act they could put themselves right, or if there was no misunderstanding on their part they could prove by the Act that they were right.

3736. You give us a reference to the Act of 1831, Section 23, as to contracts for the supply of fuel ?—So far as I understand the Truck Acts, you could not legally deduct for coal supplied for domestic purposes, I mean for household fuel; it has to be something used in the man's avocation or for certain things which are enumerated.

3737. You call attention to the collocation of the words " Any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation ? " —Yes.

3738. You think that household fuel should be made legal ?—I think so, because it is generally deducted. Of course, there is really no difference between supplying a man with coal, in a way, and supplying him with bread except that in the case of the fuel it is often an advantage to the man to have it supplied.

3739. In that case do you think that a list of all the prices of materials supplied to the man should be posted up ?—Such as the quarry list you mean.

3740. All materials such as fuel ?—I do not think I should go so far as to say that the price of the fuel should be posted up, but tools and powder and all those things.

3741. In all cases even with regard to fuel, I suppose, you would leave the man free to go for his fuel where he liked ?—Yes, there should be no compulsion; it would be well, if the published list of prices contained a note to the effect that no man is compelled to buy tools or fuel from his employers.

3742. Have you any experience in other industries than quarries and coal mines as an inspector ?—Only quarrying and gold mining and metal mining. I may point out that so far as quarries and metal mines are concerned fines are not nearly so frequently imposed as seems to be the case in collieries. I take it that that is due to the difference in the calling—that in the collieries there are so many things that you may have to guard yourself against that the man may do which would either do you damage or cause danger; I think that is the reason; but it is the fact that you might have a colliery employing 1,000 men and a quarry employing 1,000 men; and you might find in the case of the quarry that twenty of those 1,000 have been fined in a year, and in the case of the colliery one hundred or a couple of hundred have been fined during the year.

3743. Does Nottinghamshire come within your district ?—No.

3744. Then would you see any objection to abolishing fines in a quarry and leaving that to the effect of discipline ?—My assistant, who has been longer connected with the quarries than I have, and who is a very able man, is in favour of that. He wishes that everything should be done by prosecution, more especially for breach of the special rules. He expresses the opinion that you have expressed; he is in favour of the special rules being enforced by prosecution; but there is not the same difficulty—the special rules in quarries are a simple matter as compared with the special rules in collieries.

By Mrs. Tennant.

3745. I gather from your replies to the Chairman that you are of opinion that the law is satisfied by the contract which you have put in ?—Yes.

3746. As well as studying Section 1, Sub-section 1 (*a*), have you directed your attention to Section 1, Sub-section 2 (*b*) ?—Yes.

3747. Do you think the legislature means exactly the same thing in both cases ?—The acts or omissions are pointed out to the workman when he signs the form. I think (*b*) is complied with.

3748. Have you been informed that in the Factory Department prosecutions have been successfully conducted in twelve cases for what that Department has considered breaches of Section 1, Sub-section 1 (*a*), that is a failure to publish the contract showing what fines may be imposed on the workman—not what fines have been imposed, but what fines may be imposed ?—You mean for omitting to publish what the fines will be imposed for.

3749. Yes. There have been twelve successful prosecutions under that subsection, there has been one for not giving true particulars of the fine; and there have been five for providing for unfair and unreasonable fines—for stating that the firms were going to fine for certain matters which the Factory Department considered were not fair and reasonable matters or reasonable sums ?—I quite understand, but, as I said, this is the view that has been held by the coal trade, that they could comply with " or the contract is in writing signed by the workmen " by that particular form; and I think it does comply with Section 1, Sub-section 2 (*b*).

3750. I think it does, but as the Chairman pointed out, I do not think it can be said to apply to Section 1, Sub-section 1 (*a*). I will read the section: " An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman, for or in respect of any fine, unless—(*a*) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied, by any person whom it affects; or the contract " (that is the same contract) " is in writing, signed by the workman; and (*b*) the contract specifies the acts or omissions in respect of which the fine may be imposed " (not " has been," but " may be ") " and the amount of the fine or the particulars from which that amount may be ascertained." That suggests the future, does it not ?—But (*b*) seems to refer to the first part of Sub-section 1, where, if you do publish, the contract that you publish must specify the acts or omissions ; but you need not publish at all; you might rely on " or the contract is in writing signed by the workman."

3751. Certainly you may make the contract in an alternative way, but you must make it; you may not rely upon the particulars required by subsection 2; unless you have made your contract you may make no deduction at all: the deduction is illegal; no doubt it was in those circumstances that these twelve cases were taken—because the first part had not been complied with ?—But had the second part been complied with ?

3752. It is immaterial, because the first part governs the second ?—Do you mean that it governs " or the contract is in writing signed by the workman." Surely they would have used the word " and " instead of the word " or."

3753. No; there is an alternative given; you may take it either way ?—Yes; then it is taken the second way.

3754. The contract may be made either way, but unless it is made, showing what fines may be imposed, it is no use when the fine has been imposed to show for what it has been imposed ?—It would not be, but it does not act quite in that way in its operation; because the man is told that he has committed a certain offence and that he is going to be fined. This is probably the day before pay-day when he is handed his pay ticket; he is told that there is a fine going to be inflicted upon him at the pay for a certain thing. That form is handed to him before he has his pay and he signs it before he has his pay. I think it is open to either view; it would have to be decided by some lawyer; I have no doubt it could be amended so as to avoid the difficulty.

3755. You expressed the opinion a minute ago that it would be a service to the workmen if the terms of the Act were made public ?—Yes.

3756. That would be in order to enable them to know that there was such an Act and that it was there for their protection ?—Yes.

3757. That being your opinion, did it not occur to you that it would be going some way towards that if you took a case into Court under Section 1, Sub-section 1 (*a*). I think it is quite clear that the workman should get two classes of information: the first, which informs him to what sort of fine he is liable, in respect of what sort of offence, and what the amount is to be; the second, after he has committed the offence, which gives him particulars of the offence and particulars of the amount. Your desire is to inform the workman of the fine to which he is liable; you think that if he saw the Truck Act and saw that he was liable to fines those fines could only be imposed under certain conditions. Would it in your opinion, be a gain to the workman if Section 1, Sub-section 1, were read as the Chairman suggests it should be read, and as the Factory Department has interpreted it; that is, as requiring information beforehand instead of after the commission of the offence ?—I quite agree that it would be an advantage to the workman if he could know exactly all the time he was employed what fines he was liable to, but he does know to this extent; he knows that he has to comply with the special rules, and that if he does not comply with the special rules he will either be fined (we could not tell him the amount) or he will be prosecuted; and he knows also himself that if he does certain things which are not in the special rules he will be fined. I do not think you can give the amounts. You might specify the class of thing that he would be fined for, but, two different men doing the same thing, one might deserve a much worse punishment than the other; suppose an official did a certain thing it would be quite a different matter to one of the workmen doing it.

3758. But if you do not state the amount how is any tribunal going to decide whether it is fair and reasonable or not? Prosecutions have been successfully conducted by the Factory Department for providing for an unfair and unreasonable deduction—not for imposing it but for providing for it ?—You think you can successfully prosecute people for putting up a notice such as the instance I gave.

3759. I not only think it, but I know it; it has been done successfully ?—Yes, I think you are quite right.

3760. The Factory Department have done it ?—Successfully ?

3761. Yes. You have never thought of taking a case under that section ?—No. Personally I think the method we adopted about fines is quite fair and is effective; it effects the object we have in view about keeping up discipline.

3762. I gather from Mr. Delevingne that the point has not been raised at the Home Office ?—It has not been raised officially, I think.

3763. You have never tried issue with the legal gentleman ?—No, for the reason that I think it is a fairly satisfactory method. Each individual is told what it is he has done, and what he is going to be fined.

3764. What he is going to be fined after the commission of the offence ?—After the commission of the offence. He can leave if he likes or he can be fined. The question is would the other way effect anything better than that.

3765. I gather you have no hope that any alternative would be more successful than this system of fining appears to be ?—Of course something might be suggested that might be better, but I think at present it is fair and satisfactory so long as they do not fine them too much, and that they hand the fines over to some society belonging to the men themselves, just to show that there is no spite or wish to inflict hardship upon them—that it is all in view of discipline and nothing else.

3766. You tell us that whenever a man has the choice of a fine or dismissal or prosecution he always chooses the fine ?—Not always.

3767. In what circumstances has he not chosen the fine ?—A man may turn round and say, "well, I will not be fined; I will leave on Saturday." If he were either cross or thought that he was being fined unjustly he would say, "Well, I will leave; I won't be fined."

3768. Would you say that in the majority of cases the man chooses to be fined ?—Oh, yes, in ninety-nine cases out of a hundred I should think; they all prefer the fine to being summonsed; they dislike being summonsed very much.

3769. They prefer the fines either to a summons or to dismissal, I presume, because they look upon it as the lesser punishment ?—The lesser evil.

3770. Do you think that the lesser punishment would be as great a deterrent as the greater punishment ?—Well, of course you must fine according to the offence. If you think it is rather a small thing that the man has done, and still you cannot actually look over it, you would fine him some trifling amount. Of course the bigger the fine the more deterrent it would be.

3771. The bigger the punishment. In human affairs I think we are generally more deterred by a greater punishment than by a lesser punishment; is not that so ?—I think so, if one always knows that one is going to suffer in that way.

3772. Of course, if we had this notice up which you would like to see up, there would be that information. But apart from that, you admit that the object of a fine is to deter the person from repeating the commission of the offence, is not that so ?—To deter him and others—to keep up discipline.

3773. Then if you impose heavier punishment—not by way of fine but by way of dismissal or prosecution—you are more likely to secure that end ?—In many cases the man would not mind dismissal so much as being fined; in other cases he would.

3774. You tell us that in the majority of cases apparently he does ?—Yes, he does. If he is satisfied with his employment he does; if it happened to occur at a time when he was dissatisfied he would probably say, "I will leave."

3775. In those cases I think you will admit that the firm would have had a better result if the greater punishment was before the man rather than the lesser ?—Do you mean imposing a larger fine ?

3776. Not imposing a larger fine, but dismissing. There are the three alternatives, fining, prosecution, or dismissal ?—Prosecution is the largest in his mind, I think as a rule.

3777. Even if he likes his employment and does not wish to change it ?—Yes; a collier would dislike being prosecuted almost more than being dismissed. It is difficult to say. There are cases of course where they would not. A respectable man does not like being hauled into the police court.

3778. Prosecution is the means of securing good discipline or good conduct which is put at the disposal of the colliery owner by the State ?—Yes.

3779. Now you said on one point that you think it is harder on the man that he should be either prosecuted or dismissed than that he should be fined. In saying that did you take into account the hardship upon his colleagues if his offence is one that endangers their lives ?—The manager would judge about that at the time that he determined either that the man should be fined or prosecuted. If he thought that it was a serious matter he would prosecute the man, no doubt, especially if it had been a second offence. It depends a good deal on the circumstances of the case and the man who is brought before the manager. Sometimes the manager can see that the man has committed the offence perhaps thoughtlessly, without any intention, and would be disposed to let him off easily. One must really judge of individual cases.

3780. But thoughtlessness may be a very dangerous matter in a mine ?—It might be, and then they would prosecute, no doubt; or, if they fined, they would do the other thing, which they dislike even more than prosecution—they would put a notice up saying that the man had been fined 10s. for endangering the lives of others, and so on.

3781. If that has been the course in the case of this firm whose list you have given us and whose list is put up, it does not seem to be very effective; I see that fines are repeated for insufficient spragging; that is a matter which might involve other people as well as the man himself in danger ?—Spragging usually involves only the man who has ommitted the spragging. The colliery I

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have mentioned has very good discipline. Among 5,000 or 6,000 men you will certainly have a certain number of cases of breach of the rules, and so on, but in the case of that particular firm they maintain discipline very well indeed. You will see that they have fined seventy-eight times ; in the last year they had not one prosecution, but they generally have about five or six prosecutions in the year and upwards of 100 fines ; that is what it amounts to.

3782. I notice that this particular offence of spragging is classed as of the same importance as that of stealing coal ; in each case the fine has been 2s. 6d. ?—Yes.

3783. But stealing coal (which could not have been, I should say, to a very large extent) could only have hurt the colliery owner in a small deg ee, whereas insufficient spragging might have caused loss of life ?—But insufficient spragging might mean two or three things ; if the man had only omitted spragging for a yard or two of his wall they would probably fine him 2s. 6d. ; if he omitted to sprag for nine or ten yards they would probably fine him 10s., or prosecute him ; it is all a question of degree ; you must rely on the man who is put in charge.

3784. Even admitting that we have got the extreme fine of 10s.—that means that it is only four times more important to endanger life than to steal a small quantity of coal ?—I think he got off very well if he was stealing coal ; probably if he had been prosecuted he would have been sent to prison.

3785. Do not you think that he got off too well if he was endangering life and was only fined 10s. ?—It depends on the degree of endangering life.

By Mr. Ramsay Macdonald.

3786. Have you had any prosecutions at all under the Truck Act ?—Not one.

3787. In your opinion the workpeople in Lancashire have not had to pay too much for raw material or tools or powder or for anything supplied to them ?—No, I do not think they have.

3788. I mean, of course, in mining ; all my questions relate to mining ?—Yes, as I have pointed out, the value that is put upon doing things for them is a pretty liberal one from the point of view of the owners. What I mean is, if they find them lamps, for instance—they generally supply the men with lamps and oil for their work—they charge them so much a week for the supply of oil.

3789. Have you ever inquired carefully and in detail whether what they charge them for their lamps and oil is anything like what it costs the masters to purchase the materials ?—When you add the keeping of the lamps and the magazines for the oil and all the accessories, which you are entitled to add under the old Truck Act of 1831, I have no doubt that in the larger collieries where there are such a lot of men to deal with there is what you might call a profit made on the part of the employer.

3790. My question was rather whether you had gone into the matter in detail ; whether you are able to say in respect of those larger collieries that the profit is such and such, naming the figure as the result of your investigation ? —On several occasions I have gone into the question of the price of coals and explosives and those things ; I do not know that I have ever gone into the question of the cost of the lamps, but on one or two occasions it struck me that the charge for lamps was rather higher than it ought to be, I mean perhaps higher in the case of one colliery than in the case of another ; but I do not think there is anything in Lancashire with respect to anything that they supply to the men which amounts to what you might call an imposition upon them.

3791. You admit that the expression " an imposition " is an expression which is exceedingly vague and doubtful, but anything that amounts to a breach of the Truck Act not merely in the spirit but in the letter would be wrong ? —That would be wrong, yes ; but, mind, the Truck Act gives them the privilege of charging for accessory work, as you may call it, in reference to anything that they do for the men, but it does not give them the power to take the profits of a trader from them.

3792. Take the case that you gave us as to the price of powder supplied to the workmen in North Wales. If I understood your evidence aright you assume that when the men agreed to the prices then that was all that was necessary ?—Yes, I did.

3793. But would you say that that was a compliance with the Truck Act ?—Well, I think practically it is, when you have put it into force.

3794. Surely if any Act is passed it is passed for the purpose of being actually put into force ?—Yes, but we discussed the whole question of what the men were being charged for their explosives, and we had the price before us that was charged by the explosive manufacturers to the colliery owners. The whole matter was before us, and we came to the conclusion that certain prices would be fair. It is quite impracticable to fix a detailed list of prices in a case of that kind. You have, as it were, to give and take. Some men are using a cheap explosive in the colliery ; others are using a dear one, and so on ; and you have to, as it were, fix up something that you think is fair to either party, and I think that is a compliance with the Truck Act as far as you can practically apply it.

3795. Have you had any similar experience to that of North Wales in adjudicating between masters and men as to the prices of materials supplied ?—On one or two occasions I have made a suggestion that certain prices seemed high—an informal suggestion—and they have said, " Oh, well, we will knock off so and so."

3796. With the result that the prices were reduced ?—Somewhat, yes, but nothing very serious. I have said, " I see you charge for a particular explosive such and such a price per pound, and I see in the list that that particular explosive has been reduced since such and such a date 25 per cent. ; had not you better alter the price "; and they have said, " Oh, very well, we will put it 2d. a pound lower," or something of that sort.

3797. You did not go into the question of discounts ? —You mean discounts allowed by the trader ?

3798. Yes ?—I know there are such things, and we try to get at the net prices as far as we can.

3799. You mean by net price the price where discount is given ?—The actual price to the owners is what we try to get into our minds.

3800. Is it the habit of the Home Office to try and unify the administration of the law so far as it is common to the mines and to the factories ?—I do not quite follow you.

3801. Take the Truck Acts. The Mines Department administers the Truck Acts in the same way, or at least administers the same Truck Acts, as the Factory Department administers them. Now we have in front of us a most elaborate table showing prosecutions under the Truck Acts instituted by the Factory Department between the nears 1888 and 1905. That table details a series of offences under the Truck Acts that have been the subject of prosecution ?—Yes. I can quite see that the Truck Act will be much more difficult to administer in the case of factories and places of that kind—cotton factories and so on—than it is with mines ; there are so many fines for bad work that come in in the case of factories ; people are fined for bad work ; it is a most intricate kind of thing.

3802. I do not want to go over the points that Mrs. Tennant has made, but under that section there have been prosecutions, as Mrs. Tennant said, successfully undertaken by the Factory Department, but I understand that no such prosecutions have been carried on under the auspices of the Mines Department ?—Under that particular section, no.

3803. Although apparently the conditions where the Factory Department have successfully prosecuted obtain in mines—lack of contract, for instance ?—Except that in the factories where they did not publish and where the factory inspectors were successful in getting conviction, I think they had not that particular form of contract that I have handed in. In the case of the factories I presume the people neither published nor did they make a man sign that he was willing to be fined.

3804. Am I right in assuming from what you said towards the end of your evidence in chief that until quite recently this case had not been reported to the Home Office ?—No ; why should it be reported if it is considered to be legal ? I agree with the legal adviser of the Coal

Association that it is right, and I also think that it is a fair way to do it; so that there is no need at any rate for me to report it to the Home Office.

3805. You have used frequently the expression that such and such things were "fair" and "practicable" and so on. At the back of your mind you have also got the further justification, and I think the only justification that concerns us, that they are legal; that this system of fining which you have been presenting your evidence upon is not only fair in your judgment and not only practicable—the whole system that you have described to us to-day is not only fair and practicable in your judgment and not only satisfactory to the men, not only a thing that has been agreed to between the masters and the men, but that behind it all it is legal and in accordance with the provisions of the law?—So far as fines are concerned, I think it is legal, under the words in the latter part of the clause "or the contract is in writing." I do not see what else that can mean. What does it mean?

3806. My point is this; that you have been describing to us a certain condition of fines—a certain method of enforcing discipline—a certain way of making deductions with and without contracts, and I was struck with the way in which you used the expressions "fair" and "satisfactory." I also want to know if you are prepared to say that it is legal?—I think that so far as the section dealing with fines is concerned it is quite legal. Mind, I say I think so; I am only a layman, and I do not know that it is quite legal under those particular words. As to deductions from wages for materials, there is a contract; the men sign a book in which the contract is stated; so that my remarks are confined to the fining sections.

3807. But in addition to that you think that when they sign this contract for deductions the prices stated are fair and reasonable. It is not merely the question of contract there; the deduction has got to be a "fair and reasonable" deduction, and it has to meet certain other conditions?—Deductions for materials you mean.

3808. Materials, powder, sharpening of tools and so on?—Yes. Speaking generally, they are fairly reasonable.

3809. Now, I would like to put a question or two about the general effect of fines; you have no experience, have you, either of mines or of quarries where no fines are imposed at all?—Oh yes. I have asked at a good many quarries since this inquiry has been to the front, "How do you do about fining. What contract have you made as to fines." The answer has been "Oh, we never fine." That is especially the case in North Wales. Then I have asked, "What do you do if a man commits an offence"; and the answer is, "Oh, we dismiss him if it is a bad one; if it is not we let him off."

3810. Have you any reason to believe that the discipline in those quarries which are without fines is worse or better?—Worse.

3811. Worse than in quarries where fines are imposed?—I should fancy it would be, but I was comparing them more with collieries.

3812. Then in your experience the lack of fines does not indicate a superior discipline?—No, it does not. It rather indicates that the manager does not take so much notice of things as probably he ought to do. I have had under me a large number of men of various kinds, and my experience is that if you want to keep up discipline, you must be severe with them. If you are not, discipline will disappear.

3813. With regard to fines for breaches of statutory laws and of the special regulations, did not Parliament contemplate prosecution under such circumstances?—Yes, I should think that was so.

3814. You will probably agree that it was not the intention of Parliament in passing the Mines Regulations Act to give employers a further incentive to enforce fines of which they were themselves to be the judges, but rather that it was the intention of Parliament to bring breaches specified in the special regulations, into court so as to stop them altogether?—Yes, I think I agree with you there, but when you come to put it into practice you may find it impracticable, and may have to take the best other course.

3815. Perhaps Parliament made a mistake if that is so?—If a law was made to do away with fines, and to substitute prosecution you would have to simplify prosecution. Not only has the manager to prosecute his men, but after that, if the fine is not paid, the colliery manager has to send out a warrant and to collect the fines so that he might never be done with cases.

3816. In your experience do you find that fines as a matter of fact make certain breaches of these special rules, and breaches of discipline which do not come under these rules—a sort of habitual thing, I mean; if you fine a man 2s. 6d. does it not, as a matter of fact, diminish his sense of responsibility as part of the working organisation of the mine?—No, I think it is a deterrent.

3817. A deterrent?—Unquestionably.

3818. Would you say, as a result of your experience, that fines do stop faults?—Yes.

3819. And that if fines were removed, faults, serious faults, would increase?—I think so, unless you substituted some other means of dealing with them.

3820. That might mean substituting dismissal or prosecution in serious cases; but I am simply thinking of fines as fines, apart from anything that may be substituted. Are you really convinced that fines are a convenience and also an effective means of dealing with cases?—Yes, with the simpler cases.

3821. Who tries these cases? A man commits a mistake and is fined; but Parliament contemplated that mistakes should be made the subject of a judicial inquiry and that evidence for and against him should be submitted to somebody with legal experience. Now, in these cases, under the method of fining, who is it that decides?—The manager of the mine.

3822. Does he decide whether the fault has taken place, and what is its degree, and does he exercise his own judgment as to the fine that is to be imposed?—Yes.

3823. And does he sometimes decide how the fine is to be spent?—I think that should be left to the men; it would be a decided improvement if the money were handed over to some of the men's benefit clubs.

3824. We have had evidence, as the Chairman has indicated, to show that fines in factories have been ineffective for disciplinary purposes. Can you suggest any reason why the method, ineffective in factories, namely the method of fining, would be effective in coal mines?—No I could not explain that. I can only express the opinion that, so far as colliers are concerned, fining is effective. It may not be the very best method that could be adopted, but I cannot understand how you could imagine it to be otherwise than effective. A man does not like 2s. 6d. taken off his wage

3825. Nor does he like to kill his fellows?—No, but some of them do very foolish things sometimes

3826. With fines and without fines?—Yes, perhaps so.

3827. It has been suggested to us that fines and deductions should not exceed a certain percentage of the wages in any one week. Would that meet your case with reference to the list that you have put in front of us?—I imagine the suggestion of limiting the amount of a fine has more in view the case of factories where there is fining for damage. In collieries where there is so very small a proportion of fines, there is no fear of the amount reaching any large percentage of the individual wage.

3828. Supposing a man's wages were £1 per week, and it was settled that not more than 25 per cent. should be posed as fines in any one week, not more than 5s. in any one week, what would you think of that?—There would be no objection to that.

3829. But it would not meet your case where heavy fines of 10s. are imposed?—If the case was thought more serious than a 5s. fine would meet, the man might instead be prosecuted or dismissed, if it is thought there is good reason for a limitation.

3830. You are in favour of the giving of household fuel to colliers by their employers, or rather, you think that deductions for the supply of household fuel should be made legal?—Only for this reason. It is the general method in many mining districts to supply the men with fuel for their houses at a cheaper rate, and that is kept off their wages the same as rent which, under the Truck

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Acts, is allowed to be deducted. The deduction is constantly made, and, of course, it is, in a sense an illegality as things stand, and it is better that it should be made legal if there is no objection to it.

3831. Would not the same thing hold good with regard to the working baker who receives bread from his employer ?—Yes, no doubt it is breaking the spirit of the Truck Acts in not confining deductions to things necessary for his avocation, which I take to mean things necessary to a man at his work.

3832. Perhaps you would not press that very much ?—No, I only thought that, in view of the practice, it should be settled one way or the other.

By Mr. Maddison.

3833. What is the opinion, so far as you know it, of the Union Leaders in Lancashire as to the present method of fining ?—I have frequently met them, and had long gossips with them, but I don't think they have ever mentioned that subject to me.

3834. Then you have no more definite information concerning their opinion than mere casual gossip ?—No, they may hold a strong opinion upon it for anything I know, but, if they had, I think it would have come out in conversation.

3835. Among the many collieries in Lancashire with an elaborate system of fining has nothing happened to bring the union into conflict with the employers on the subject of fines ? Do you know of any case of dispute over it ?—No, I cannot recall a case, but I have mentioned that there were only seventy-eight fines in a year among about 5,000 men.

3836. I am not thinking so much about the number of the fines, but, as a matter of fact, you don't really know the opinion of the men's leaders on this question of fining ?—I do not.

3837. You have said that the men regard prosecution as the major punishment—as the more excessive punishment in their opinion ?—Yes.

3838. What has been your experience of men who have been prosecuted, as to their subsequent conduct in the mines ?—I have no opportunity of following the conduct of particular men.

3839. Have you any general evidence as to that ?—No. I could only hold the general view that prosecution ought to have a salutary effect upon offenders

3840. But, as a matter of fact, you have no experience of the relative value of these different measures as deterrents, one as compared with the other ?—No, I could not say anything on that particular point.

3841. In assessing their value as deterrents can you only give us a mere opinion ?—Well, no. I find that in collieries where there is most strictness by fines and prosecution there are fewer breaches of the rules.

3842. Have they fewer breaches when they fine the most or when they prosecute the most ? That is what I want to get at ?—They always fine the most. Prosecutions are exceptional; but I think it goes without saying that where you are stricter either by fine or prosecution the discipline will be better.

3843. Which do you call the stricter ?—Prosecutions, I think.

3844. Therefore discipline is best with prosecutions ?—If it were practicable I should go for prosecution to take up all these cases, but that raises a difficulty.

3845. I understand you to say that discipline is maintained better by prosecutions but that prosecutions are not quite practicable ?—That is not quite what I meant. The manager has got to maintain discipline, how is he going to do it ? If he is going to rely altogether on prosecutions his underlooker or himself will have to spend far too much time in the police court, so he looks out for some other course and resorts to fines. My view is that the course resorted to in fining may be described as fairly satisfactory, but if the whole thing could be enforced by prosecution it would no doubt maintain discipline better. That, however, would entail a vast amount of trouble and would be much harder on the men.

3846. Seeing that many of these fines are imposed for offences against safety and against life itself would you not think that the convenience of the manager, which should not be altogether disregarded, ought to be subservient to the higher interests of the safety of the workmen ?—I agree with you to that extent, but you must consider this that the manager of a colliery is wanted at the colliery and should not be too much away in a police court. A mine is not like a factory, where there is no danger when a manager goes away. A colliery manager has to be nearly always on the spot.

3847. You make a broad distinction in many ways between a colliery and an ordinary factory ?—Yes.

3848. But you would not really say, having regard to the number of fines, that it would be practicable in all the most serious cases to carry out what the law evidently intended, namely, prosecution ?—That is what they aim at now. The most serious cases are selected for prosecution.

3849. Take the offence of taking matches down a pit. Surely nothing can be more serious in its possibilities than that ?—It looks worse than it is. It is perhaps rather improper for an inspector to say so, but it may look worse to an outsider. The history of such a case probably is that the man has changed his jacket before he came to work, and did not know there were matches in it, and he may have taken them down the pit with no more intention of striking a match than you or I have. It may be simple forgetfulness, that is all. If a man takes the matches down with the intention of striking them in the pit that would be a very different thing.

3850. I follow that entirely, and no doubt the same act may be very different under different circumstances, but you must admit that there is a possibility of terrible consequences from taking matches down a pit, no matter what the cause or excuse ?—Yes. If you look through our list of prosecutions in the Inspector's Report you will find that they consist largely of prosecutions for that offence. We usually prosecute for that.

3851. Do you think that the tribunal of the manager is a better one than the police court, having regard to all the circumstances, for determining the intention of the offender ?—No, I do not think it is. I think the police court is best and it is fairest to the man if he likes to go there, for he will be defended against the other view. But it is really what most of the men like worst and it would be hardest on them. It is best from our point of view as regards discipline. But I maintain that in a large colliery employing 5,000 or 6,000 men there would have to be so many prosecutions that it would not only occupy much time but would make prosecutions less effective. The Factory Department are constantly prosecuting factories for such an offence as employing workers overtime, and the fines inflicted by the magistrate are about 2s. 6d. or 5s. What is the reason of that ? because prosecutions are so frequent that it is looked upon as a common offence, and it is treated as such. My principle is to have as few prosecutions as possible, but, when I have one, a man may be fined £10 or £20. If I were prosecuting every day the fines might go down to 5s.

3852. How is the evidence got by the manager as to offences ?—A man is reported by the under-official, perhaps the under-manager, as having committed such and such an offence. The manager sees the man and hears from the official what is the charge.

3853. Does he call any of the fellow workmen of the accused, for or against, and is there any thorough attempt at investigation ?—I am afraid it is rather a rough kind of justice. I am afraid there is not much attempt at thorough investigation. That is why I say a prosecution in a police court may prove to be fairer from a man's point of view. But in the end I think they get fair justice. At least there is no spite in the matter.

3854. You mean that the average cases are justly treated ?—Yes.

3855. Do not you think there may be individual cases of hardship from time to time ?—Yes; and people may get wrong in the police court too.

3856. At any rate the evidence would be heard there for and against ?—Yes.

3857. Don't you think, if this fining does go on, that there ought to be some means by which the check weighman or a committee of the men might have some power of examination of the amount of the fines ?—Yes, I think

you might contrive something of the sort and have someone to represent the men.

3858. But you still think that, even in the serious offences against safety, the system of leaving it to the discretion of the manager is a good one, having regard to safety and all the higher interests of the men ?—Yes, I have no fault to find with it. The name of the offence may imply something more serious than the particular offence itself amounts to.

3859. I suppose there are offences which are mere breaches of discipline without necessarily being breaches of safety regulations ?—Yes, I think there will be some.

3860. For instance, I see in the list there is one case of stealing coal. That depends very much upon how much the man steals and upon all the circumstances ?—I asked about that particular case and was told that it meant filling up coal out of the shunts where it had been upset from the men's tubs. It is a case of men against men and not men against employers.

By Mr. Delevingne.

3861. On the question generally of the enforcement of these special rules and the modes by which they ought to be enforced, I should like it to be clear that there is no obligation placed upon the management to prosecute the men for breaches of special rules. The Act provides for a penalty for breaches of these special rules by the workmen, but does not place a duty upon the owner or employer to prosecute ?—No, it is left to his own option.

3862. His duty is quite a general one, namely, to see that the special rules are observed by the men ?—Yes

3863. And the owner, agent, or manager is liable to a penalty himself if the special rules are not observed ?—Yes.

3864. If an inspector came along, and found a breach of the special rules, the owner or manager would be liable to a fine unless he could show that the firm were enforcing a proper system of discipline among the men ?—Yes.

3865. About the system of prosecutions, what does it involve in most cases to the management ? Does it usually mean that one or more officials are taken away from their regular duty to go to the police court ?—Yes ; first they have to get the summons signed.

3866. What does that mean ?—Someone has to go, say, to Wigan or St. Helens, and get a magistrate to sign the summons.

3867. Would that be done by an official of the colliery ?—It might be done by a clerk. Then there is the hearing, and the colliery owner as a rule employs, on his side, a lawyer who has to prove the case. He may have to bring forward one or two officials, especially the one who found the man committing the offence, and perhaps also another official. Although the manager may not have been present when the offence was committed he may also be wanted at the police court, and as a rule he goes there. But the case may not come on until the afternoon and these people may be kept there waiting all day. After a fine of 20s., or whatever it may be, is inflicted, the defendant may plead that he cannot pay at once, and will ask to be allowed to pay by instalments. That being arranged the man goes away after paying one instalment and never appears any more.

3868. Do you mean that he leaves the mine ?—Not necessarily, he simply does not pay.

3869. Then what happens ?—Perhaps six months after the conviction a form comes down from the Treasury setting forth that such and such a man was fined £1, and that the fines had not been paid into the Exchequer and asking for an explanation. I may go to interview the clerk to the magistrates who may tell me that that particular man has gone elsewhere, and that nobody knows where he is. Then a warrant has to be taken out against him by the colliery people.

3870. Do the colliery people have to apply for the warrant ?—Yes.

3871. Who tells them to do that ?—I think that is a regulation of the police. Some of the cases cause endless trouble, but some are very simple.

3872. Are any of the miners themselves called as witnesses in such cases, or is the offence usually proved by the evidence of officials ?—A man may call his mate who works by his side to give evidence for him.

3873. What happens at the colliery during the absence of these officials who are, I suppose, usually the men in charge of a district ?—Another man, an intelligent collier, or any suitable person that can be got, is deputed to take the duty of the absentee on that particular day.

3874. Does a colliery keep any reserve stock of firemen to meet such emergencies ?—There are generally men who can be trusted for a short time.

3875. Special arrangements have to be made ?—Yes.

3876. Are the men usually defended in these prosecutions. I mean is the defendant represented by a lawyer ?—In many cases he is. I think the men's union sometimes employs a lawyer to defend the accused

3877. Is that a matter of course ?—Not invariably. He is left to pay his own fine, but the union sends someone often to see that he is fairly used, as I think they ought to do. If the case is a bad one they would leave a man to his own devices

3878. Do the unions exercise discrimination between different classes of cases ?—I think so. If they thought it quite evident that the man had committed a breach of the regulations they would probably leave him to fight it out for himself, but if they thought there was any hardship they might send someone to defend him.

3879. How do the facts come to the knowledge of the union ? Is it reported by the man himself ?—I do not know.

3880. Is it your opinion that a system of prosecution is much more effective than a system of fining ?—I think there is no doubt about that.

3881. Can you explain why some owners take so many prosecutions and some none at all ? Is it merely a question of trouble ?—No, a good many employers do not like to prosecute their workmen.

3882. Why ?—They think it is hard upon them. They would rather adopt the expedient of fines or some other means. If they do not prosecute it is often due more to sympathy with the men than to anything else

3883. Do you encourage owners of mines to prosecute for breaches of special rules?—Yes, if it is anything serious. If I find a man doing something he ought not to do, I may say to the employer, "You had better take him up to Wigan," and he is taken there.

3884. With regard to the list of fines you have handed in, showing seventy-eight in the course of a year, would that represent practically all the serious breaches of special rules in that particular colliery ?—There would be five or six prosecutions.

3885. And that would include all the serious breaches ?—Yes, all that came to the knowledge of the firm.

3886. In cases where owners take frequent prosecutions, do they also impose fines to any considerable extent ?—Yes.

3887. They have a mixed system of prosecution and fines ?—Yes. At any rate the larger colliery firms fine as well as prosecute. There may be some little collieries where they do neither the one nor the other.

3888. Is that where the discipline is worse ?—Yes.

3889. Do prosecutions lead to friction between the employers and the workmen ?—No, I don't think so.

3890. Coming now to that form of contract which you handed in and which you say the owners have been advised by Mr. Ellis is a legal form of contract, Mrs. Tennant asked you whether the fact that the contract was made after the offence had been committed did not invalidate it in view of the terms of Section I. of the Truck Act of 1896 which provides that a contract has to be made in respect to fines which may be imposed. I suppose Mr. Ellis would say to that that at the time the contract was made the fine had not been imposed ?—No, it is imposed the following day.

3891. The contract was for the payment of a sum of money subsequent to the contract ?—Yes. I have discussed the matter with Mr. Ellis, who seems to be quite satisfied that he is right, and I am rather disposed to agree with him.

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3892. I only wanted to know what his view was. Mrs. Tennant also asked you whether the fact that the fine was imposed and the contract made after the commission of the offence was not a hardship upon the men, and I understood you to say it was not a hardship ?—That would depend a good deal upon what the men were charged with doing. The men know the rules pretty well, and the things they ought not to do outside the rules, so they have a fair knowledge previous to the fining as to what they may be fined for.

3893. Is it their business to know the special rules ?—Yes.

3894. Are fines frequently imposed for matters outside the special rules which are not in themselves a source of danger; for instance, do you have cases of fines imposed merely for what the employer may think an interruption of his work in the business of the colliery ?—In the quarries which I quoted, there are fines for not coming to work.

3895. But I was talking of the collieries ?—Among all the enquiries I made at the collieries I found only one which is in the habit of fining the men for not coming regularly to work. It is very exceptional for colliery managers to fine men for not attending, they usually resort to dismissal. As a rule at the collieries fines are imposed for something that causes actual danger.

3896. In a case of insufficient spragging it is the man himself who is in danger ?—Yes.

3897. It is the manager's business to see that the men observe the rules ?—Certainly.

3898. I think there was some little misunderstanding about your opinion on one point. I think you are of opinion that if there are to be fines there should be a general notice of them posted up at the pit head showing what are the acts and offences in respect of which fines may be imposed, and the amount ?—Yes, I think in fairness to all parties these particular offences ought to be published. You might not be able to include everything, but you could give a general idea.

3899. You are not upholding the system of individual contracts ?—Not at all.

3900. Do the men's unions interfere in the case of fines which they consider to be unreasonable. I mean, supposing a man is fined, as he thinks, unjustly, would he complain to his union, and would the union take the matter up ?—I should think they would, but I don't know of any particular cases.

3901. Have you had any complaints from the unions as to unfair fines ?—No

3902. Have you had any from individual workmen ?—No.

3903. I suppose the men do frequently communicate with you as to matters under the Mines Act ?—Oh yes.

3904. Is it reasonable to suppose that if there was any general feeling about the matter or frequent cases of what the men consider injustice you would have heard of them ?—I think I should.

3905. Are the fines mostly imposed upon the younger colliers ?—I have really no information upon that, but I should think fines would be mostly upon young hauliers and drawers.

3906. I have heard it said that it is the young colliers and the youths employed on the haulage roads who are most difficult to manage, and upon whom the fines are most frequently imposed ?—I should think it is so, but I could not say for certain.

3907. Coming to the quarry *K* 1., was that a typical case of a list of deductions and fines ?—It is typical so far as concerns the prices charged for the various articles, but I have not observed any fines for not attending work.

3908. What sort of man was the manager there ?—I could hardly say. He seemed to be constantly at loggerheads with his men. I think he was hard on his men.

3909. Is he still there ?—No, he is not. He ran away in the end, and has not been heard of since and the notices are to be altered.

3910. You have settled that with the owners ?—Yes.

3911. What is your view as to what is the best system in the interests of general safety with regard to the supply of explosives to miners ? I understand there are two systems at present prevailing, one by which the men buy their own explosives anywhere they like, and the other by which they are not allowed to obtain explosives except from the owners ?—That is so.

3912. Which do you consider best in the interests of safety ?—That the men should get their explosives from the owners. That is universally the case in Lancashire, where the owner buys the explosive and sells it to his men at fixed prices.

3913. Why do you consider that the best system in the interests of safety ?—Because it enables one to know precisely what kind of explosive the men are using, otherwise explosives might get down a pit which should not be allowed to be taken down.

3914. Is that especially important in regard to the use of permitted explosives in fiery and dusty mines ?—Yes, I think it would be wrong to let men bring in what explosives they liked

3915. In a fiery and dusty mine where only explosives permitted by the Home Office are allowed to be used, is there greater danger if men are allowed to buy their own, because under the same name they may get an explosive of inferior quality or one which has deteriorated in keeping, and it is important that it should be of the quality and standard prescribed by the Home Office order ?—Yes. And you can only secure that by letting the owner purchase the explosive and sell it to his men.

3916. I think you said the price at which the explosives were retailed by the owner to the men, included a certain amount towards management charges ?—I think I called them accessory charges. I meant by that that assuming the owner finds the explosives, he has to buy them in the market and get them to his colliery, and unload them, find a magazine to put them in, a man to take charge of it and distribute them; there is a good deal of cost involved in this and other ways, and he is subject to all sort of penalties if everything is not properly done. All that amounts, I should think, to something like a 1d. per pound. I think that is what we arranged in North Wales might be charged, viz., 1d. more than the owners themselves paid for the explosive.

3917. What is the average price of explosives per pound ?—Permitted explosives, I should think, about 10d. per pound; some higher and some less.

3918. Then the extra charge would be about 10 per cent ?—Yes.

3919. Does the arrangement in North Wales include gunpowder ?—No, it did not apply to gunpowder, but only to the permitted explosives.

3920. What are the management charges with regard to lamps ?—I could not say for certain; indeed, the charges vary.

3921. What are the services rendered by the owners, in addition to the provision of the lamp and the oil, for which he makes a charge in fixing the price payable by the men ?—He finds the lamp and the oil, keeps the lamp in order, although I think the repairs are generally paid for by the men if the damage has arisen through carelessness. I think the charges run to about 1d. per working day for the lamp.

3922. Does that include the cost of the lamp ?—The lamp still belongs to the employer.

3923. And he makes a charge for the use of it ?—Yes.

3924. With regard to the supply of coal to the miners, is a charge always made for the coal given to him for his domestic use, or is it sometimes looked on by the owners as a present ?—The custom varies in different districts. In the north country the men get their coals given by the owners, perhaps with some slight charge for carting it, but in Lancashire the men have to buy it and perhaps have to pay as much as either you or I would do.

3925. In those cases it is not an advantage for a man to buy his coal from the colliery ?—It may be a little advantage but not much.

3926. In some parts of the country I suppose the colliers get their coal at practically cost price ?—Yes, in some districts, and in other districts for nothing, whereas in some they have to pay full value.

3927. If a man has to pay full value in Lancashire, he does not look on the supply of coal as a privilege ?—No, I don't see how he can.

3928. Is there any compulsion upon the men to get their coal from the colliery ?—No, it is voluntary. The owners might be just as well without their custom. They often do it more to oblige the men who can pay for it out of their wages, and not feel it so much.

3929. Have any cases under the old Truck Acts come under your notice in connection with the contract system of employment where men contract with the owners to get coal at a certain price and pay their own workmen quite independently of the owners ? Have you had any cases of such men paying in goods or of any abuse under the Truck Acts ?—No, I have not. In Lancashire we have none of what I call charter masters. There are some contracts in North Wales but we have not the Staffordshire system. I have never heard of any case of abuse.

Mr. H. Hall, I.S.O.

16 July 1906.

SIXTEENTH DAY.

Thursday, 19th July, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
FREDERICK CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
J. RAMSAY MACDONALD, Esq., M.P.
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. A. H. STOKES, H.M. Mines Inspector for the Midland District, was called; and Examined.

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By the Chairman.

3930. You are in the service of the Home Office ?—Yes.

3931. What is your position ?—Inspector of mines.

3932. How long have you been in the service ?—This is my thirty-third year.

3933. You remember, therefore, the system quite well prior to the Act of 1896 ?—Yes.

3934. You have known it well since ?—Fairly well.

3935. You have certain notes on the Truck Act that you wish to bring before us ?—I have.

3936. If you have your *précis* of evidence there will you kindly use it ?—I must say my notes have been very hurriedly put together, because I had very little time in which to prepare them.

3937. In the first place, what I want to know with regard to the Truck Act is this: there is a contract, is not there, in the mining districts ?—Yes, there is at every colliery.

3938. What is your jurisdiction so to speak; what is the extent of your district ?—Do you mean for coal mines, or do you mean the extent of the whole of my district ?

3939. The whole of your district ?—The whole of my district consists of fourteen counties. For coal mines my district covers the four counties of Derbyshire, Leicestershire, Nottinghamshire and Warwickshire.

3940. That is for coal mines ?—That is for coal mines.

3941. What are the other mines ?—Metalliferous mines and quarries.

3942. Are those in the same district ?—Yes those are in the same district, but added to them are the counties of Oxford, Cambridge, Rutland, Berkshire, and so on from Derbyshire to Middlesex.

3943. In the first place, with regard to the contract, there is in these counties a system of written contract according to the Act of Parliament, is there not ?—In the coal mines, yes.

3944. The contract is generally a printed heading to the sheets of a bound book ?—That is so.

3945. The manager signs at the top and the workmen as they are engaged sign below ?—Yes.

3946. Then the workmen at the time of signing are given the mining rules ?—Yes.

3947. The contract rules and the club rules ?—Yes.

3948. Is there a price list of work supplied by the check-weigher ?—Yes.

3949. Does the workman get a copy of the signed contract ?—A copy of the signed contract is not given to the workman.

3950. Have you any reason to doubt that he knows quite well the nature of the contract ?—The signed contract I think he has no knowledge of—the majority of the workmen have no knowledge of it. The object of the workman is to get employment, and he goes and signs the contract and probably never reads what he is signing, but the printed contract rules which are given to him he takes home.

3951. Just let us see the distinction that you make between the signed contract and the printed contract ?—That is one.

3952. This will be *Exhibit No.* 1 in Appendix VI. ?—That is a copy of the contract signed by the workman upon entering into employment. That is signed *there* by the manager on behalf of the company; it is signed *here* by the workman, then there is the date, whether qualified to work alone under the general rules of the Mines Act; signature or mark and the name of the person employed; his age; residence, and so on.

3953. I point out to you that all that is agreed there is to serve the company on the terms and conditions set forth and appearing in the contract rules ?—There are the contract rules. (*Handing document.*)

3954. So far as this document (*Exhibit No.* 1) is concerned it is just a contract to serve the company according to the contract rules in force ?—That is it.

3955. So that there is really no use in the man having this if he knows he has signed it ?—Not in this case, but I have another case to bring before you.

3956. Very well. This document is *Exhibit No.* 1. There is no harm in the man having the signed contract. The contract rules will be *Exhibit No.* 2 *of Appendix VI.* That is a copy of the thing which he takes home with him ?—That is so.

3957. Will you give me another one in which you say there is some harm in him not seeing the signed contract ?

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—You see I have dealt with that under the contravention of the Act. We will come to that under the contravention of the Act.

3958. Very well?—I have not given you this. The check-weighman supplies that. (*Producing document Exhibit No. 3 of Appendix VI.*) That is the list of prices.

3959. By prices you mean the rates at which the colliery agrees to pay the workman for the piece-work?—That is it.

3960. Can you tell me, before you pass on to that, whether you have any experience of contracts for deductions, or does that come later in your evidence?—That comes later; it comes under the heading of "Contravention of the Act."

3961. So that up to that point the contract seems to be entirely in the terms of the 1896 Act?—That is so up to that point.

3962. In your district is there a system of fines in force?—There are fines for breach of discipline which are more or less inflicted at all the collieries.

3963. Generally the person signs the paper, does he not, consenting to be fined?—Those are two forms. (*Handing documents.*) I would like the name to be cut out. You will see there is a very good reason for it. It might cause disturbance amongst the miners if that is not done.

By the Chairman.

3964. Yes; we have a rule on that subject. (*The Committee resolved to adhere to its rule not to mention in the report the names of the firms or companies.*)

3965. This document (*Exhibit No. 4 of Appendix VI.*) is with regard to the particular colliery mentioned in it, and it starts in this way: "Truck Act, 1896. To ( ). I agree to pay a fine for the under mentioned act or omission, and I authorise you to deduct." What I want to ask you is this: that agreement is an agreement, if it can be called so, entered into after the act or omission is past?—That is so.

3966. What would happen if the collier did not come under that agreement?—You mean if he refused to sign it?

3967. Yes?—A summons or dismissal.

3968. So that he is practically constrained to sign this agreement?—That is only one method of enforcing the fine. You will see there is another method, and that is that the pay-clerk pays him the whole of his wages over the pay-desk; then he would tell him: "The manager has fined you so much for certain things. You can pay the money at the next window or to the pay-clerk"; and the man hands the fine back.

3969. Then I show you *Exhibit No. 5 of Appendix VI.*, which is the fine contract for another firm, and it reads in this way: "I ( ) hereby agree to allow a deduction of ( ) to be made from my wages next week"; and then follows this: "Rather than be summoned before the magistrates for violating" on a blank date, and then there are two lines left blank for what the violation would be?—That is it.

3970. As you say, that would mean prosecution if he declined?—It may.

3971. Or dismissal?—It may.

3972. These papers so signed are filed, are not they, and kept as a record of the fine?—That is so.

3973. The fines are recorded in a book, and then that constitutes the register of fines as is required by Section 6, Sub-section 3 of the Act of 1896?—Yes.

3974. You incline to the opinion that that is a contract in writing as required by Section 1 (1) (*a*) of the Act of 1896?—Yes.

3975. Do you really think so?—I have thought so; I have never doubted it.

3976. The matter has never been tested, has it?—It has never been tested to my knowledge.

3977. I point out to you that it is a contract in writing after the fact—namely, after the act or omission?—But is not that so with the ticket, that it is after the man has done something that he is fined, and then he signs the ticket?

3978. Of course you are only taking the rule that has been adopted by the Home Office, I understand, or rather that has never been called in question by the Home Office?—I have never called it in question with the Home Office. I have taken it to comply with Section 1 (1) (*a*) of the 1896 Act—"or the contract is in writing signed by the workman"—and you see the marginal note in the King's printer's copy of the Act is: "Deductions or payments in respect of fines."

3979. Yes. It is a legal matter, you know, but I just wanted to ask you whether you have ever addressed your mind to this consideration, that the substantive provision of the section is that the employer shall not make any contract for any deduction unless the terms of the contract are contained in a notice kept constantly affixed or the contract is in writing signed"?—"Or"—it is either one or the other.

3980. You take "the contract is in writing signed by the workman" as something the opposite of a constantly affixed notice?—Yes, I take it that he may either do the first part of that section or he may do the second part of that section—either will comply.

3981. I point out to you that these things may not be alternative at all in the ordinary sense, that is to say, both the contract in writing and the notice may have to be entered into at the time of the fundamental contract of workmanship?—Then it appears to me that the word "or" should be "and."

3982. No, it might be either the one or the other if they all hang on the initial words of the clause, "an employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman or for any payment to the employer by the workman." That is not the view that you have adopted?—Well, I am not a legal man.

3983. I point out to you that in the next subsection in addition to the contract being in writing for the deduction there is to be this over and above; "and the contract specified the act or omissions in respect of which the fine may be imposed, and the amount of fine?"—I think those papers would comply with that because they would probably write upon it what it was for—bad filling, for instance. Take a fine for bad filling—that means if the man has filled slack into the tub where he should have filled coal.

3984. I do not think you quite follow the point, because when that contract that you have handed us in, (*Exhibit No. 4*) is signed the fine has been imposed, whereas the Statute prescribes that the contract is not only to be in writing, but it is to specify the acts or omissions in respect of which the fine may be imposed?—If I have followed it correctly I scarcely see how that could be done. Let me give you an example. A manager, or an under manager, is in the mine, and he sees a man with what they call bad spragging, which is a breach of the Act, and he says to that man, "I shall fine you 5s. for that."

3985. The point I want to ask you is this: has there been any contract as to that fine before he has discovered that?—No, none whatever.

3986. It is a legal question, but you see for yourself once the fact has arisen the workmen is completely at the mercy of the employer?—But I take it that the fine has to be reasonable or he may recover it. Supposing the workman objected to the fine of 5s.—he could recover it as unreasonable—supposing he had been fined £5 instead of 5s.?

3987. That is quite true; he could have taken that point that it was unreasonable?—Yes.

3988. Even then observe he would have to undergo the risk of prosecution or of dismissal, and then take his chance of exposing the transaction in a court of law afterwards?—I do not think the men nowadays would hesitate about that; they are so well supported by their unions.

3989. Do you see any practical difficulty in the contract being framed so as to make it clear from the beginning what are to be deductions from his wages or possible deductions from his wages?—I will try to give you an illustration if I can which would be better. Take the spragging again. The spragging may be such that it would be endangering the lives of his fellow workmen; then it would be a severe fine.

3990. Do you see any harm in making the rules beforehand so that a person entering the service knows exactly the conditions of his service ?—As regards fines ?

3991. As regards fines ?—I do not see how it would work in these cases. I was trying to put a case before you: Supposing a notice is put up that he shall be fined half a crown for bad spragging—that was one that was put up—but the manager says, "This is more serious than a 2s. 6d. fine; you are endangering the lives of the men here, and I shall fine you a sovereign for this, it is so serious," and the manager goes into the next place of work and finds a similar thing but of quite a trivial nature, and says then, "I will fine you half a crown for this."

3992. Of course, you see for yourself, do not you, that that system may be justified; but substantially it amounts to this, that they are compounding the offence ?—May that not be the fault of the Act.

3993. I think it may—if that practice that you refer to is legitimate under it ?—My only reply to that can be; make the Act clearer.

3994. Quite so. I do not suppose on principle you like the idea of Parliament having suggested that certain offences are cognisable by the criminal law, and yet it should be open to the parties to buy themselves out of a prosecution by a transaction of this kind. It is not a very comfortable idea that, is it ?—No, it is not. It is not comfortable, but if a man commits some trivial offence in a mine you do not like to prosecute a decent respectable man for a thing of that sort to be always registered against him.

3995. If you do not like to prosecute you would still like to fine him ?—I would for trivial offences.

3996. Why ?—Because discipline must be maintained.

3997. Then do I get at your evidence in this way: that you think without fines there could be no good discipline?—It could be made good by saying prosecute in every case

3998. Or by saying dismiss ?—Or by saying dismiss; but you do not like to do either for a trivial offence.

3999. The balance of your judgment is against the abolition of fines ?—Yes, I think I would say that, but I would give the men better guards than they have now, perhaps.

4000. In what way ? In the first place, you approve of the system which prevails in nearly all your districts for the fines recovered going to hospitals or sick benefit societies or the like ?—Certainly. I would make that compulsory that it should not be devoted to any other purpose than a charitable purpose.

4001. Have you seen any of these contracts for fines that are unreasonable ?—No. Some of them have been heavy, but we must have discipline in a coal mine. The discipline in a coal mine now is getting almost like military discipline. The workman in a factory may commit some little breach of the Act or some larger breach if you like, which would only jeopardise his own safety or injure himself, but a man in a mine may commit some breach, as, for instance, opening his safety lamp, which may endanger the lives of 500 men, and therefore our discipline in the mines is getting almost military. In factories it is quite different in the majority of cases, at least, I take it to be, or in quarries. One foolish action of a man in a mine may have an appalling result. It has happened, and that is well known, especially to some who are sitting at this table.

4002. You have pointed to the extreme gravity in some cases and the triviality in others ?—Yes.

4003. Could not you stipulate in a contract at the same time as the contract of employment that cases involving danger to the pit or to others would have a heavier rate of fine ?—Yes, but I would rather see the clause perhaps strengthened in some way—I am not prepared to say how—that the fines should be fair and reasonable. That, I presume, would take into account all the circumstances if it were tested, with respect to the fine, whether it was such as you have just named or not ?

4004. Who is to be the judge of whether it is fair and reasonable ?—Magisterially, or in the county court, I suppose.

4005. Do you think that the burden of proof should be placed upon the prosecutor in such a case ?—The burden of proof would be placed, I take it, upon the man who inflicted the fine.

4006. You think that would be right ?—He is the proper person, I think, because he inflicts the fine and he should give his reasons.

4007. You are aware that the law does not stand upon that footing at present ?—Just so.

4008. You think that is a defect at present ?—I would prefer that to the system you suggested previously.

4009. At present it puts too much responsibility upon a prosecutor to make him establish as against a mine owner that it is unfair and unreasonable ?—That is it.

4010. We might come now to the question of "supply of material." There are deductions made for blasting materials, candles in naked-light pits, shovels, picks, wedges, hammers, and such like tools. Are these particulars of deductions supplied upon the pay ticket ?—I have got pay tickets here for you (*handing documents*). May I refer back to the last question about fines; I had forgotten to show you something I have here. It was something that was posted up as regards fines in my district.

4011. This will be *Exhibit No.* 6 *of Appendix VI.* ?—It says there a man is liable to a fine of 5s. when not returning rules when leaving the company's employment, but if you refer to the Mines Act, Section 57 (2), it says: "The owner, agent, or manager shall supply a printed copy of the abstract and the special rules gratis to each person employed in or about the mine."

4012. You disapprove of this fine, of course ? It seems to be against the Act of Parliament ?—Yes, it seems to be directly against the Act of Parliament.

4013. You were referring to *Exhibit No.* 6. That contains a schedule of deductions. Both (*Exhibits No.* 7 *of Appendix VI.*) seem to contain no substantial details at all with regard to the deductions ?—No.

4014. The first part one understands, but the rest is as to colliery rules, and that may contain fifty different things ?—Yes. You see the workman has nothing definite given him there.

4015. Do you think that is a misfortune or a hardship ?—I think so.

4016. Have you found it a matter of complaint at all ?—No, but I think with regard to candles, for instance, that the workman should have on his pay-ticket the quantity applied and the price per lb., so that he can see how he is being charged, and the same with blasting materials, gunpowder or the higher explosives. It is not sufficient for him, I think, to see put down on the ticket "blasting materials two shillings." It is very much like a medical man's bill. They send them to you in one line: "For attendance and medicine."

4017. Without telling you the number of visits ?—Yes. Of course you are told that you can get that information if you desire it, but as a matter of fact you never ask for that.

4018. Then as to the sharpening of tools, you have never had any complaint with regard to that ?—No.

4019. That is a matter which is under the men's own arrangement ?—Yes.

4020. Is it done in many cases free of charge by the owners ?—Yes.

4021. Do you find that system work quite well ?—Yes, I have no difficulty whatever as to that.

4022. Have you any experience of payments of wages in kind ?—Yes. At one colliery in my district the owners, a co-operative company, issued barter notes to the workmen, who were paid partly by coin and partly by barter note.

4023. You will give us the name of that ? Of course it will not be reported ?—I do not think there will be any difficulty with regard to that particular name, because the matter has been made so very public.

4024. Then you can give us the name of that. What is the name of that colliery company ?—It is the Coal Miners Co-operative Brotherhood, Limited, and the name of the colliery is the Cartwright Colliery at Swadlincote, Derbyshire. Now shall I give you the case ?

4025. Please do ?—The stores adjoined the colliery office, and although they were conducted under a slightly

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altered name yet such stores were governed and managed by those interested in the ownership of the colliery.

4026. You conducted an investigation, did not you, into that case?—I did. In one case 23s. had been paid in coin and a 2s. 6d. barter note. In another case a barter note for 5s. was given in lieu of coin. In both cases the barter notes were exchanged for groceries or household requisites. The amount of wages paid by barter notes would range from £10 to £15 per week. I reported this matter to the Home Office, and they instructed me to take legal proceedings.

4027. You succeeded in fining the defendents £2 and costs?—Yes, that was the main case, and then there was a fine of 1s. and costs in the other case. The result was that the stores were abandoned and shut up; they found out that they were acting illegally.

4028. That did not result in any reduction of the money wage of the worker did it?—No, they received the total amount in coin and barter notes; it amounted to the total of their wages.

4029. After the abolition of the stores the workmen bought where they liked?—Yes, but before they were bound to expend the barter note at the stores.

4030. Yes. that was so before the stores were abandoned, but now they can purchase where they like?—Yes. In fact the colliery itself did not pay, and it was also shut up for a time.

4031. You have had some experience of contraventions of the Act?—Yes.

4032. You have had a complaint of stores being supplied to workmen at unreasonably high rates?—Yes.

4033. Higher than the retail price in the district?—Yes. I found that at the time of the complaint the miners were charged 5s. per dozen pounds for candles, whereas the Colliery Company were buying them at 3s. delivered, less 2½ per cent. off. Powder was charged at 6d. per lb. whereas the Colliery Company were buying it at 3½d. per pound and paid a man ½d. per pound for making it up into cartridges—a total of 4d. per pound.

4034. In one fortnight the company made over £8 in profit on candles and powder?—That is so.

4035. Did you prosecute in that case?—No.

4036. Why?—Because it is for the men to recover the money by a County Court action, I took it. I saw the owners about it and it was abandoned immediately. I pointed out to the owners what they were doing, and that they were making themselves liable for the men to recover the whole of this money back again from them. As soon as they saw their position I was given the word of the managing director that it would be abandoned. Now you will see my reason for wanting such details to be upon the pay ticket.

4037. Yes. Will you just give us that in your own way?—As I explained before, the details of the deductions should be given upon the pay tickets—the quantities and the price.

4038. Will you now go on to your next point?—At one large colliery the workmen sign on—that is the term used.

4039. That is making a contract of service?—Yes—by writing their name in a large book and at the head of every sheet is printed in small type—when I say small type I do not mean unreadable type; I mean relatively small—the terms of contract which include the following: "It is further agreed between the parties that 1½ per cent. shall be deducted for bats from the total weight of mineral sent out by the workmen respectively." At one of the pits belonging to the same company it is 2 per cent.

4040. What are bats?—Bats is a kind of shale and coal mixed together—the worthless part of the seam, an unsaleable part of the seam.

4041. Not a marketable part?—No, it is not marketable. The men are paid for filling coal.

4042. The result is that 2 per cent. of the total output is arbitrarily taken off the weight of coal?—Yes, from 1½ to 2 per cent. of the total output is arbitrarily taken off the weight of coal sent out by the workmen, and this is in addition to the deductions made on the pitbank for bats, stone, or bad filling etc., deducted in accordance with Section 12 (1) of the Mines Act. The Mines Act gives the owners power to make all the deductions necessary under this section, but they must do it in a certain way. Here the beginning of the contract is that 1½ to 2 per cent. is deducted from the man, but supposing the man sent out all good coal and there were no bats or stones or anything but good coal, then the man would still have 1½ to 2 per cent. fine on him—I call it a fine, I do not know whether it is the right word—deduction perhaps would be better.

4043. Does the workman know of such a deduction in the terms of the contract?—I do not think the workmen know it. I have considerable doubt if any workman knows of the deduction in the terms of his contract, or if any of them have read the contract, for nothing of this deduction is shown upon the men's pay ticket. I raised this question with the owners this year and they took a legal opinion which was given to me as follows: may I read it?

4044. Yes?—"Deductions are of two characters (1) material (2) wages, and the Acts of Parliament dealing with the same are quite distinct. They must be dealt with separately, but you appear to have mixed them up in your view of the question. Deductions for dirt, or as the Act defines it, material other than that contracted to be gotten, are made under the Mines Act, and are not made from wages but from weight. Deductions from wages are regulated by the Truck Acts, and under the Truck Act of 1896 particulars of any deductions from wages must be shown on the pay ticket. There is no such provision under the Mines Act, which deals with weight and not with wages. Hence nothing need be shown on the pay ticket for deductions which have been agreed upon and are made for material sent out of the mine than that contracted to be gotten"; that is the legal opinion.

4045. What have you to say to that?—Here a man is having 1½ to 2 per cent. of mine al deducted from him and it is told me now that has nothing to do with the Truck Act; it is under the Mines Act. Then the same man is also deducted under the Mines Act at times for bad filling and bats and stones, which he may know of because it comes under the knowledge of the check weighman at the pit. The reason why I have put the case so strongly is this (as you will see from the suggestions I have made afterwards) that all these things should be made known to the workman; that although you have before you the contract I handed to you (I forget the number you marked on it) in which nothing of this kind appeared, here is one in which a deduction does appear, and the men sign in the same way and they are given a copy of the contract rules in the same way, but I do not think any of them know there is 1½ to 2 per cent. being deducted from their wages in accordance with the signed contract.

4046. In addition to the initial deduction from the weight?—Yes, which may be made under the Mines Act, but the legal opinion appears to be against me.

4047. Have you any other thing to add with regard to these deductions?—At another colliery the men upon signing receive a copy of the special rules gratis as provided by Section 57 (2) of the Coal Mines Act, but when such person leaves he must either return the copy with the contract and club rules or 1s. 3d. is deducted from his last payment. The rules cost the owners from 2½d. to 3d.

4048. Then about the audit of deductions. Have any questions arisen under Section 9 of the Act of 1887?—No, no questions have arisen with me. The audit, I take it, appears to have been confined to medicine, medical attendance, or tools. Therefore explosives and candles, the things with regard to which a miner required protection, are not included in the audit. I am now going on dangerous ground, because there is a legal opinion again here. The word is "tools." Are candles and explosives tools? If they are not, then in regard to the very thing which many owners supply, and which the miner wants to know something about, there is no protection of audit given him, if I am correct.

4049. Of course the miner is a large purchaser of explosives?—Yes. This is a thing I am trying to arrange in my own district, and I think I am supported by the Home Office in it. The explosives, the most dangerous things used in the mine, should be supplied entirely by the owners of the colliery; that they should not be purchased from this place or from that place or from chemists and druggists who in some places are selling

them. Here is one of the most dangerous things that we have in the mine, and I say that the owner or agent or the manager should purchase them in bulk so as to know the quality, the age, the deterioration in keeping, etc., and that the purchase and distribution should be entirely in the hands of the owners, agents, and managers of the colliery.

4050. And subject to audit ?—I say first of all it should be supplied by the owners, and next I say, if I am correct in my reading of the Act, that the very protection the men want is not given them by the Truck Act at present. Candles I do not care much about, because 80 per cent. of the mines in my district are worked with safety lamps.

4051. The explosives is a more serious matter ?—I take it to be so.

4052. Now we will come to your suggestions please. Are you in favour of a consolidation of all the existing Truck Acts ?—Yes, of everything being put into one. Let us have it all in one Act and clearly defined.

4053. Why ?—Because referring first to one Act and then to another, puts those who are responsible for the administration of it very much in the position of a shuttlecock being banged about from one to another.

4054. Do you find it quite possible not only that confusion may arise in consequence, but that cases that ought to be hit escape through the meshes of the various Acts ?—That is it, and another thing it is liable to give those who have the administration of it a wrong view or a wrong reading of the Acts.

4055. It is not only difficult for the department to work but it is confusing to the employers themselves and the men ?—Yes, and to those who administer it.

4056. Then the next thing you want is that particulars of all deductions should be supplied to each person from whom wages deductions are made ?—Yes, the quantity and the price of each article being stated on the pay ticket.

4057. Now I call your attention to that suggestion of yours, and I ask you whether you do not incline to add to it that the particulars of all these deductions should be supplied to each person when he enters into the service ?—No; I scarcely think that would be practicable because the price of explosives varies, the price of candles varies, and the price of tools varies; the point is that if he has the price stated on his ticket he can compare it with the current prices in the market. It applies to all commodities.

4058. I thought you were referring to the case of fines ?—No, I was speaking of the materials.

4059. In the case of fines, I again put to you do not you think the man ought to know on entering the service what he is to be subject to be fined for ?—Perhaps I have not understood you. Do you mean that a list of fines should be posted up ?

4060. Or a written contract with the list ?—No, I do not. I say let the fines be as they are now, but give the men every facility in every way you like for recovering the fine if it is not a reasonable one, because as I say you could not fine a man the same for every offence, as in the case I told you of, spragging, which is a dangerous thing. With regard to fining a man for opening his safety lamp in the mine, if I were a manager now I would not give him the chance of a fine, I would prosecute him, but there may be some who are more lenient than I am, and who might say, "It is all right this time; you have got through all right without accident."

4061. I understand your position. The third suggestion you make is that a contractor should not be allowed to sign his name on behalf of those he employs ?—Yes.

4062. Are you referring to colliery cases where a gaffer signs for his whole team ?—I do not know of them myself, but my colleagues have told me of cases, and so I have put that down amongst my suggestions. You see in coal mining what they call a stall man takes a certain length of the coal face and works it out by contract at so much per ton. He employs men at a day wage and he pays them. He should not be allowed to sign on behalf of those men. That is my point.

4063. Each workman in your judgment should know what are the particulars of the deductions ?—Yes.

4064. Your fourth suggestion appears to be that provision should be made for a copy of the hiring contract being given to each workman gratis at the time of signing, together with all the rules relating to or governing the employment ?—Yes, at the time of signing. I think you will see the force of that. If the contract which allows a deduction of 1½ to 2 per cent. right away, had been given to the workmen at that pit it probably would have been settled before now in a court of law.

4065. Then, fifthly, you say the audit of deductions should be made applicable to all classes of deductions from wages ?—Now you recognise another point which I have named. Workmen in some cases when I have said to them: "Why do not you purchase your explosives from the owners, who will guarantee the quality and description?" have replied, "Oh, they charge us so much and we can get it at so much," and in another case they have said, "We think they charge us, although we do not know it, more than we should pay." So that the audit of deductions should be such that an inspector could say to such men, "You need not raise this question, because you are protected by an audit, and you are so protected by an audit that if the owners of these collieries charge you more for your explosives than is a fair and reasonable price you can recover it." That would greatly strengthen the inspector's hands. These men are sometimes disinclined to purchase the explosives from the owners because they are afraid they are overcharged, but if this were legalised I should use it as a lever with the men and say, "They cannot charge you more than a reasonable price, and I can assure you there is an audit of deductions which will protect you."

4066. Then we pass on to another suggestion, that all deductions, whether under the Truck Act or Mines Act, or provided for by the contract of hiring, should be shown on the workman's pay ticket ?—That is partly covered by my second suggestion, although I did not put in the Mines Act contract of hiring.

4067. Your last suggestion is about a register. Will you tell me about that ?—That a register of all deductions of whatever description, or however enforced, or taken, should be kept at the Mine office, open to inspection by either workman or inspector of mines at any time, who may take copies of the same, such register to be kept made up to within three months previously.

4068. Is there not such a register at present ?—Yes, of fines.

4069. But not of deductions ?—No, not similar to fines.

4070. What would be the value of having it for deductions ?—If you adopted the audit of deductions it would have to be kept.

4071. I see, the two things work into each other ?—Yes, they must work together.

4072. I want to ask you a few questions about quarries. You have never received any complaint from the workmen in respect to the working of the Truck Acts at quarries, have you ?—No.

4073. Have you ever heard of a fine being inflicted at a quarry or a deduction being made from the men's wages ?—No.

4074. Is there good order preserved at the quarries ?—Much better than there was before the Quarries Act came into force: there was not much discipline then.

4075. Is there good discipline now ?—Much better, but we would like it still better than it is.

4076. All that good order and discipline is secured without putting fines into operation ?—Well, they discharge the man: they will not trouble themselves about a fine: they send him about his business.

4077. As to the supply of materials, tools and so on at quarries, I suppose explosives is the material that is generally supplied ?—Yes.

4078. The cost of that is deducted from the wages ?—Yes.

4079. It is not compulsory, I observe, to purchase from the owners, but do you think the same suggestion there should be adopted as with regard to the mines suggestions you have already given us ?—The very same. I would make the Truck Act applicable to quarries as to mines.

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4080. Then the rents, tools, etc., are deducted from the wages under agreement?—Yes.

4081. As to contraventions of the Act, I understand you have never received any complaint and know of no contravention?—Not of the Truck Act.

4082. As to sharpening tools, that is done by the workmen themselves, but in large quarries the owners do it for the men?—That is so.

4083. No questions have ever arisen as to the audit of deductions?—No, I do not think there is an audit.

4084. So far as the quarries are concerned, it seems to be almost an ideal system?—So far as we know. You see there is not much used and the tools the men use are generally the company's.

4085. There are no fines?—I have not heard of one.

4086. And no deductions?—There would be no deductions for fines. There would be deductions for explosives, of which they use a large quantity in some of the quarries.

By Mrs. Tennant.

4087. I notice you say in your notes, speaking of the particulars which the mine owners give, that "the particulars are entered on the pay ticket to comply with Section 1 (*b*) of the Act of 1896." Do you mean Sub-section 1 (*b*) or Sub-section 2 (*b*)?—Section 1 (*b*) I think is right.

4088. There are two Sub-sections, Sub-section 1 (*b*) and Sub-section 2 (*b*). Sub-section 2 (*b*) says, "Particulars in writing showing the acts or omissions in respect of which the fine is imposed," and so on?—It is Section 1 Sub-section (*b*).

4089. But Section 1 Sub-section (*b*) says, "the contract specified the acts or omissions in respect of which the fine may be imposed." Sub-section 2 (*b*) says, "in respect of which the fine is imposed"?—Yes, that would be it. It is my mistake; it is Sub-section 2 (*b*).

4090. What action on the part of the colliery owner do you think satisfies Sub-section 1 (*b*) "the contract specifies the acts or omissions in respect of which the fine may be imposed." He satisfies Sub-section 2 (*b*), but how does he satisfy Sub-section 1 (*b*)?—I take it that the small ticket the Chairman has would satisfy both.

4091. That is Sub-section 2 (*b*)?—Yes, and that it would also satisfy Section 1 (*b*).

4092. Do you think the legislature means exactly the same thing by both?—I should take it that the ticket satisfies both.

4093. In one case it says "may be" and in the other "is." Do not you think that suggests a differentiation?—I have taken it that the ticket satisfies both.

4094. You gave us a case in which a man is fined 5s. In fact it says in the notice, that all the men are "liable to be fined 5s. for not returning rules when leaving the company's employment." You believe that not to be legal?—I think not.

4095. Have you taken any proceedings to test its legality?—No, I have not taken any proceedings. I think it would be for the workman to recover the amount under the Truck Act.

4096. Would not you consider it within your province to take proceedings in respect of a notice which is illegal?—Not of that description. I took it to be that the workman if dissatisfied would recover it under his powers of recovery in the county court.

4097. Yes, but the law provides, does it not, for two things. First of all, that a certain fine or deduction shall not be imposed; secondly, if it has been imposed, the workman is able in certain circumstances to recover it?—Yes, for the workman to recover it.

4098. Yes, but the first obligation on the colliery owner is that he is not to impose it, and is it not within the province of the inspector to see that he does not impose it?—I took it not to be so. I took it that it was for the workman to recover the amount.

4099. Take the first obligation to observe the law which is placed upon the colliery owner, that he shall not impose the fine at all?—Yes, but taking a case of that sort, the inspector would have to find out the workman first upon whom the fine was imposed, and it is not sufficient to say on a posted notice that the man is liable to a fine. That does not prove the offence.

4100. Opinions may differ. Is not an offence created by a bad notice, a bad contract?—I should think it would be held that the offence was not complete until the fine was made.

4101. But the colliery owner must not contract to make a fine which is not reasonable; assume even a mild form of not reasonable?—He would say to the inspector "I know it is there, but I may give it him back."

4102. You must not break the law, and in this case he is deliberately undertaking to break two laws, both the Truck Act and the Coal Mines Act. He is contracting to break the law?—I do not think the offence would be complete myself until the fine was made. Then I think it would be for the workman to recover it under the powers he has under the Truck Act. But I may say this 5s. fine is done away with now, because I pointed out to the manager some time since, as has already been discussed here, that it was an illegal act as I thought, and he has, therefore, done away with it. I am not aware that the fine was ever imposed. I doubted the legality of it, and I told him so, and he did away with it. If I may take you to the 1s. 3d., however, that is still in force.

4103. Yes, I was coming to that. I notice that you put it in the present. You say: "At another colliery the men upon signing receive a copy of the special rules gratis as provided by Section 57 (2) of the Coal Mines Act, but when such person leaves he must either return the copy, or 1s. 3d. is deducted from his last payment." Is that still in force?—That is in force now.

4104. Do not you contemplate proceedings, then?—Not yet. I think myself it is for the workman to recover it. There is no posting up of the fine there.

4105. May I direct your attention to Section 3 of the Truck Act of 1896?—Would you give me the paragraph.

4106. Yes. Section 3, Sub-section 1 says that "An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for, or in respect of, the use or supply of materials, tools or machines, standing room, light, heat, or for, or in respect of"—and this is the only part which could apply to this particular matter—"for, or in respect of any other thing to be done or provided by the employer in relation to the work or labour of the workman." You consider, and I think consider quite properly, that he is bound by law under the Coal Mines Act to provide that copy, therefore it ought not to be taken as a thing which he is "doing or providing" for which he is entitled to charge because the Coal Mines Act says it is to be provided gratis?—There are two points there. The section you are reading is, "Deductions or payments in respect of materials," but this is not material for his work.

4107. No, I do not think it is. I stated in my question that I thought the only heading under which it could possibly come is the heading of "for or in respect of any other thing to be done or provided by the employer in relation to the work or labour of the workman." My ground for bringing it under that heading is that books for the supplying of particulars to workmen under the Factory and Workshop Act have been held to be things which could be brought under that heading of "any other thing to be done or provided by the employer in relation to the work or labour of the workman?"—As material.

4108. No, not as material, but "any other thing." After specifying materials, tools, machines, standing room and light and so on, the section goes on to say, "or for or in respect of any other thing" not being material?—I had not read it in that way. The whole section refers to materials, and therefore I read it "any other thing in the shape of materials."

4109. I do not think one must take the words at the side of a section as controlling and even nullifying the words within the section. The words at the side are only a summary of the section; they are not law?—I presume you must take the official copy of the Act. You cannot cut anything out of the official copy of the Act.

4110. That is exactly what I am anxious you should do. Surely you would be cutting something out by the

exclusion of these words simply because they are not contained in the summary at the side. You cannot take proceedings under the words contained in the side heading; you can only take proceedings under the words contained in the Act itself?—It is merely an explanatory heading of what the section deals with; it shows that the whole section deals with the question of materials.

By the Chairman.

4111. It is a question of law, but I think Mrs. Tennant has elicited the witness's view very clearly indeed.

By the Witness.

4112. If your contention is correct then I go back to what the Chairman took me upon where I said "or" should be "and." The same point comes up again.

By Mrs. Tennant.

4113. May I put it in this way, that in my opinion the law has been doubly broken in this particular case?—No, I do not think that.

4114. Take one of the cases first. You yourself are of opinion that the Coal Mines Act requires the colliery owner to provide a workman with a copy of the rules free of charge?—I have the Act here, if you have not it before you.

4115. You stated that in your evidence so we will take that for granted?—I would rather refer to the Act itself.

4116. It is Section 57, Sub-section 2. That is your reference to the Coal Mines Act?—"The owner, agent, or manager shall supply a printed copy of the abstract of the special rules gratis to each person employed in or about the mine who applies for a copy." I have put that to one person, and the reply was this: "Oh dear yes, it is supplied gratis. We do not charge him when we supply it, but we tell him when he leaves that if he does not return it he will have to pay for it." That is the way they drive a carriage and four through the Act of Parliament.

4117. Have you ever endeavoured to prevent that carriage and four being driven through the Act of Parliament?—The cases that I have brought before you are the only cases that I know of in my district.

4118. But one is at present occurring?—Yes, one is occurring at present, the 1s. 3d.

4119. I gather from you that you do not intend to take proceedings in respect of that?—No, I have not yet taken any proceedings. I have contented myself with thinking that this is a workman's matter, and I have not taken proceedings any more than I should take proceedings for the recovery of his price list or his coal. It is entirely a workman's matter to recover money; he has power under the Truck Act and he should take advantage of it.

4120. I would just like to put this one point. Assuming that I am right and that the words of the Act are of more importance than the heading at the side of the section, would you consider it would be proper that you should take proceedings in respect of the overcharge in this case. There is an excessive charge. You say the rules cost the owners 2½d.?—About 2½d.

4121. Take it at 3d. as an outside price?—Yes.

4122. The workman is charged 1s. 3d., and assuming again that I am right, Section 3 says in paragraph (*b*) that the sum to be paid or deducted under the contract in respect of any of these things must not exceed the actual cost, and it goes on "or in the case of the use of machinery, light, heat, or any other thing in this section mentioned, a fair and reasonable rent or charge, having regard to all the circumstances of the case." You would not consider it either fair or reasonable that a profit of a shilling should be made, would you?—I should not.

4123. If you took the Home Office opinion, and were instructed that these words are of importance you would contemplate proceedings in respect of an unreasonable or unfair charge, would you not?—But, as I say, I have always taken it that it is within the workman's power under the Truck Act to recover the money. That is a matter of pounds, shillings, and pence, not a matter of discipline or a matter of danger to life. I have taken it, therefore, that that is in the workman's power.

4124. The workman's power is under Section 5, but the Act says the employer shall not make a contract with any workman except under certain conditions, and it is not given to the workman to enforce that. That is a matter for the inspector. It is for the inspector to enforce Section 3 and to see that the employer does not make an illegal contract. The workman is empowered afterwards in a case where a charge is improperly made to recover the loss he has suffered thereby. There are two distinct offences; one is the making of the contract?—But I do not see that a contract has been made

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4125. With regard to the supplying of materials, where you are satisfied that there has been an excessive charge, have you taken any steps to stop it?—Yes. I think I said that in the case of a supply of powder I pointed out to the managing director what he was doing, and he at once discontinued it.

4126. Yes, that is so. I gather it is rather a common practice?—No, I do not think so.

4127. You think it is not a common practice?—You see things only come to my knowledge occasionally with regard to the cost and the charge. I do not see the workmen's pay-tickets every week.

4128. I think you have taken exception to the looseness of the information given to the workmen. You say that all things are mentioned in a lump sum?—In the pay-ticket?

4129. Yes?—Yes.

4130. When you find that do you require the exact particulars to be given?—I would require details of what it is. Take powder, for instance. I would require that on the pay-ticket they should give the number of pounds and the price per pound and the total. It should not be "powder so much" or "explosives so much." If the quantity and the price were set out the workmen could then compare it with other prices in the market.

4131. Do you consider it is also your duty to compare it with other prices?—No, I have not thought it to be; it does not come to my knowledge.

4132. It has come to your knowledge when the information is given for which you have asked?—Yes, but that was a workman's complaint which was anonymously sent to me, and I went to investigate it. That is the occasion where I went to the managing director and told him he was doing wrong, and he at once discontinued the practice. That was through a workman sending the complaint to me. I think I have the complaint here and can produce it.

4133. I may have misunderstood you, but I thought in reply to my question you said it was your ordinary practice to require fuller particulars of the charges made for such things as candles and so on?—No. I said in an amended Truck Act I would require all those things to be given in detail.

4134. You do not at present?—No, I do not. I do not see that I have any power to ask a manager to put down on the collier's pay ticket how many candles he has bought and the price per lb.

4135. But Section 3 says that the particulars should be given. That section requires, in paragraph (*b*) of Subsection 2, that "particulars in writing showing the things in respect of which the deduction or payment is made, and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made"?—Yes.

4136. That is the amount of each thing?—The total amount is put in.

4137. The amount of the different things is not stated. It is a bulk sum which is put in?—Yes, a bulk sum for explosives, a bulk sum for candles, a bulk sum for tools, and a bulk sum for other things as the pay ticket shows.

4138. Without stating any information which enables the workman to ascertain what he is being charged per lb.?—That is so—without giving him the opportunity of comparing the commercial value of the things.

4139. If he is not given that material, how can he ascertain whether the charge complies with the requirements of the section?—I do not know, I am sure, how the workman does that.

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4140. Even if you do not consider that it comes within your jurisdiction to enforce that section, do not you consider that it comes within your jurisdiction to enable the workman to enforce it if you think it is his duty to enforce it?—I presume that the workmen look after their own pecuniary interests, and this a matter of pecuniary interest; it is a matter of pounds, shillings and pence, I think. Inspectors do not undertake civil proceedings.

4141. The whole Act is, is it not? The whole Act is dealing with pounds, shillings and pence?—Yes.

4142. If one matter comes within your jurisdiction another ought not to be excluded from your jurisdiction because it too deals with pounds shillings and pence, ought it?—Well, it is a matter with regard to which I have not asked the workmen to show me their pay tickets in order to ascertain whether the amounts charged were reasonable. I must say I have not asked that question from workmen.

By Mr. Brotherton.

4143. I would like to put one or two points to you with regard to the question of fines and the abolition of them. I understand it is your opinion that fines should be retained for purposes of discipline?—Yes, the system of fining.

4144. Are you of opinion that without fines proper discipline could hardly be expected?—I think it is the more charitable course with regard to the workmen. I do not like to prosecute a man for every little breach of discipline, and the alternative of a fine is useful.

4145. Have you knowledge of any collieries or mines which are being worked without fines?—I do not know of one just at the moment.

4146. So far as you know, all collieries have a system of fining?—Yes, but in many cases the fines are very slight.

4147. Have you come across any cases where rules and regulations have been mutually agreed to, not only between the employer and the individual workman, but between the employer and the whole body of workmen or their representatives?—I cannot call a case to mind.

4148. The more usual contract is between the employer and the individual workman?—Yes.

4149. I should have thought that rules and regulations might have been easily submitted to representatives of the workmen generally for consideration and modification or acceptance?—Do you mean the contract rules or price lists.

4150. I mean any rules between the employer and the workpeople?—The price list I handed in is submitted to the Miners Association.

4151. Is it usual to make a charge for these price lists?—No, I think they are given freely. The check weighman gives the miner a copy of the list. He is the men's representative.

4152. Does the alternative of prosecution or dismissal rest entirely with the employer? I mean can he please himself whether he dismisses a man or prosecutes him?—That is generally left with the manager. Take the case of a man opening his safety lamp in the mine; that deserves either prosecution or instant dismissal from the mine.

4153. And that rests entirely with the manager?—Yes, or with one of the other officials subject to the manager's confirmation.

4154. With either the employer or the employer's direct representative?—Yes, but the workmen may appeal to the owner.

4155. Is that a fair arrangement?—I think it is fair that a if man endangers the lives of 500 men he should either be dismissed or prosecuted.

4156. You would not fine in such a case?—I would not fine in such a serious case as that of opening a safety lamp. In the case of a fine the miner has his remedy if the fine is not reasonable.

4157. Your suggestion is that its reasonableness or otherwise should be dealt with by the magistrate if the miner does not accept the fine as being reasonable?—Yes. He may seek to recover it.

4158. But are the magistrates likely to understand the inner working of a colliery?—No, but they can subpœna anybody to give evidence as in other technical cases.

4159. You would not suggest a third person other than a bench of magistrates who could deal with technical points?—No, magistrates have equally technical points to deal with in other cases, and they can call experts before them.

4160. I am quite with you that full details of deductions of all kinds should be supplied to the workmen?—I hope you are also with me in saying that they should have a copy of the contract which they sign.

4161. With regard to the suggested system of giving details of deductions, have you in mind any collieries where such particulars are furnished?—I cannot call a case to mind. Neither have I thought these suggestions out in detail. I have had little time to do so.

By Mr. Cawley.

4162. Have you had any complaints at all from workpeople in regard to fines?—I do not know that I have ever received a complaint as to a fine.

4163. And do you think there is no dissatisfaction?—Not as regards fines, but sometimes as regards the prices asked for articles supplied.

4164. But the workmen can buy the articles where they like?—Yes, gunpowder.

4165. Are they compelled to buy anything from the employers?—I think they can purchase candles where they like, but tools are often supplied by the colliery people. They would come under the audit.

4166. In cases where workpeople are not protected by the audit, they are not compelled to buy articles from the employer, but how or where they like?—Not in all cases. As regards explosives, some of the owners tell the workpeople that these must be purchased from the colliery stores.

4167. Is not that a contravention of the present Act?—I do not think so.

4168. Not for an employer to tell his employees that they must buy certain articles from him?—They are not told so in those words. The owner has to look to the safety of the mine, which is paramount above all the little technical provisions of the Truck Act.

4169. Does the employer compel the workman to buy anything that he uses from him, and charge a higher price for it than he ought to do?—I don't like the word "compel." It is a suggestion; in many collieries the whole of the explosives are supplied by the owner.

4170. It may be a good thing that the workmen should buy those things from the employers, and in that connection I suppose that the only change you think desirable would be an audit?—That would be a protection to the workmen. It is one of my suggestions.

4171. These men have a strong union?—Yes.

4172. And it really protects them against any unfairness?—Yes.

4173. And the men with their union behind them are not in any way afraid of the masters?—No.

4174. And if they were treated unfairly they would put their employers into court?—The union would not hesitate if it had a strong case.

4175. Is there any alteration at all required in the Truck Act which you could suggest in order to strengthen your hands?—I should adopt the suggestions which I have put forward, because I think it is only fair to the workmen, and the suggestions are nearly all for the protection of the workmen, although the first, of course, is not.

4176. In cases where you have found any breach of the Truck Act and have mentioned it to the employers, have they generally fallen in with your suggestions?—They have, in every case. Whenever I have had a complaint or suspicion of the Truck Act being violated and have called attention to it, the matter has been remedied so far as I can remember.

4177. Do the fines always go to charitable purposes?—Yes, always.

4178. You know of no case where the employer pockets the fines ?—No.

By Mr. Maddison.

4179. I notice that you do not discriminate in your support of the system of fining between those offences which endanger life and those which are of a more ordinary character, as, for instance, filling coal badly ?—I thought I had made myself clear to the Chairman when he asked me about the long list of fines put in, viz., that it was almost impracticable to enumerate all, as there are such varied degrees of fining.

4180. The point I rather wanted to bring out was this. When you say that you think that a system of fines is necessary in collieries, do you include those offences which have nothing whatever to do with safety ?—I would include all.

4181. Then you must do that on quite different grounds from that of safety ?—There must be discipline as well as safety.

4182. Are there not fines in a colliery which are similar to those in a factory ?—Oh, yes.

4183. Still you support a system of fines in all these matters just the same ?—Not as regards bad filling, because the Mines Act gives power to deal with that. Where there is not power to deal with an offence, then a fine may come in.

4184. I gather from your evidence that you are personally against resorting to fines for serious offences such as opening a safety lamp underground, or taking down matches ?—Yes.

4185. Are fines imposed in your district for these serious offences ?—Sometimes. Probably not for opening a lamp, but perhaps for taking down matches, because a man who hurries to his work on a cold morning with his pipe may forget to leave his matches above ground.

4186. Are you aware that a colleague of yours in the Lancashire district, gave us a list of fines for offences in which I feel sure that opening a safety lamp was included, and certainly the taking down of matches, or omission to sprag ? These are all serious offences, and we had a long list of them where men are sometimes fined as much as £2, but I understand you do not agree with a fine in these serious cases ?—I would agree with a fine for bad spragging or bad timbering, where only the man's own life may be in danger, but it is different in the case of opening a safety lamp which may endanger the whole pit.

4187. Then you would say that the practice of fines for major offences is wrong ?—Yes, for major offences. Of course the object of a prosecution should not be persecution.

4188. You are averse to prosecuting men for what are trivial offences against special rules ?—I would deal with trivial offences usually by fines.

4189. Do you say that upon sentimental grounds, or are you at all afraid of the frequency of prosecutions reducing their deterrent value, or are you moved by your kindly interest in the men ?—Perhaps by my kindly interest in the men.

4190. With regard to the point as to the fairness of the manager deciding the amount of the fine, is it your experience that the men are treated fairly ?—Yes, fairly, considering the seriousness of some of the offences.

4191. Do you think they get sufficient evidence of the actual offence ?—The fine is generally imposed at the time of the offence, the manager or under-manager will, in a serious case, say to the man, "I will either fine you 2s. 6d. or you will be prosecuted."

4192. Do not you think there ought to be someone else to join in the assessment of the character of the offence and the amount of fine to be imposed ?—I do not see how that could be done. Take, for instance, the offence of negligence or bad timbering on the roof. The fault has to be put right as soon as it is discovered, and before any expert could be available.

4193. When the manager sits in judgment on the man, there is no appeal unless the man can maintain that the fine is unfair and unreasonable ?—I would make that appeal as easy as possible.

4194. Can you suggest how it might be made easier ?—I must leave that to the Committee, but I would make it easy for a workman to appeal if he thought the fine unreasonable. The Inspector of the district could not always be at hand to refer to.

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4195. You have made it clear that the men's leaders, with whom you are, I presume, brought into constant contact, raise, in the main, no objection to the present system of fining in mines ?—No. Although they may sometimes say that a fine is rather heavy, or that it seems arbitrary.

4196. I should like to ask you a question about the charge of 5s. for a copy of the special rules ?—That is not in force now.

4197. I take it that under no circumstances would you think it your duty to prosecute for putting up what appears to me to be an illegal notice ?—I have never been slow in asking the Home Office to allow prosecutions where they seemed justifiable, where there was any serious breach in the law, and the Home Office has never yet refused me such authority.

4198. Have you had any prosecution under the Truck Act ?—Yes, there is the Swadlincote case.

4199. Apart from that, which happens to be the case of a small co-operative society, have you had any prosecutions for truck in your district ?—I do not think I know of one.

By Mr. Delevingne.

4200. On the subject of the system of fining as an alternative to prosecution, which do you think is really the more effective for securing discipline in a mine ?—Prosecution.

4201. Then why is that method not more often resorted to by the mine-owners ?—Partly because a fine only applies to the individual worker, whereas the talk about a prosecution goes all through the district, as it is a public inquiry known and conversed about by other colliers.

4202. Is it not well that that should be so ?—Yes, in serious cases.

4203. I am thinking of breaches of the special and general rules ?—I rather like fines in trivial cases.

4204. Have you instructed or advised owners to resort more frequently to prosecution ?—Yes, in serious cases I have told them emphatically that they must prosecute an offender or that I should report them to the Home Office and possibly prosecute them.

4205. Are prosecutions frequent ?—I regret that they are too frequent. I wish that there were fewer serious offences to justify them.

4206. Have the owners any objection to taking proceedings in the courts against their work people ?—I do not think they much like to do so.

4207. Are prosecutions an inconvenience in taking the responsible officials away from their duties and into a police court to prove the offence ?—Yes, that is a cause of loss and serious inconvenience. The manager and other officials have to go to the court in such cases.

4208. What arrangements are made at the colliery in the absence of these officials ?—Others are appointed temporarily to take their place. If a manager has to go, the under-manager is put in charge, and if the under-manager has to go or both of them, then someone else has to act—perhaps another deputy. I have known cases where the fines are believed to have been paid by the Miners' Association.

4209. Would the Miners' Association defend the case if they thought it a clear breach of the rules ? I mean, do they inquire into these cases before deciding to defend the men ?—I should think so. The local agent of the Association would make inquiries.

4210. The Association does not defend these cases promiscuously ?—I do not know that I can say that, but it does defend some of them.

4211. With regard to the enforcement of the Act of 1896, you told Mrs. Tennant that you thought the proper remedy was for the man to take proceedings in the civil court to recover sums taken from him in unreasonable deductions. You are, of course, aware that the Act provides two remedies: a civil remedy enforced by the workmen and a criminal remedy enforceable by the inspector against the

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owner ?—Yes, but I do not know that I ever heard of more than one case of the criminal remedy being enforced in my district.

4212. The instructions issued by the Home Office to inspectors relating to the Truck Acts set forth on page 3 that not only is it an offence to make any illegal deduction or receive an illegal payment, but also to make any contract for such deduction or payment. Does not that dispose of the case where a charge of 1s. 3d. is made for a copy of the rules ?—I do not think that was a contract, at least, I am not sure that it was.

4213. Then deducting that sum of 1s. 3d. without any contract at all was making an illegal deduction under the Act of 1896 ?—That was my view. I thought it was a case for the workman to recover the money.

4214. I think you have not yet quite realised that there are these two remedies—that the workmen can recover money unreasonably deducted in fines and that the inspector can also prosecute for an offence in that matter under the Act of 1896. In page 4 of the instructions to inspectors it is set forth that inspectors are charged with the duty of seeing that the Truck Acts are not infringed, and that it is desirable that prosecutions for contraventions of these Acts should be instituted by them ?—I may have mistaken my duty, but I did not realise that I had any power in the case quoted. I thought it was the workmen's right to recover.

4215. Did you refer that case of illegal deduction to the Home Office ?—I have not yet done so.

4216. With regard to the case of deductions for dirt on which the owners took legal advice and received the opinion which you quoted, did you refer that case to the Home Office?—That case has only recently occurred. Its history is this. I saw the managing director of the colliery and said to him (before the legal opinion was given), "I do not know whether you are right or wrong, but if you like I will place the matter before the Home Office." He hesitated a bit and then said, "I will call myself at the Home Office." Meantime he took a legal opinion which he forwarded to me and I then let the matter rest until the present moment; but the case has only recently occurred.

4217. Are you not of opinion that the case involves contravention of the weighing provisions of the Coal Mines Acts ? You say there are two separate modes of making deductions for dirt, viz., 1½ or 2 per cent. from every man's wage, and deductions made on the pit bank for stones and bad fillings ?—The legal opinion says this is not a deduction from wages.

4218. Under Section 12 of the Coal Mines Act of 1887 it is provided that deductions may be made in respect of stone or substances other than the mineral contracted to be gotten sent up with the coal. These deductions may be made in one of two ways, either in a special mode to be agreed upon between the owner and the workman or by the employer's agent and the checkweighman. The deductions can only be made in one of two ways. Here you have deductions, first on a fixed scale of 1½ to 2 per cent. and also deductions made at the pit bank for the actual amount, as I understand, of stone or other foreign matter sent up ?—It is the amount agreed upon.

4219. But the deductions are made in two different ways at the same time ?—Yes, they say the man has contracted for the first by what he signs.

4220 A contract cannot make legal what is possibly illegal under Section 12 ?—That was my contention, but the legal opinion appears to be against me.

4221. Are you referring the case to the Home Office ?—Yes, it is coming to the Home Office.

4222. With regard to quarries, do you think that on the whole the discipline in quarries is worse than in mines ?—Yes, I should say so.

4223. Is the supervision as strict ?—No.

4224. Is there usually a manager appointed for a quarry corresponding in any degree to the certificated manager of a coal mine ?—No.

4225. Do you think it would be better for the safety of quarry work if stricter supervision were exercised ?—Yes.

4226. Are the special rules enforced as well as they are in mines ?—No.

4227. It would be a good thing if they were ?—I think it would; but there are many very small quarries.

4228. I suppose the absence of any system of fining is not an indication of the superior management of a quarry, but rather of the general slackness of quarry owners ?—Yes, I think so.

By Mr. Yarrow.

4229. Are the quarries without fines?—I have not heard of fining at quarries.

4230. How is it that in quarries they do not fine and yet they do so in coal mines ?—I do not know, but the risks are different. In collieries there are hundreds of accidents through falls of roof, etc. In quarries they have daylight, whereas in mines the illumination may not be more than a candle light.

4231. I think you said that when you made representations concerning truck to the heads of firms they always fell in with what you wished or suggested ?—I have had no trouble in the few cases which have arisen. They have complied with the Act or would have been reported to the Home Office.

4232. Do you get many complaints from the workmen ?—No, I have not had many; very few under the Truck Acts.

4233. Then it would almost appear as if the thing were working well. Is there any object in making important changes if the thing is working satisfactorily—if there are few complaints and if the employers accept your suggestions ?—Ignorance is bliss. If the workmen came to realise what may be done, there may be more complaints. Suppose you point out to a man that he is paying 7d. for powder whereas he could buy it in a shop for 4d., and if you tell him that he can recover all the extra money he has been paying for years, his eyes would brighten and he would say, "I am going to recover that money."

4234. If he paid less for the powder would not his wages be less in proportion ?—No, I always take it that the charge for powder must be exactly what the owner pays for it, plus any cost in manipulating or storing it. I have known cases where they were given detonators free, or perhaps charged a little more for the explosive on that account.

By the Chairman.

4235. I am sorry to detain you about this matter, but I think the Committee is a little anxious to get at your practice under the Truck Acts—I gather from you that your mind was largely moved by the rubric of Section 3 of the Truck Act of 1896 which speaks of deductions in respect of "materials" ?—Yes.

4236. That was in your mind when you thought that the charge made as the price of the copy of the rules would not fall under Section 3, because it would not be "materials" ?—That is so.

4237. But look at the body of Section 3 apart from the rubric, and you see there is to be no deduction for the use or supply of materials, tools, machines, standing room, light, heat or *other things done or provided.* Is it not quite clear, when you come to consider it, that standing room could not be considered materials, nor could heat ? Is it not quite clear that that word "materials" is greatly added to in the substance of the section ? You could not call standing room "materials" ?—No.

4238. Apart from the short rubric, when you come to the substance of the clause itself, you have a phrase so wide as this, "or any other thing done or provided by the employer" ?—I see that.

4239. I understand that not only were you moved by what you thought to be the restriction of the word material, but you were also of opinion that it was for the workman alone to take his remedy ?—Yes, civil remedy.

4240. By way of getting back the amount that was due to him, I now call your attention to Section 4. Do you observe that there are two things provided by Section 4 ? If any employer enters upon any contract—that is one thing—"or makes any deduction or receives any

payment." You will see quite well that the entering into such a contract, as well as the making of the deduction, makes him guilty of an offence against the Truck Act ?—Yes.

4241. So you see it seems to be an erroneous opinion, does it not, that you could not prosecute for the mere contract ? I think it is now clear to you that under Section 4, as well as under the rules of the service, to which Mr. Delevingne has referred—that you ought to prosecute wherever you find a contract which in your opinion is a violation of the Act of Parliament, apart from its enforcement by actually making the deductions. Are you inclined to take that view, now that it is pointed out to you ?—I think that is the right view ; but I must be sure that there is a contract. In the case named there was no contract.

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4242. But I may take it from you, these things having been pointed out to you, that your practice will be to ask the advice of the Home Office with regard to such matters coming under your notice ?—If I found there was an illegal contract, I should not hesitate to inform the Home Office and ask for instructions.

SEVENTEENTH DAY.

Friday, 20th July, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
J. RAMSAY MACDONALD, Esq., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

The DUCHESS OF SUTHERLAND, was called ; and Examined.

By the Chairman.

4243. There was some evidence recently before this Committee about Shetland and the Harris tweed trade and about the Association with which your name is so well and prominently connected. It occurred to us that it would not be right or proper that we should only hear evidence upon one side with regard to any matter of that kind, so we ordered a communication to be made on the subject to the secretary of your Association, and we are much obliged to you for coming as a witness, as that enables us to get at the whole facts from all sides. You have for some years, I understand, been president and practically ruling spirit of the Scottish Home Industries Association ?—Yes, I suppose so, but I have several helpers on the board.

4244. When did your efforts in that direction begin ?—At the death of the late Lady Rosebery. But the present association was formed ten years ago.

4245. Is the Association a voluntary one ?—Yes, a voluntary organisation.

4246. Has it a manager and secretary ?—Yes, we have a board of which I am a chairman, and also a manager and secretary.

4247. Are these paid officials ?—The secretary has a small salary and the manager has a salary.

4248. Speaking generally, what is the nature of the work of the Association ? Am I right in assuming that your real object is the purely charitable one of being helpful in the development of home industries ?—Yes, our object is to assist the crofters upon business lines but from philanthropic motives.

4249. Without either appearing or intending to impoverish them in the slightest degree ?—I do not think it is possible to impoverish them, poor things, more than they are already.

4250. You go upon the principle of encouraging self-help so far as you can ?—Certainly.

4251. I suppose you take the industries as you find them in the various places. Your main business is, I presume, in Harris, where the tweeds are made, but your operations also extend to Shetland ?—Yes. We work in Harris, Lewis, North and South Uist, and to a small degree in Shetland.

4252. You begin operations, I suppose, by buying from the people ?—The position is this. The crofters are in a state of great poverty. They have no land worth cultivating. The fishing is in a very precarious way owing to the increase of steam trawlers and drifters—therefore, practically, their staple means of livelihood is the making of tweeds and the knitting of stockings. We found that whilst we could help them in philanthropic ways by taking a certain amount of these goods and selling them at bazaars, etc., that was a most unsatisfactory way of really helping them, for the reason that they were selling to merchants who were advancing goods to them at high prices, and thus had them always in their debt. We thought it our duty to go in and help them to come in, in competition with the merchants who were having it all their own way.

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4253. When you refer to the merchants, can you give me any locality to which your remarks specially apply ?—They apply to Tarbert, the capital of Harris ; to Stornoway, the capital of Lewis ; and, in a smaller degree, to Lochmaddy (North Uist) and Loch Boisdale in South Uist. The Highlands and islands are, as you know, divided into townships equivalent to parishes, and in these townships there are some merchants who supply the wants of the people.

4254. Would you kindly describe the lot of these people so far as concerns their home or domestic life. First of all may I assume that you have personally visited these localities ?—Yes, many times.

4255. Have they small patches of land ?—Yes, when they can get them, upon the sides of the hills, but their arable stuff rarely ripens in wet seasons, and they often have to cut it and use it to feed their cow. Nearly all the crofters have hill pasture. The island of Harris produces the best tweeds ; the industry was started there.

4256. Do the people live in small huts ?—Yes In some of the other islands of the Hebrides the houses are a little better, but in Harris they are composed of stones with peat roofs, and often no chimneys, like the cabins in the west of Ireland. We understand that since the increased sales of homespun tweed the homes have improved.

4257. Does the smoke go through the roof of the house ?—Yes, or anywhere else.

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4258. Do the people share the shelter with their cows ? —They have a byre adjoining. They do not sleep in the same room with the pigs, like the Irish, but they run very near to that. The sanitary inspectors have improved matters lately.

4259. The next point is where do they get the materials with which they work ?—They have to get it advanced to them.

4260. Is that where the system begins ?—Yes.

4261. By whom is the advance made ?—By our Association.

4262. What shape do the advances take ?—We advance wool for them to make the tweeds and dyes, and meal for them to eat while they are making the tweeds, and tea for them to drink while they are making the tweeds, and sugar to put into the tea. That is the extent of our advances. Besides this the C. D. B. have assisted our efforts to supply new spinning wheels or looms, dye-pots, and the building of the necessary depots in Obbe, and Loch Boisdale.

4263. Before you interposed with your benevolent undertaking how did these people earn their living ? Did they traffic with the merchants ?—Yes, almost entirely—though a few philanthropic friends, shooting or fishing, bought from them also, and a great deal of interest was excited in their work by the Dowager Lady Dunmore and Mrs. Thomas, now both dead. They did a great deal for the people in the tweed industry, but competition was not so severe in their day. Tweeds have been made on the island for many years. The output has been much increased. We have at least trebled or quadrupled the output by our efforts.

4264. Did the merchants make advances in the same way that you do ?—Yes, I believe so.

4265. Not only the raw material for the industry, but also food for the requirements of the household ?—Yes, I think they advanced everything the people wanted, and the poor people got tied up in their debt. I would not like to make any statement to the prejudice of the merchants, but I assume they made advances at a rather exorbitant rate to these people.

4266. We may have to make inquiries later of those who have had a share in these transactions. You thought, looking to the extreme poverty of the people and to their state of indebtedness, that it would be a very useful exercise of philanthropy to interpose for their help ?—Yes.

4267. You were dealing with people so poor that they could not pay money for the raw material ?—Yes.

4268. And of course they had to subsist whilst the process of manufacture was going on ?—That is so.

4269. At what season would the advances be made ?—All the year round.

4270. How long a period would elapse between the time of advancing the wool and the delivery of the finished product ?—Sometimes six months.

4271. And of course the people had to live during that time ?—Yes.

4272. After advancing the material did you or your association have any superintendence ? Did your manager visit the place ?—They are supervised from the head office, and the local managers live at our depots in the islands.

4273. What is the name of the local manager ?—At Stornoway, Mr. Murdo McLeod, at Tarbert (Harris), Mr. Malcolm McKay ; at Loch Boisdale, Mr. Archibald MacPhee ; and at Lochmaddy, Mr. Dugald Mactavish.

4274. Are they paid officials ?—Yes, they have a salary.

4275. Were they themselves merchants ?—Mr. McKay was a merchant on his own account. He had a small shop. His mother ran it. She is a widow, and we took her son as manager because he knew the people. He is leaving our employment shortly. Mr. McLeod was an independent man from Sutherland. The manager at Lochmaddy and Loch Boisdale have no shop of their own.

4276. Can you tell me anything about the wages the workers get ?—There is no question of wages. We pay them the value of the cloth, giving them as favourable terms as the market allows, sometimes more favourable terms than the market allows.

4277. I understand your anxiety is twofold ? You want to give the public the real article ?—Yes. The factory inspector made some rather astounding statements ; one to the effect that when the material had been teased and prepared, it was spun* in a mill on the main land. The whole object of our association is to prevent recourse to mill spinning, and there is no weaving or spinning mill of any kind on these islands. We especially encourage handspinning and handweaving. Carding is done in small mills—carding is a very laborious process. I believe that some mill spun stuff is sold in Lewis but we can have nothing to do with it, as we know that that sort of thing means the death of the home industry.

4278. So far as the public is concerned, you want the public to have a perfect assurance that they get the real *bona fide* Harris tweed ?—Yes, that is right.

4279. The actual wool from the sheep's back is supplied and is prepared and spun by these people themselves in their humble dwellings ?—Yes, spun and woven.

4280. Have they looms ?—Yes, small hand looms ; single width looms. Almost every cottage in Harris has a loom or wheel and nearly all the women weave or spin.

4281. Having assured the public of a good article, your next object is to secure to the worker a full price ?—Yes, the best price we can give.

4282. Speaking generally, even although it may cost you a little to realise the goods, you give the workers the advantage of the market price of the stuff to the retail dealer ?—To the wholesale dealer. As a matter of fact, we give them rather more than the wholesale dealer gives, and slightly less than we get from the retailer.

4283. The public get as near a guarantee as possible of a good article, and so far as the workers go, you want to give them, if possible, a sum as near to the retail price as you can go with safety, and I suppose that sometimes the wholesale price is such that you have to incur a little loss ?—The prices vary in the commercial market. It is rather a complicated trade. We give the workers really rather more than we get for the goods from the wholesale woollen merchant in the south.

4284. You give them something ranging between a fair wholesale and a fair retail price ?—Yes, that may truly be said.

4285. The balance may represent a small loss to your association, but you are anxious to promote the interests of the workers by giving them as much as possible ?—We refuse to drop below a certain price, even if the cost of wool does vary a little.

4286. How do the prices range ?—For a yard of Harris tweed of single width we pay from 2s. 8d. to 2s. 10d., and 2s. 11d., for very good pieces we sometimes pay a much higher price to encourage first class work.

4287. How would it "pan" out, to use an American expression, in the form of weekly wages ? I mean, how many yards could they make ? But first, let me ask, have you to deduct from the 2s. 8d. the value of the material ?—That is what they get when they bring in the tweed. They have had the wool advanced to them. The 2s. 9d., which we may take as the price paid, means the value of the tweed, and includes price of the wool The rest, of course, represents labour.

4288. What is the value of the wool which you advance to them ?—At present it would average about 10d. per pound. There are two kinds of wool, black-faced and Cheviot ; the latter is the dearer, and we are selling it at 1s. 1d. per lb.; a yard of tweed would weigh about eleven ounces.

4289. Do I understand that there is about one and a half yards in a pound ?—Not exactly ; the crofter gets the wool in a raw state and there is a certain amount of waste in the process of manufacture.

4290. Then can we reckon the proportion at one yard to the pound ?—Yes, practically.

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* *Mr. Newlands, the Factory Inspector, who gave this evidence, has since explained to the Secretary of the Committee that the word "spun" was inserted in the first unrevised proof of his evidence inadvertently instead of the word "carded."*

4291. The yard of tweed produced is purchased at 2s. 9d., but you have to debit the workers with the 1s. 1d. or whatever was the cost of the wool?—Yes, but some of the crofters have a portion of their own wool, and therefore do not incur nearly so high a debt.

4292. So that they get for working alone as high a remuneration as 1s. 8d. per yard?—Yes, speaking roughly.

4293. The workpeople bring in so many yards, and are paid at about 2s. 9d. a yard, but in settling with them you have to take the poundage of wool supplied to them, the cost of which you have been lying out of for a long time, but there is a balance of about 1s. 8d. a yard left which the people get actually for their work?—We don't deduct anything from them; we present them with our bill for the wool, or for other things supplied. It has been said that we kept back the amount from them and gave them only the difference, but our principle is to pay them in full, and I have here cash receipts for some of our payments, which I now produce.

4294. These are the receipts given by the workers?—Yes. Paying them for their work and being ourselves repaid for our advances forms two separate transactions.

4295. Have you anything to indicate the other side of the account; the debit items, so to speak—what you charge?—We can always tell what should be charged for meal or wool or anything advanced.

4296. You supply the workers, not only with the materials for their work, but also with food?—Not all their food, only the absolute necessaries.

4297. What arrangement is made with regard to the price at which the material is supplied? Do you make any profit upon it?—Yes, we do. We must make a small profit or we should be at once in a bankrupt condition. Our average charge in excess of cost is, I believe, 12½ per cent. on meal and I believe also on wool. We want to conduct the thing as a business, and if we did not conduct it on business lines the whole movement might break down.

4298. So that you do sell to these people certain wool, making an overhead profit of from 10 to 12½ per cent.?—Yes, gross.

4299. By gross profit, do I understand you to mean that that is just a difference between what you pay and what you get?—Yes.

4300. Out of the 10 to 12½ per cent. you have to run the Association with all its incidental expenses?—Yes, that represents establishment charges.

4301. So that if you were an ordinary commercial concern at the end of the year you would probably find that the profit of from 10 to 12½ per cent. was fully accounted for by the necessary expenses of the Association?—Yes. I hand in our annual report (*handed in*). I should like to remark that we could not possibly pay for all our establishment charges out of the 12½ per cent. if it were not for profits upon big sales of the tweeds, etc., which we have at Stafford House and at large cities in England and Scotland, where we charge a rather high price by retail. Indeed our wholesale customers would not let us do otherwise; if we did not charge a much higher price retail they would refuse to buy from us.

4302. If you enter the wholesale market as an ordinary trader you are met with impediments?—Yes, we are. It is a very difficult trade to keep alive. There are mills making tweeds like ours at a low price—rather shoddy stuff—and I have to use every effort to keep advertising our own industry.

4303. Can you enlighten us as to the profits made by your exhibitions and sales, or would you rather not go into that?—I should like to say that, owing to our advances to these poor people, we are continually incurring bad debts. The people are bound to us in no way whatever. If they are persuaded by merchants, they are perfectly free to take to the merchant the tweeds made with our wool. They come to us for our wool because it is good and cheap. We make no terms with them. They also get our meal, our sugar and our tea, so we have always a floating debt, and the result is that we have had to establish a crofters' reserve fund to preserve us from loss and to assist us with a sick fund for workers. We pay no dividends whatever. I raised the capital of £10,000 amongst my friends ten years ago, and they do not press me for dividends, so long as it is doing good amongst these poor people.

4304. The people are absolutely free even after getting the wool advanced?—Yes, I am sorry to say that we do not get our tweed in for a long time afterwards—in some cases never. I think a great many of these people are quite honest, but some of them are persuaded to be a little dishonest; and one great drawback is when philanthropic people come along and buy tweeds made with our wool. They do not realise the complicated position at all.

4305. You have now told us about one side of the account, the cloth and the material; are these workers free to buy the tea and sugar and anything of that sort where they like?—If they do not choose to deal with us they are free to go wherever they like.

4306. Suppose you have supplied to A. B., an old crofter, so many pounds of wool, is she free, while she is making that wool—if she is able to do so—to buy her tea and sugar from anybody she likes?—Of course she is. It is entirely a question of honesty and trust. She is not bound in any way to us.

4307. If your prices are not satisfactory she may go where she can to get the goods cheaper?—Yes, but that never really happens. We have as many workers as we can accept. They all like to come to us.

4308. On account of your easier terms?—Yes, because in every way we are more helpful to them.

4309. Take the case of tea—what do you sell it to them at?—Tea at 1s. 6d. we sell at 1s. 10d., and tea at 1s. 8d. per pound we sell at 2s.

4310. May I interpolate this into your evidence, that the difference is just that percentage out of which your general or cost charges are defrayed?—Yes.

4311. You make no trading profit apart from what would be enough to cover the management charges?—We made a loss last year on two of our depots.

4312. Can you tell us what are the ordinary prices elsewhere?—I do not feel competent to tell you what the merchants' charges are, but I think there must be a considerable difference, because the people are always anxious to work for us although we can only take on a certain number.

4313. Do I understand that when the people bring in their manufactured tweed they are not only free to get money but do actually get money, and that what they buy is an ordinary mercantile transaction?—Yes. But we will not supply them with further wool until they pay up their original debt.

4314. Do they require cash advances during the six months or such period as they are occupied in making the tweed?—Yes, they sometimes get cash advances, as they have to pay out money in connection with weaving given out perhaps to other members of the family.

4315. Am I right in this conclusion that so far as these workers are concerned you give them for their work a little above the ordinary market rate to the best of your judgment?—I am sure we do.

4316. And so far as concerns the necessaries supplied to them by you, that is a totally separate account?—Absolutely.

4317. They are free to go where they like for these things, and are in no way bound to your Association?—In no way except by honour.

4318. If they bought their tea or sugar or other supplies elsewhere, they would in no way be penalised, and you would still take their work and pay them for it?—We cannot keep them going the whole time with supplies and they are obliged to go to other people also.

4319. When they come at the end of the six months with so many yards of Harris tweeds they get their money from you for the tweed, and are in no way bound to buy or pay for their tea and sugar, etc.?—They are not bound; they are not even bound to pay their debts, but when a Highlander signs a receipt he usually feels constrained to pay up his debt. We have no actual hold on them.

4320. I suppose that neither you nor your association have any sympathy with a system under which crofters

would be bound to take their supplies from persons for whom they work?—I deplore the whole system from beginning to end. If it were not for their extreme poverty and their debts to the merchant I would like to work upon an entirely different system, as we do in Sutherland, where the people are rather better off, and where we simply buy their tweeds for cash only. We have never found it necessary to make advances in any other part of Scotland save in the poverty stricken Islands of the outer Hebrides.

4321. Why do you think it a bad system?—It is bad that they should be so constantly in debt. It is demoralising. Their great poverty depresses them; but I should say that some of the merchants are extremely kind; and although I do not approve of their system I ought to say I have heard that in cases of sickness they give advances, and that at such times some of the crofters could hardly live if it were not for such kindness.

4322. So far as your association is concerned, might it not rather strengthen than impede your efforts if it was made impossible to pursue the system which is known as truck?—I think special conditions should be considered for these poor workers.

4323. Assuming that the merchants are contravening the law and that the law was made strong enough to reach them, if they attempted to compel these people to take goods instead of money, would you not naturally sympathise with such a change?—Entirely, in one sense; but the merchants, it must be remembered, have no more hold on these poor people than we have, and as they must make some profit I assume their charges must sometimes be excessive.

4324. The result is to make the workers completely dependent upon the merchant?—Absolutely and entirely dependent. They have no alternative on the island.

4325. Although the merchants individually may be excellent and indeed benevolent men, the system lends itself, does it not, to that kind of complete dependence which works out into something almost like serfdom?—I am afraid it does.

4326. I see that in February, 1905, there was issued by your secretary, Mr. Cates, a circular of instructions to the managers of your depôts, as follows:—(1) "You will avoid giving credit to any particular crofter beyond the sum of £3. (2) Where the tweed is brought in and offered to you by the crofter to purchase you will, after agreeing the price with him, hand to him a statement showing the number of yards purchased, the price per yard, and the total sum due to the crofter. This amount you will hand to him either in cash or by cheque upon the local bank, and you will take his receipt on the invoice for the amount. Under no circumstances, except where the tweed purchased exceeds £5 in value, will you deduct from the amount payable to the crofter anything whatever in respect of a debt which may be due by the crofter to the association. (3) Where the purchase of the tweed is completed and the crofter has received payment and has handed you the receipted account, you will then present to him his account for goods supplied, and if the amount is not paid by the crofter you will refuse to give him any further supplies until his debt is discharged. (4) When presenting your account to the association for the tweed purchased you will send with it the crofter's receipts for the amounts paid to them." I gather that the second head was put in advisedly in order to give these poor people a sense of complete independence in their dealings with you?—That was the idea. Before we issued this we thought that some of our managers, in order to save trouble, were disposed, in paying for the tweeds, to deduct what was owing to us; but rather than have anything of that sort we pay the money in full, and the people can go out of the shop without paying their debts.

4327. And now I may call your attention to the evidence which was the occasion of our communicating with your association. We had Mr. Newlands, one of the Factory Inspectors of the Home Office, before our Committee, and passages of his evidence have been, I think, communicated to you?—I have them here.

4328. Turning to questions 3450 to 3453 in the print, the witness referred to said he was aware of the services of the Duchess of Sutherland in connection with some of these industries, and that she sometimes bought shawls through merchants in Shetland?—Yes, we buy shawls and other things.

4329. Is that done through the merchants?—We buy from private individuals. We buy shawls direct from the workers. We have no depôt in Shetland; and we advance no goods to anyone there, but buy direct.

4330. You do not buy shawls through the merchants?—We never buy through the merchants, but we buy from certain women. I am not in a position to say, however, how far these people are in touch with the merchants. We have no hold on these workers. I should judge from the prices that the workers do not buy from the merchants to sell to us. We conclude that they make the goods themselves.

4331. Referring to questions Nos. 3521 onwards, the witness to whom I have referred said there are association depôts in Harris and Lewis, but that there is no depôt in Shetland, and that he thinks you buy there from a certain firm?—To my knowledge we have never dealt with that firm.

4332. I asked the witness, as you will observe from the print, if he knew whether any steps had been taken to inform the Duchess of Sutherland that the merchants with whom she was said to be dealing were breaking the law, but I gather that in point of fact you deal with no merchants with regard to these shawls?—No.

4333. Referring to question 3525, the witness said he believed the Duchess was communicated with in Harris, but he could not make a definite statement to that effect. But I understand the object of your association is to have no truck of any kind or description?—Our desire is not to have truck; at the same time I bow to the judgment of the Committee as to whether any of our transactions can properly be so described. Personally I deny that it is truck. When we make advances to the people we do so to keep them from starvation, and we pay them in cash for their goods.

4334. Mr. Newlands, the witness in question, said he thought it would be outside the scope of his business to draw your attention to the statements made, but he says that almost the entire quantity, or at least 50 per cent., of the tweed in Harris is bought by truck?—The facts are exactly as I stated them. I never read such evidence in relation to our Association. It shows absolute ignorance of the real condition of affairs.

4335. Instead of tweed being bought by truck, it seems to me pretty clear that truck is a thing you detest, and that you do your best to see that it does not come into your transactions?—We do our best in every possible way to prevent that.

4336. So far as you are concerned, if the general law could be made stronger in order to give these people more complete independence of the local merchants, your association would not deprecate that, but would rather welcome it?—I should like to see first what you propose to do. I should certainly not like the conditions to be made harder for the poor people living there. They are already in such a state of poverty that the peasants in Ireland are not in a worse condition. If somebody would give a million of money to clear them of all their debts and enable them to start afresh it might be very different.

4337. Perhaps you would glance at the evidence of Mr. Newlands and give me in your own words any further comments that suggest themselves to you?—I notice that in reply to Question 3531 the witness speaks about my having been written to unofficially. I think I know to what Mr. Newlands refers there. I think he alludes to a letter written to our committee concerning a frivolous case brought up by a police officer against our association. There was a woman who brought to our manager at Loch Maddy some tweed, but it was faulty and short in length and he refused to take it at full price. She told the police officer, and a letter was written under the impression that we had acted unfairly. We had offered to take the tweed at a reduced rate, and we got a letter suggesting that this was illegal, and that we ought to pay her the full money. We got Mr. Fleming, K.C., to look into the whole matter, and he told us it was a most frivolous case. But, in order to make matters easier for our association in future, and to free us from any such troubles, a circular of instructions was prepared

for our managers, dated February, 1905, which has already been read. No private letter was written to me to the best of my belief.

4338. If you turn to Question 3537, you will find Mrs. Tennant asked the witness whether the exact and peculiarly disagreeable nature of the truck had been brought to the notice of the Scottish Home Industries Association —referring to a suggestion that the workers receive only 77 per cent. of the value of their work ?—I do not quite know what is meant there, beyond the fact that we must charge 12½ per cent. on goods supplied. An extraordinary statement is made in Mr. Newlands' evidence, viz. : "They also reduce on giving cash, or did at the time of my visit—I cannot say what is done now : they certainly did make a deduction or a charge for exchange or commission, whichever you like to call it."

4339. Is that true ?—It is an absolutely false statement. We never deduct anything beyond the gross charge of 12½ per cent. as I have already explained to the Committee. If it is any satisfaction to the Committee, our books are open to your inspection, although we are a private company, and we should welcome a visit from any independent witness. When we charge the crofters 12½ per cent. on the actual invoiced price they really get the goods at practically the same price as though they bought them from a wholesale place in Glasgow. We buy the best oatmeal in large quantities on advantageous terms. It can be shown that we save the crofter 4s. 6d. upon each sack as compared with the same meal which he could buy in Glasgow, and as we only charge an average profit on it of 12½ per cent. that leaves a difference of no more than 6d. to our credit as compared with the price of Glasgow wholesale houses.

4340. What is the local merchant's price ?—It might be anything. When the association first went there the prices charged were often exorbitant.

4341. If these poor people bought their meal otherwise than from you, would the price they would have to pay be larger than the price they have to pay to you for it ?—I am sure of it. We give the workers very good quality, and we pay the carriage. Perhaps I may be allowed to read you an extract from a letter received by our manager from Stornoway—one of many grateful testimonials to our work. The writer says—"I mean to write an article publicly acknowledging the great benefits your industry has brought to the homes and hearths of the distressed Celtic population of the Highlands and Islands. I know for a fact that many families would be on the verge of famine all the year round, year by year, were it not for the timely aid sent them in meal and other good things.' I also hand in to the chairman a similar letter from the Rev. Mr. Morrison, of the United Free Church, Beruera, who is unhappy because we have had to check the supplies of wool. Perhaps I may now be allowed to refer to Question No. 3595, in which Mr. Newlands states his belief that after the expense of working is deducted and after paying a dividend the surplus goes in some way to benefit the worker. The fact is that none of our shareholders have ever had a penny of dividend. The directors, too, are entirely voluntary and do not even receive their travelling expenses. Our association is a paying concern at this moment, but we have to exert every effort to advertise and maintain the work. There is not a word of truth in the statement about dividends, or about our buying tweeds made in mills ; we fight against that. The tweeds taken by our association are made with hand looms in the cottages. I am now referring to Questions 3592 to 3600.

By Mr. Maddison.

4342. You told us what was the nett price paid per yard for labour, but I did not gather that you told us what would be about the average wage that these workers would earn ?—We can scarcely reckon it in weekly wages as these people do not do this work continuously and they do other work. We pay about 2s. 9d. per yard for the tweed, whereas in Ireland 1s. 1d. to 1s. 4d. per yard is paid for similar work, so the Scotch crofter gets the difference in labour alone. Our wool is usualy of a better quality than what is used in Donegal.

4343. How many yards could a worker produce in a week ?—There are about forty yards to a web and that might take six months to make.

4344. I understand that the 12½ per cent. profit charged by you upon goods supplied includes establishment charges. Do these charges mean the entire running of your association as a propagandist body ?—That only covers the depot and management charges.

By the Chairman.

4345. You mean that that charge covers only the business side of your association ?—Purely the business part of it. Such a thing must be run on business lines. All our propagandist work is purely voluntary.

By Mr. Maddison.

4346. Can you at all compare the ordinary price and your average price per sack of good oatmeal ?—Our price would be 35s., its fluctuates according to the season.

4347. Although the working crofters are not compelled to take their tea, sugar and meal from your association, are they, as a matter of practice, expected to do so ?—Those who deal with us usually take all they can get from us.

4348. Suppose a crofter did not do that, would that fact in any way alter your relations with such crofter ? —If they do not want tea or sugar they need not take them ; but if we made a habit of buying tweed from others than our own customers, we might be buying goods made from wool supplied on credit by some merchant.

4349. What would your Grace expect these poor workers to do with regard to food, such as tea and meal ? —They are absolutely free. Our orders have been that the supplies should as far as possible be kept down. We must be cautious about the increase of our floating debt.

4350. When these people take your wool, do you expect them also to take their meal, tea, etc., from your association ?—No, we expect nothing, but as a matter of fact they nearly always do so. They look upon it as a matter of course ; but we often advance wool without advancing food.

4351. If a crofter who actually takes your wool, chooses to deal with some shopkeeper for tea, meal, etc., would you as a matter of practice regard that as an unfriendly act ?—They clamour more for our supplies, than we to supply them.

By Mr. Delevingne.

4352. Suppose a worker brings in a piece of cloth and sells it to you for cash and you hand him the cash over the counter, he would as a matter of fact lay it out at your depôt ?—Not necessarily. We do not expect him to do so. When the steamer comes in there is so great a rush to the meal store to get a supply, so eager are they not to be left out that they sometimes break the windows. They also get the wool advanced. After a month or two or perhaps much longer they bring in their tweed and receive cash for it, and they may pay us what they owe for our loans.

4353. As a matter of fact, is there usually little cash to be handed over ?—Nearly in every instance there is a cash balance.

4354. If the worker has a certain balance left, you do not expect him to lay it out at your depot ?—No.

4355. In making a choice as to the advances, you do not give a preference to those who spend their money at your depôt ?—No. We often have not the stuff at the depôt to sell. Directly the store comes in, the people rush to get it advanced to them, and we may have none left in stock. We have a floating debt of about £3,000 owing to our loans. We have a reserve fund of about £3,500. These debts will give you an idea of the poverty of the people, and the number of them requiring help.

4356. Is there anything in the Act which leads you to fix the limit of advances at £3 ?—No, this clause has nothing whatever to do with the Act, it is put in our instructions merely to limit our supplies to the individual worker.

4357. With regard to the tea at 1s. 6d. per lb. Was that the wholesale price to you ?—Yes ; these people will not drink bad tea.

The Duchess of Sutherland.

20 July 1906.

By Mr. Yarrow.

4358. I take it that your real object is to benefit the crofters by encouraging their industry on business lines, so that they may be in a position to help themselves?—Yes, that is so.

4359. I gather that the work of your association would probably result in a loss if it were not for your efforts with private customers and exhibitions and sales and the like to sell a portion of their goods at a higher price?—I am afraid that is true.

Mr. G. W. CROMWELL, was called; and Examined.

Mr. G. W. Cromwell.

20 July 1906.

By the Chairman.

4360. You are manager for the Scottish Home Industries Association?—Yes.

4361. You have heard the whole of the evidence given by the Duchess of Sutherland and can confirm it?—Yes, most of it comes within my own personal experience, and I can confirm all that Her Grace has said.

EIGHTEENTH DAY.

Thursday, 26th July, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

F. CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

Mr. PETER WARD, Dunkineely, County Donegal, was called; and Examined.

Mr. P. Ward.

26 July 1906.

By the Chairman.

4362. What is your age?—I am forty-eight years old.

4363. Is Dunkineely a property that you own?—No, it is a small town of about 300 inhabitants.

4364. In what division of Donegal is it situated?—It is in the centre of south Donegal.

4365. What is your line of business?—I am in the drapery business and am also in the wine and spirit trade.

4366. Have you dealings with the people of south Donegal?—Yes.

4367. To what class do the population belong?—Generally small farmers and fishermen's families. We live along the sea-shore.

4368. Are you agent for any manufacturers?—Yes, I act as agent for six manufacturers.

4369. What are these firms?—They are all linen merchants.

4370. What is the arrangement between these firms as your principals and you as their agent?—The arrangement is that the agent is paid 10 per cent. commission upon cash paid out to the sewers.

4371. Who are the sewers?—The spriggers or workers. The agent has to pay carriage on the goods coming to him, which really means something like 2½ per cent.

4372. How is the amount fixed that is paid to the spriggers or sewers?—We generally make a return of the goods sewn every week. And at the end of the month we send a regular business invoice showing the quantities and the amounts.

4373. But I fear you have not quite understood my question. What I wanted to ask you is, who settles the amount that is paid to the spriggers?—The firms for whom I act, in sending goods to the agents, send an invoice along with each bag of goods, and they fix the price to be paid to the workers.

4374. So that you have nothing to do with fixing the price?—Nothing whatever.

4375 That is fixed in Belfast and the other big towns where the principals are?—Yes.

4376. Can you tell me anything as to the value of the goods?—I can scarcely do that with authority. We have nothing to do with the value, but I have samples here (*sample produced*). I produce first a yard square of union. It is a tea-cloth and is stamped in blue with a pattern—the workers get 2½d. for sewing the whole of that pattern. I have nothing to do with fixing that amount—that is done by the merchant.

4377. Is the work done by hand?—Yes.

4378. How long does it take?—I would calculate that in that particular pattern an ordinary sewer would make only about one and a half in a day, but an expert might make two.

4379. So that what would be earned by the worker would be at the rate of 4d. a day?—Yes, and a good worker, 5d.

4380. Have you any doubt that that is what might be described as bad wages?—It is. We often return large quantities which we cannot get sewn in the district, the prices that are offered being so small.

4381. When the merchant takes them back, does he send them to other districts?—Yes, the merchants may try to do so, or leave them over till next season.

4382. How many hours would a sewer have to work before she could complete a job of this kind according to the pattern?—Perhaps four hours.

4383. For that she would get 2½d.?—Yes.

4384. Do you not think that payment at the rate of a shade over ½d. an hour is very bad?—Yes.

4385. Can you show the Committee another example where the work is actually finished?—Yes. (*Sample produced.*)

4386. Has this been done according to contract ?—Yes.

4387. For you ?—Yes.

4388. Was this supplied to you stamped by the Belfast firm ?—Yes.

4389. What was the rate they stipulated for ?—8s. per dozen.

4390. That means 8d. for all the work upon that sample ?—Yes. It is elaborate and beautiful work.

4391. All done by hand ?—Yes.

4392. How long would it take a worker to do that ?—An expert would make about one and a half in a day.

4393. And the ordinary worker ?—Would perhaps only make one.

4394. That means 8d. for all that work ?—Yes.

4395. How many hours would she have to work before she earned that 8d. ?—Probably six hours. They rarely work more than six hours at a time.

4396. The workers are of course in very humble circumstances ?—Yes, usually the daughters of small farmers or fishermen or labourers.

4397. Is this what you would call the average rate of pay ?—I would call 1s. per day comparatively good—it would mean 6s. to 8s. a week.

4398. The shilling per day is calulated on the assumption that one and a half pieces are worked by a very expert worker, but I understand that the ordinary worker of that class would probably be able to earn only 8d. for a day of six hours at this work ?—Yes.

4399. Do you think that good pay ?—No.

4400. Can you get a supply of workers at that rate ?—Yes. They have no other employment. What can they do ? We have no other industry, and a large quantity of this work is done. We have sometimes hurried work to supply special orders which must be completed within a certain limited time, in which case we may have to pay 10d. for one of these things made in a day of perhaps eight hours, but two may be made within a day under exceptional circumstances.

4401. That would be 1s. 8d. for the day ?—Yes.

4402. That is apparently a good deal above the average wage for that class of population ?—Yes About double the average wage. I would only give that hurried work to good hands whom we can depend upon to do it in time.

4403. All this work is done by out-workers by hand in their own homes ?—Yes.

4404. When these people get stuff out, do they sometimes take a week or it may be more before they return it ?—Yes, but we generally limit them—we tell them when we expect it to be returned.

4405. When they bring the goods back, what happens ?—Either my assistant or myself examines the goods to see that they are right according to pattern, and then we pay them cash for the work.

4406. If it is not done according to pattern and if there is any flaw in the work, what happens ?—For my own part during the last ten years I have not stuck a fine on anyone. I have followed a system of my own, and give no work to any worker whom I find does not work well, although sometimes I would give them a chance to improve and do better.

4407. Do you find that your work even among that class is well conducted without fines ?—Yes. That is my experience. I may have half-a-dozen bad workers—I know that some other agents do fine them and cannot very well help it.

4408. But you can help it ?—Yes, by cutting off the bad worker.

4409. When they get their money from you do they deal with it at your shop ?—Sometimes they buy some goods.

4410. What kind of goods ?—Generally drapery—I pay cash myself in all instances. I have held from the beginning that workers should be paid in cash, and I tried to impress upon all the workers that they are entitled to money.

4411. Do you sell food at your establishment ?—No, nothing but drapery—the spirits are sold at a separate place.

4412. Do any of the agents in your village or near it sell food ?—Yes. But so far as I know they all pay cash for work done.

Mr. P. Ward.

26 July 1906

4413. When did they start that ?—Within the last six or seven years—the workers themselves know their rights now better than they used to do. There was a prosecution some years ago and someone was fined for giving tickets to sewers in order that they might get goods. I think that case had a good effect on the agents.

4414. Do you entirely disapprove of payment in goods ?—Yes. I think the workers are entitled to cash payment.

4415. So that really you cannot testify at all from personal experience as to payment in goods ?—No. Of course there are many sprigging agents who give out work in the different towns and who have no shop.

4416. Have you yourself had any experience of payment in goods ?—No, I don't know of any one who pays in goods now.

4417. Do you think that system was stopped about six years ago ?—Yes. I believe it is practically dead in Donegal.

4418. Is your evidence confined to South Donegal ?—Yes, the embroidery trade is virtually confined to South Donegal.

4419. Your personal experience is confined to the linen industry and to sprigging ?—Yes. I don't know anything about the knitting.

4420. Are the workers female workers ?—Yes.

4421. Do you happen to know about West Donegal ?—That is where the knitting is principally done. I am afraid you would have to summon a witness connected with the trade there to tell you about it.

4422. We had some elaborate evidence here from one of the inspectors who described the cottage industries in county Donegal and especially the woollen industries, but I understand you are not able to contradict that evidence ?—No I explained to the secretary of the Committee that I could not speak personally as to the knitting, because I only knew of it by report.

4423. You wrote a letter on June 23rd to the "Tribune" and you made a challenge against Miss Squire, but I now understand that so far as Miss Squire's evidence dealt with the knitting industry in West Donegal you are not able to contradict it at all ?—No.

4424. And if your letter has been read as a contradiction of Miss Squire upon this particular, that is a mistake ?—Yes. The extract I saw from her evidence refers to the cottage industries generally in Donegal, and I contradicted it so far as the sprigging and embroidery industries were concerned, stating that they were really paid in cash.

4425. You said that Miss Squire made sweeping charges in connection with the working of the cottage home industries ?—Yes.

4426. Suppose these charges refer to the woollen industry and to the knitters in whose homes she has been, you would have nothing to say against it ?—I withdraw my contradiction upon that part of the case.

4427. That is a fair way to put it. I gather from your evidence that if these poor people are paid in goods, you would be wholly against that system ?—Decidedly. I am and have been all my life against it.

4428. Do you think it is very harmful to the workers ?—I believe it is.

4429. Does it encourage them to get into debt ?—It is liable to do so—it leaves them entirely in the hands of the agent, who can induce them to take work not so well paid, because they are in his books. I have known cases where agents have kept their well-paid work for sewers who deal with them. The system is apt to make them partial.

4430. What part of the country do you refer to ?—In nearly all the towns they did that some years ago, but it is not so much the case now. During the last few years work has been plentiful, and an agent has not the same power to confine his work

4431. You are again referring to your own experience in South Donegal ?—Yes.

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4432. Suppose the practice exists to this day of knitters bringing their wool back worked, and being paid for their work in goods; I gather that you would condemn such a system?—Emphatically I would.

4433. What do you mean by this passage in your letter, "I challenge Miss Squire to name five out of all the hundreds of agents who do not pay cash to workers"?—I meant sprigging agents.

4434. And in South Donegal?—Yes. Perhaps I did not put it quite plain enough; Irishmen sometimes do things quick.

4435. You understand that when your letter appeared in the press, we thought it right to give you an opportunity of making an explanation?—I had no idea it would come before the Committee.

4436. We are glad to hear what you have got to say?—Perhaps I should apologise for making so strong a statement against Miss Squire's statement. I only meant the sprigging; I cannot speak for the knitting.

4437. You add in your letter that even if there exists such an unworthy agent, the worker has her remedy. What do you mean by that?—Take the case of a town with six agents; if one has a grocer's shop, and insists upon the workers buying goods from him, they can go to any of the other five agents, whose work is plentiful and equally good.

4438. That still applies to the sprigging of linen and to South Donegal?—Yes.

4439. Probably you are not able to tell me, as you do not sell food-stuffs yourself, whether the goods of that kind bought from agents by workers are purchased at current market rate?—Every inquiry I have made amongst sprigging agents in the last few years would seem to show that they pay current coin for their work. If the workers buy stores from them in return, I think they get them at the current price.

4440. Can you tell us anything about the knitting industry, more paticularly in West Donegal?—No, I cannot speak as to that. I was in that business for some years, but after the introduction of machines, I gave up that work.

4441. I suppose your general view is that it would tend to improve the condition of the people, and to better their sense of independence if they always had a right to their wages in money?—I think so.

By Mrs. Tennant.

4442. You have just told us of the impression resulting in your mind from certain inquiries, and you added, "so far as you have been able to ascertain." Where and when did you begin to inquire into the practices referred to?—My attention was first drawn to the matter by the prosecution by the lady inspector some years ago. At that time I had no idea that there was such a system.

4443. Of which prosecution are you speaking?—The one at Ardara, where there was a fine in the local court for not paying wages in cash. The agent there insisted on giving a ticket which the workers had to take to another counter for the purpose of buying goods. After that I commenced to inquire, and ever since that I have been preaching to the workers that they are entitled to get cash for their work as a matter of justice.

4444. Then you found it necessary to preach to the workers that they were entitled to get cash for their work?—Yes. Work was then not so plentiful as it is now, and sometimes there was an interval of perhaps weeks when an agent had nothing to give out. I have told the sewers publicly and privately that they are entitled to get paid in cash.

4445. Over what period did your inquiries extend?—For the past six or seven years.

4446. Are you still inquiring?—Yes. The agents all say they pay cash.

4447. But during that time, or some of that time, you found it necessary to preach to the workers that they were entitled to cash payment?—Yes, because it was rumoured that some of the shops did not pay them in cash.

4448. If the system was to pay in cash, when you preached to them on that subject, did they tell you that the sermon was unnecessary, as they were already receiving their wages in cash?—They said that they were all receiving their wages in cash recently.

4449. What do you mean by "recently"?—Within the last five or six years. I did not hear of any single case where an agent refused to pay in cash.

4450. Would you date the improvement in that respect from Miss Squire's prosecution?—Yes, I think so, mainly I think that was the first thing which publicly drew the attention of the workers to their rights, and agents saw that they had to pay in cash.

4451. Then you would consider that the prosecution was necessary and useful?—I did not then know that the system had been at all general. I knew that some of the agents paid in cash, and I was not aware of any agents who would be so unscrupulous to the workers as to follow a different system.

4452. Then really your letter, and your inquiries may be taken as a justification of the prosecution?—I think it was quite justified.

4453. What is the area of your inquiry?—South Donegal.

4454. The whole of South Donegal?—A third of the whole county.

4455. Did you visit the towns yourself?—In some cases. I know the people personally, and I wrote to several of the reliable agents who could give me information, and their reply was that so far as they could ascertain cash had been paid in recent years to all workers.

4456. Did all the replies come to the same conclusion?—Yes, so far as these people could ascertain.

4457. Since the prosecution, the practice has been abandoned?—Yes.

4458. That was the purpose of the prosecution?—I believe it helped, but another cause, as I have explained, is that work is now more plentiful, and unless the agents pay cash, they will not get the work done.

4459. You say "now," but Miss Squire's reference was not to "now" and your inquiries have extended over five or six years?—Yes. The work is more plentiful, and has been so during the past two years.

4460. But surely there have been complaints within three or four years that the work was not so plentiful?—Not within the last three years.

4461. What district do you speak of?—South Donegal.

4462. Have you brought for the information of this Committee any of the replies you received from the agents of whom you inquired?—No, but the inquiries had all the same result.

4463. Did it not occur to you in writing your letter to the Press to refer to the fact that there had been a prosecution at Ardara?—No, that is many years ago.

4464. It was within your knowledge at the time you wrote the letter?—Yes. At that time, there were some comments in the papers, and I then contradicted the statement that the practice was general. I declared at the time that that was an isolated case.

4465. If it was an isolated case, why did you find it necessary to preach to the workers as to their right to be paid in cash?—I showed them what many of them did not know before.

4466. But if they were receiving their rights without that knowledge, was it not just as well as if they had the knowledge, without any need to preach to them?—A prosecution in a small country place is talked about over the district, and I declared that all workers were entitled to cash.

4467. If the prosecution in question referred to a practice in an isolated case, surely it was unnecessary to help the people to realise their rights if they were already in the enjoyment of those rights?—It does not look as if the practice was at all general, as there was only one prosecution. The lady inspectors could have taken other prosecutions if the practice was other than isolated.

4468. That was for the lady inspectors to decide, and perhaps they had excellent reasons for not proceeding against the other persons. You have informed the Committee that you preached to the workers as to their

rights, that they were already in the enjoyment of those rights, and that the prosecution for denial of those rights was merely an isolated case ?—There might have been some small agents perhaps who did not pay cash, but, even before that case arose, I always told the workers that they were entitled to cash.

4469. Your published letter did not concern itself alone with your opinion, or perhaps not at all with your opinion, but with the facts, is not that so ?—My letter was written hurriedly, and did not go into particulars ; it referred to embroidery agents as a whole.

4470. May I read a passage from your letter, namely, " As an agent for the past twenty-five years, and having a thorough knowledge of the business, I assert that all embroidery agents in South Donegal pay their workers in cash." I think that assertion, together with the period of which you claim knowledge, would lead people reading your letter to assume that during the twenty-five years to which your letter referred, payment was made in cash ?—I should say that payment as a whole is made in cash in connection with the sprigging trade, but there might be isolated cases to the contrary. I believe that the vast majority of agents pay cash ; I declared that and I say so still.

4471. In your letter you do not say the vast majority, but you say " all " ?—I would probably qualify that if I had to write it again. Agents who do not pay cash might not get their work done, and the workers are now better educated in a knowledge of their rights, and would not be foolish enough to sew for agents who do not pay cash. The prosecution no doubt did good by calling attention to the matter.

By Mr. Cawley.

4472. Do you give the material out to the workers ready stamped with the pattern ?—Yes.

4473. Do you supply cotton for the sewing ?—Yes.

4474. But not needles ?—No, the workers have to find their needles and thimbles.

By Mr. Delevingne.

4475. Is Ardara in South Donegal ?—It is on the borders, half in West Donegal.

4476. We have had evidence from one of the lady inspectors who spent some months there, and she told us that every afternoon she visited these outworkers, about fifty in number, and found that payment in the form of goods was part of a general system there ; that the truckmasters, or shopkeepers, maintained the system ; that it existed in several places that were mentioned, including Ardara, Killibegs, Glencolomb Kill, etc. She referred to what she called the gombeen men. How do her statements fit in with your evidence that the case of Boyle who was prosecuted was an isolated one ?—That was, I think, some eight or nine years ago. I admit that there might have been some isolated cases at that time, but there has been very little of it.

4477. Do you contradict the evidence that at that time there was a general system of truck at Ardara ?—I would not say a general system.

4478. The evidence referred to fifty cases of these outworkers who informed the lady inspector that there was a general system of paying in goods ?—It is the first time that I have heard of any such number.

4479. Do you know the place well, and the local agents ?—Yes ; it is only nine miles from me.

4480. How many agents are there there ?—Six or seven.

4481. Would you say that the other agents have always paid in cash ?—I made inquiries at the time of the prosecution and contradicted the statement that the system was general. I denied that the agents were so unscrupulous as not to pay their workers in cash. Mrs. Boyle was the only one who adopted that system.

4482. What is meant by the term " gombeen " man ?—He is a man who sells goods at an exorbitant price upon credit, or charges an exorbitant rate of interest on cash lent.

4483. Are there gombeen men at Ardara ?—I do not think the word should be used in connection with out-industry. It was generally looked upon as applying to meal merchants and to money men.

4484. Did they advance money to the peasants ?—They did, but I am glad to say that system is now done.

4485. If he carries on a shop, he cannot well charge more for his goods than the local current price ?—The system prevailed rather at a time when shops were fewer, and when a man with cash got most of the trade into his hands, and by giving long credit when he sold his goods, charged perhaps 50 per cent. more than the regular retail price.

4486. Did the gombeen men give out work ?—They never belonged to our class.

4487. The gombeen man is a different man from the agent ?—Decidedly so.

4488. How long is it since agents first received from the manufacturing firms a commission on the work given out ?—Ever since I commenced to give out goods twenty-two or twenty-three years ago.

4489. Does that system apply to all the cases within your knowledge ?—Yes, to all embroidery cases.

4490. In saying that the commission system has alway prevailed, do you only speak of the embroidery trade ?—Yes, in former times agents were paid a salary.

4491. Has the commission always been as large as 10 per cent. ?—Yes.

4492. Is there any class of agents who do not receive commission, but give out work and make what they can by it ?—Not in the embroidery or white goods trade.

4493. Are there no sprigging agents except those you have mentioned ?—None, except those who act directly for Belfast firms and receive commissions.

4494. Do the tickets which the Belfast firm put on the goods remain upon them when you have passed the goods on to the workers ?—In some cases the prices are stamped and in some they are not—I mean the prices to be paid for the work. Some agent may try to give it out at a lesser price if he can get the work done.

4495. Do you think there are dishonest agents who cheat the workers ?—I would not like to say—I hope not. Is any change in the law were necessary, I think it would be better if the price of all work was stamped upon it, by the distributing firm, so that workers could not be cheated

4496. Do you make it a condition with your workers and sewers that they shall do the work themselves ?—Oh, yes, they do it themselves.

4497. But do you make it a condition ?—I give no work except to those who undertake to do it.

4498. Do you insist that it shall not be passed on to anybody else ?—Oh, no. Some members of the worker's family may assist.

4499. You do not object to that ?—No. So long as the work comes back right and can pass inspection ; but I would object to agents giving out work to sub-agents, which is sometimes done. I think the sub-agents are the worst class.

4500. Please explain why you think so ?—Because in some cases they have little shops in the country and prevail on agents in the town to give them a certain number of dozens of pieces to be worked. I believe they get them for the purpose of truck and of selling their own goods. But I have heard of no complaints on the subject.

4501. You know that that practice prevails in some places somewhere ?—Yes, but not to any large extent.

4502. Have you any view as to whether there should be a return of the out-workers furnished ?—Yes, I think that would be useful.

4503. Do you think the inspector of factories ought to have these out-workers on his or her list ?—Yes.

4504. And that he should have the same power of supervising an outworker as he has in the case of workers inside the factories ?—I would not object to that. I believe it would benefit the people.

4505. Do you yourself sell linen goods ?—Not this class of goods.

By the Chairman.

4506. With reference to the tea-cloth which you showed us—suppose any respectable house wife goes into a shop and wants to buy it, what would she pay for it ?—Perhaps about 1s. 3d.

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4507. Do you think it would be helpful to this class of workers who are so very poorly paid if they had some combination among themselves ?—Decidedly, I think it would.

4508. What would be the advantage of that ?—One advantage would be that it would protect them if the agent was not treating them right, and they could insist upon getting better wages.

4509. You really think they are entitled to better wages ?—Yes. I don't understand why the trade is nor able to pay better wages. Embroidery gets a good sale ; there is a large demand for it.

4510. Coming back to that square which you first showed us—it is practically a square yard of linen ?—It is what we call " union."

By Mr. Cawley.

4511. It is cotton, is it not ?—Yes.

By the Chairman.

4512. What is the value of that yard of material ? —About 5d. plain, but the hemstitch costs 1½d. One thing I would suggest is that there should be a register kept by the inspector of factories of agents who give out work to the outworkers. You could then ascertain exactly how they are paid.

By Mr. Cawley.

4513. Would you allow no agent to give out work unless he was registered, and require that any one who came into the district to give out work should have to register himself ?—Yes. So as to let the inspector know whether he was covering all the ground.

4514. Is not that of the nature of a protection to the other agents ?—No, I think not.

Mr. T. OWEN EDWARDS, H.M. Inspector of Factories in charge of the Southampton District, was called ; and Examined.

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By the Chairman.

4515. I understand your present district comprises Hants, Dorset and South Wilts ?—Yes.

4516. You have been in charge about three and a half years and have one junior and one assistant on your staff ? —Yes.

4517. How many works are there in your district ?— Over 10,000.

4518. What do the industries include ?—The manufacture of nets, gloves, clothing and corsets.

4519. Your district is the principal seat of the corset industry ?—Yes.

4520. And the laundry industry is also large ?—Yes.

4521. Have you had any experience with regard to truck ?—I am sorry to say large experience.

4522. Is it prevalent in your district ?—It was, but it has been very largely reduced.

4523. How is that ?—By prosecutions and by moral suasion.

4524. Is the truck there confined almost entirely to infringements of the 1896 Act ?—Yes. But there are a number of cases where I have taken prosecutions under the 1831 Act. I am afraid some cases of colourable truck are still in existence.

4525. Have you a list of prosecutions ?—Yes. I hand in a list of prosecutions. (*List handed in*).

4526. Were these prosecutions instituted by you ?— Yes.

4527. Against manufacturers and workshop owners in your district ?—Yes.

4528. Did you obtain convictions ?—Yes. Convictions in a large majority of cases. There were one or two dismissals.

4529. I notice one case where a worker was fined for being more than five minutes in a lavatory ?—Yes. Here is a list of the Rules (*Exhibit No. 1 of Appendix VII.*) I prosecuted the firm for fining a woman a shilling for being more than five minutes in a lavatory ; Rule 4 applies to that. It sets forth that the lavatories must not be used as meeting places for talk and play.

4530. Did you obtain a conviction ?—Yes.

4531. What is the section under which you got it ?—It was under the 1896 Act, " otherwise than in accordance with the contract, etc.," and also in the same section a fine " not reasonable having regard to all the circumstances."

4532. I notice that these rules contain several items that I daresay you would consider doubtful ?—Yes.

4533. For instance, the second rule provides that for one half day late without the foreman's consent a full day shall be deducted ?—Yes. I have another case on that point.

4534. Are these piece workers ?—Largely so. The particular girl in question earned 8s. per week in wages, working full time, and she was fined 1s. for being in a lavatory for five minutes. She denied this and maintained her statement before the manager. In my presence she said she was not there more than four minutes. Previous to the prosecution I sent for the foreman and he admitted that he did not exactly know how long she had been there on that occasion and that he thought the fine was too much for the offence.

4535. Since that prosecution, has the system been altered, or does it still exist ?—The rule still exists, but I think more *in terrorem.*

4536. I see you have a case of deduction for the use of sewing machines ?—Yes, five per cent. charged for sewing machines

4537. Did you obtain a conviction there ?—Yes.

4538. Under what section—that it was not a fair and reasonable deduction ?—That is it. They were charged under Section 3 of the 1896 Truck Act. One workmen was charged 2s. for the use of a sewing machine.

4539. I assume you maintained under Subsection B that that was not a fair and reasonable rent or charge ?— Yes. One man's total wages for a week amounted to £1 3s. 8d. and the total he made with an apprentice was £1 7s. 0d.

4540. What sort of work was it ?—Tailoring. The firm kept back 1s. 4d. in that case for the use of a sewing machine.

4541. Did the sewing machine belong to the employer ? —Yes.

4542. Was it worked with power ?—No. It was an ordinary treadle sewing machine. There was upon the same day another case against the same firm for charging 2s. for the use of a sewing machine. Since then all such charges have been discontinued.

4543. Is not the present law able to reach cases of that kind ?—I think not.

4544. Why ?—There is the condition as to " fair and reasonable having regard to all the circumstances of the case." The matter must be taken into Court and may come before some great unpaid, who may be friendly or otherwise, and it is for the justice to decide whether the deduction is fair and reasonable. I think we want a better definition of fair and reasonable.

4545. Have you any suggestion to make upon that point ?—I am afraid not at the moment. Take the case is 2s. deducted in one week from a pound in wages. That of five per cent., and the sewing machines when practically new cost about £7. The life of a sewing machine for good and bad use is probably about ten years. I have known them in the stocking trade last nearly twenty years when they originally cost £14. There were cases in the stocking trade in which a charge of five per cent. on the wage was considered too high. This is principally what led to the Hosiery Act, 1874.

4546. Did more than one workman have the use of the machine ?—There were two machines. One workman had 2s. deducted from £1, and another had 1s. 4d. deducted from £1 3s. 8d.

4547. Had they the exclusive use of the sewing machine. —Yes.

4548. Were the machines devoted solely to the service of these two men ?—Yes.

4549. Did the machine form a necessary part of their work ?—Yes.

4550. Do you approve of a deduction for the use of plant of that kind ?—No. Decidedly not.

4551. You think it should run into the general oncost charges of the work ?—Decidedly. As much as the rent of the factory itself.

4552. Your view is that so far as these permanent charges are concerned the workman should have his net wage ?—Decidedly.

4553. Without a system of deductions at all ?—Decidedly.

4554. These permanent charges might include one for standing room ?—That is entirely abolished in my district.

4555. With advantage ?—Yes.

4556. Is there a charge for light ?—No charge for light.

4557. For heat ?—None.

4558. I am going over the items mentioned in the Statute. Any charge for materials ?—Yes.

4559. Have you had any abuses in that respect under the present system ?—Yes. I have had.

4560. In that case also are you of opinion that such matters should be treated as part of the general oncost ?—Yes. There was a reason for them at one time which has ceased to exist.

4561. Will you please amplify that ?—The charge for standing room originated when the present factory system commenced. The owners endeavoured to recoup themselves for some of the outlay in building the factory and in bringing the workpeople to work together. But the advantage of having them to work together has become apparent and the necessity for the charge has ceased.

4562. The charge for light and heat similarly may have had an historical reason which has disappeared ?—Yes.

4563. With regard to sewing machines, the difficulty would be settled, would it not, if they were linked up with the general power of the mill, because they would then become part of the machinery ?—Yes.

4564. But your view is that the whole of the machinery, including the sewing machines, should be treated as part of the general management expenses ?—Yes. I am strongly in favour of net wages.

4565. Do you find that there is a difficulty owing to the onus resting on the prosecution to prove the unfairness and unreasonableness of the deduction ?—Yes. Decidedly.

4566. And is the practice very varied, as one magistrate might hold a deduction to be unfair which another magistrate might consider to be fair ?—I think the expression ought to be better defined.

4567. Can you assist us in regard to that ?—I am afraid I cannot, as I have only had two days to prepare my evidence so that I am not prepared to suggest.

4568. At all events, you would approve *a priori* of the fairness and reasonableness being conditioned by there being a certain maximum precentage of the wages allowed in deductions ?—Yes.

4569. Would you say 5 per cent. ?—I would not go so high as that.

4570. Probably half that ?—Yes.

4571. Sixpence in the pound ?—Yes.

4572. I think you have had one case of standing room charges ?—That firm made over £100 a year in standing room charges.

4573. What kind of factory was it ?—A corset factory.

4574. Where ?—At Portsmouth.

4575. When were they prosecuted ?—Within the last three years.

4576. What was the amount of the deduction ?—It was 2d. per head irrespective of wages. I may mention a case I had under the 1831 Act. The manager of a laundry acted as agent for a firm that sold cheap jewellery, clocks and girls' finery. He used to sell these things to the workers, and at the end of the week he kept sums varying from 1s. to 2s. out of their wages, and he received from his principal a commission of 10 per cent.

4577. Were you able to extirpate that system ?—Yes. I stopped it. In connection with the same laundry they supplied the girls with ginger beer at a penny a bottle, and I believe they still do it, but I ascertained from the makers that that was cost price and that there was absolutely no profit to the firm out of it. In fact it was sold to the girls rather cheaper than they could have bought it outside. There was a case of deduction for cleaning and standing room. I have rather strong views about that. I think the charge for cleaning is entirely wrong in principle and not fair, because the employers are required by legal obligation to keep their factories clean, and it is not fair that they should be allowed to make their workpeople pay for doing what the law requires the firm to do. It would be quite as reasonable to charge for fencing off machinery or for sanitary conveniences. If I saw that a factory was not clean I should call attention to the fact, and require attention to it under Section 1 of the Factory Act. There is another case which I should mention of a deduction for ironing cloths. The case was that of a firm of shirt and collar manufacturers, and they were charged with making a deduction from the wages paid to the workpeople without a contract, the surcharges not being fair and reasonable. The charges referred to were 10½d. out of 7s. 1d. in one week, 10½d. out of 9s. 7d. in another week, 7d. out of 10s. 1d., and 10½d. out of 12s. 3d. The firm had been prosecuted for truck during the previous six months. I may explain that the tables upon which the shirts and collars are ironed are covered with calico which gets burned during the course of the work and the girls were charged for replacing those ironing cloths. Then there is another case, (*the firm of N 1*), which is one of the worst cases I have had during my experience. They are a firm of blousemakers.

4578. Did you prosecute ?—Yes. I prosecuted them for the charging for use of sewing machines, but they might also have been charged with making a profit of about 75 per cent. on their sewing cotton. The girl in question worked four days full factory time. During these four days she made four dozen ladies' blouses, and her wages amounted to 4s. 4d., or at the rate of 1s. 1d. per dozen. Nevertheless the firm deducted 4d. per week for the use of a sewing machine out of that amount, and they sold the cotton to her at a profit of from 70 to 75 per cent. She had to provide the cotton out of the sum paid. I prosecuted them and the firm sent a solicitor to prove that the manager of the works they had opened in my district was merely a sub-contractor of theirs, but after a whole day's police court experience I managed to obtain a conviction. I maintained my point that they were the actual employers although their headquarters were in London.

4579. Of course the whole of that trouble would have been avoided if a deduction of that nature were not permissible by law ?—Yes.

4580. With your experience of both successful and unsuccessful prosecutions, your opinion is, I gather, that there should be a net wage ?—Yes. Most decidedly.

4581. That being so, would you trust to discipline being maintained quite sufficiently to enable the factory to go on without deductions for materials supplied or anything of that sort ?—Yes.

4582. You have another list of prosecutions to hand in, I believe, in respect of fines imposed ?—Yes. I hand it in.—(*List handed in*).

4583. I observe that you have there a list of fines for thirteen offences and that no fewer than ten of these are for being late ?—Yes. I have got particulars of these.

4584. Please give us one or two instances ?—We may take the second case.

4585. Did you get a conviction there ?—Yes. It is the case of a girl earning 2s. 9d. in a week who was forty minutes late during the whole week. Every minute was counted at meal time or any other time and the total amounted to forty minutes in the week. That girl had been a dressmaker for three years and her wages amounted to 2s. 9d. per week.

4586. What was the business of the firm ?—Dressmaking. For that forty minutes the firm kept back 2d.,

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and another girl who had been a dressmaker for three years and who earned only 2s. per week was fined 2d. for being thirty-three minutes late in the week. 2d. for half an hour is 4d. an hour, which means 22s. a week. There were three other similar cases. I hand in a list of details of the cases to which I am referring. (*Exhibit No.* 2 *of Appendix VII.*)

4587. Have you any other instances to cite as to fines?—A company at Salisbury has a rule which says "As the factory has a loss on every one not keeping time, in addition to the value of the time lost through being absent or late, an equivalent charge will be made from the weekly wage. The above deduction will not be made provided reasonable excuse is given to the foreman before resuming work." I prosecuted that firm for making a deduction in respect of a fine which was "neither fair nor reasonable, having regard to all the circumstances." The girl in question was away one day ill and told the foreman so. Another morning she was at the hospital out-patients' department, and told the foreman so. In addition to that she was late during the week four times—fifteen minutes each time. I may explain that if a girl or workman is out for five minutes, he or she must remain out for fifteen minutes. The wages of this girl would be nearly 8s. in a week if she worked full time, or at the rate of ¾d. per hour through a week of fifty-two hours. She was away one and a half days, equalling fifteen hours, thus leaving forty hours, less one hour for the four late attendances. This leaves thirty-nine hours of work for which her earnings amounted to 5s. 8d., of which 1s. 8d. was deducted by the firm, who handed the girl 4s., their contention being that they were entitled to keep back three days' wages. The same firm kept back 5d. from a girl fifteen years of age for what they called "wasting fifteen minutes."

4588. What had she done? How did she waste it?—That was the only explanation given to me I did not prosecute in that case. I only cite the case as a sample of what sometimes goes on.

4589. I notice a case of a fine imposed by a firm at Portsmouth. Did you get a conviction in that case?—Yes.

4590. What is the business of that firm?—Corset makers. They fined a girl 6d. for laughing during the meal time.

4591. Was that in accordance with their rules?—Yes.

4592. I should like to see the rule?—I hand in a copy of the rules. (*Exhibit No.* 3 *of Appendix VII.*) I prosecuted the firm and availed myself of a technical slip on their part. They had not given a receipt.

4593. Some of the rules seem peculiar. I see that one prescribes a fine of 2s. for using a larger needle than the size prescribed?—That might possibly be hard or it might be fair. If a girl worked with too large a needle, she might damage the goods. Some of these rules are more intended for moral influence than for enforcement.

4594. Do you think there is any value in these rules, apart from discipline?—I don't.

4595. Do you think the enforcement is of value for discipline?—If fines are still to exist legally, I should entrench them with regulations and restrictions to such an extent as to make it almost impossible to inflict them.

4596. Of course the broader and straighter course would be to abolish them altogether. What would you say to that?—I don't think I would entirely and absolutely abolish them.

4597. What are the restrictive conditions that you have in your mind?—The alternative would be dismissal.

4598. You have produced a copy of the rules of some of these firms. Are these cases which you think would be of help to us as a Committee?—Yes.

4599. I now ask you to give us your general view as to these rules?—The best regulated works have absolutely abolished fines. If fines can be abolished it means that there is a better understanding between employers and employed.

4600. The abolition is not hurtful to the employers?—Not to the good employers.

4601. What takes their place, in the case of good employers, when fines are abolished?—Possibly, in the first place, the threat of dismissal. I hand in a set of rules (*Exhibit No.* 4 *of Appendix VII*) as an example, introduced in November, 1902, by the firm O 1. Prior to that time there were rules and fines, but the fines were abolished entirely. One rule prescribes that any workman taking)and depositing other than his own check will render himself liable to instant dismissal.

4602. Substantially a threat?—Yes; but there has never been any case of dismissal. Another rule says that throwing clay is strictly prohibited and that any offender will render himself liable to instant dismissal. There have been no cases of dismissal; but naturally there have been instances of cautions.

4603. Does that suggest to your mind that with good employers, like the firm O 1, emphatic rules, pointing to dismissal as a possible recourse, serve the purpose completely?—In that case decidedly. Messrs. Sharp, Jones & Co., potters, of Branksome, have entirely abolished fines.

4604. At what time?—Within the last few years.

4605. And with satisfactory results?—Yes. P 1—another pottery firm—have some fines (*see Exhibit No.* 5 *of Appendix VII*), some of which may not seem fair or reasonable; but I find that in practice they are not enforced. I have a letter from the head of the firm in which he says that if I think it desirable, he will entirely abolish the fines. I may say that this firm is one of the best. They are at the present time providing for some of the workmen's widows, and they are building almshouses and have a good sick fund. There is another firm—Q 1—who have three fines one of which is to the effect that any piece spoiled will be charged for according to value. I may say it is the exception to make any charge. They used to make a charge for cleaning, but that has been abolished.

4606. I gather from your evidence that employers are beginning to realise that they can have efficient conduct of their works even after fines are abolished?—Yes, there are two ways of managing men; one by kindness and the other by harshness. Some managers are qualified for the one and some for the other.

4607. When the coercive method is employed the convenient form of coercion is a pecuniary penalty?—Yes.

4608. On the whole do you think that that makes for a poorer class of discipline than the other method?—Yes, decidedly.

4609. Would there be any real hardship imposed upon workers or employers with whom you have been associated in your district if fines were rendered impossible by law?—I should never recommend making fining illegal.

4610. Why?—Because in some cases it would be an alternative to dismissal, and fining is preferable; but I would make the restrictions as hard as possible.

4611. What kind of restrictions are in your mind?—I mean legal restrictions. Take the Act of 1896. The restrictions as to fining are fairly strict. I would make them still stricter.

4612. In what direction?—Making it harder to fine the workpeople.

4613. At all events, I gather from you that the total abolition idea does not meet with your approval?—Not the total abolition of fines.

4614. Have you had experience of out-workers?—Yes, large experience.

4615. How do you have any jurisdiction over them?—Until the case of Squire *v.* the Midland Lace Company I went on as if they were workmen. The 1831 Act was undoubtedly intended to apply to all earners of wages, but through the unfortunate system of legislation by reference that was all changed. Take the case of the firm of R 1 employing about 300 out-workers in the glove trade. They make the knitted gloves that many ladies and gentlemen wear. These are sold, I understand, at from 2s. upwards per pair. These gloves are knitted in the homes of the people. It used to be customary to pay for the work half in kind and half in cash; but that system has been abolished.

4616. That was truck?—Yes. It came to my knowledge—at least I suspected—that the system nevertheless continued, and I went into the matter. I found that in one case a woman made six pairs of gloves at 6½d

per pair, amounting to 3s. 3d., also two pairs at 5d. each, amounting to 10d., or a total of 4s. 1d, and that woman received goods to the value of 2s. 3½d. and cash to the value of 1s. 9½d.

4617. In what year was that?—This year. The matter is under consideration at the present moment. In another case a woman owed money to a firm by whom she was employed. They wrote, "We find you still owe 1s. 1½d.; in future we are paying cash for work done."

4618. Does it occur to you that, unless there is extremely strict supervision, there may be a recrudescence of truck?—Yes. I can give you instance after instance of that. There was the case of part paying in cash.

4619. What was the nature of the goods that were paid in kind?—The man is a big draper and he sends to all the villages around him in Dorset supplies of wool which the women bring back on the following Thursday in the form of knitted gloves. He pays the women in cash, less the value of the goods ordered. I have not yet been able to ascertain whether the goods are sold at a normal price.

4620. The glove knitters are out-workers?—Yes.

4621. Has that arisen since the case of Squire and the Midland Lace Company was decided?—Yes. I am trying to deal with the case in this way. If I can prove an actual contract between master and servant to do specific work, I can apply the Act and prove the term "workman."

4622. And so avoid the technical point upon which the case of Squire and the Midland Lace Company was decided?—Yes.

4623. But apart from that I fancy you would have no hesitation in saying, from the point of view of policy, that the decision in the Midland Lace Company's case was a disastrous decision?—Yes, decidedly

4624. And has resulted in causing a recrudesence of truck among out-workers?—I will not go so far as that, as the purport of the decision is not yet generally known.

4625. But since that decision you have observed, and deplore, some recrudescence of truck among out-workers?—I have.

4626. You see no difficulty, I imagine—if technical trouble could be avoided—in applying the principle against truck to all out-workers?—To all wage earners. In the case of the leather glove trade, there is, for instance, one contractor who keeps a shop between Sherborne and Yeovil. The system that has existed there has been for the goods to be given out to the workers, and for the sewings of one class of work to be sold to the out-workers. I found that the employers made a profit of 20 per cent. on the sewings. In that case the employers were given the option of refunding these profits for six months or being prosecuted. This was before the case of Squire and the Midland Lace Company in April, 1905. The firm willingly agreed to refund the money, and I have here receipts from the workers themselves, showing that sums from 1s. 6d., up to 9s. were refunded to these out-workers as the profit made on their sewings, amounting in all to many pounds. In addition to that, the shopkeeper I referred to supplies (hires) sewing machines to some of these out-workers and charges a rent. She hires them out for 1s. per week. In other cases the out-workers own the machines themselves. There is undoubtedly colourable truck here. The shopkeeper pays the workers cash for the work when it is brought home, and they pay for whatever groceries, etc., they have had. The same system of colourable truck is met with in the net braiding industry in almost every village about Bridport. The work is taken out by carriers who are generally small shopkeepers. The money may be paid over the counter for the goods to the workers, but there is no doubt in my mind that as a rule it is paid back immediately.

4627. Do the workers get the goods at market rate?—I am coming to that. I would suggest that if any legislation is proposed attempting to deal with such cases, it might be provided that if the charges made for groceries and other things bought by the out-workers is more than the market price, that should be treated as an infringement of the Truck Act.

4628. Even if the workers are paid in money and pay cash for the goods?—Yes. I would make it illegal for any employer who has a shop to give credit to any of his workpeople. I prosecuted an employer last year for not paying in current coin. He opened a shop about seven years ago and told his workpeople that he should like them to deal with him. One of his workmen evidently got into debt to the employer. He is an able-bodied man, and working full time during one week he only earned 14s. 6d., but the employer kept back 12s. 6d. for groceries owing, and gave the man 2s. During the same week a woman working for this man earned 5s. 6d., but she received no money, the whole being kept back for goods supplied. I visited that factory this year and found the case of a man who earned 9s. 6d. at hand hackling.

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4629. What is that?—It is a system of hand combing for hemp and flax. The employer I refer to has a shop in the street, and the entrance to the factory is through a lane at the side of the shop. The workman I refer to lived two or three doors from the shop and during the week groceries to the value of 1s. 11d. were obtained from it by this man or his family. After he received his wages of 9s. 6d. he sent his daughter to pay the 1s. 11d. That and other cases give me cause to suggest that the giving of credit to any workman by the employer should be made illegal. It is a colourable transaction at the best.

4630. You think that, in cases of extreme poverty, if there have to be advances they should be in money?—Yes.

4631. What is the number of prosecutions you have had?—In 1903 twenty-one; in 1904 three; in 1905 nine.

4632. You agree that the Act of 1896 has been of great use?—Yes.

4633. But experience has shown its weak points?—Yes.

4634. Taking the main points of your evidence in order, and first as to fines. You have said that the best regulated works have abolished fines, but that in badly managed works the fines are still sometimes numerous?—Yes.

4635. And you have had instances in the latter class of about a third of the hands being fined every week?—Yes, on the average. There were over 250 fines during the half year, or at the rate of ten per week for thirty persons employed.

4636. There have been numerous finings for being late and for trivial offences?—Yes.

4637. And with regard to other defects of the Act you point to the charges for materials?—Yes.

4638. And for sewing?—These have sometimes been bad. One firm probably made a profit of one to two hundred pounds annually.

4639. You have known things supplied to the workpeople by their employers at a profit of from 14 to 75 per cent.?—Yes.

4640. With regard to the charge for cleaning, standing room, etc., you object to the whole of that system?—Yes.

4641. Then as to the charges for mess-rooms? These are in many cases provided by the employers?—Yes.

4642. Is that system satisfactory to the employers?—Yes.

4643. With regard to sick clubs and medical attendance, your suggestion is that they should be managed by a committee of the workpeople?—Yes.

4644. And that their accounts should be audited annually?—Yes.

4645. If that were done you think there would be no objection to a deduction on that account if the workers were free to join or not to join?—Yes. I should also make a proviso that the accounts should be open to examination by any of the inspectors.

By Mrs. Tennant.

4646. You said it was better for the workmen in those instances where fines have been abolished?—Decidedly.

4647. And for the employers?—Yes, it is a mutual benefit.

4648. In these cases you would not consider it a hardship if, instead of being brought about by a friendly understanding, the same end had been arrived at compulsorily?—Not in these cases.

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4649. What difficulty do you see in the way of other firms securing the same success as these firms have secured?—The first would be difficulties on the part of the management. All managers are not alike and do not conduct their business in the same way. There must be differences of treatment between a Dorset factory girl and a Lancashire mill girl. Different methods of treatment may need to be available.

4650. So far, I think we may say that the inspectors have given us evidence of cases in their districts—and the lady inspectors have given us cases from their more peripatetic experience—of firms which have advantageously abolished the system of fining of their own free will?—Yes, there are many, and I believe that if the Home Office were to issue a suggestion to me that I should do all I could to abolish fines, I might be able to bring it about in a couple of years. If it is possible, I should be in favour of gradually abolishing fines; but I feel that the employers have to be studied, and I would not go so far as to say that I am in favour of their immediate total abolition.

4651. If you think the discipline is so much better without fines, why do you consider that compulsion ought not to be applied to secure that end? You would like to see it secured by voluntary means?—Yes, but in some cases it would be impossible.

4652. Why?—Take the case of a man or woman managing a factory who has not sufficient moral influence over the workpeople to make them conform to the regulations without coercion.

4653. Your view is that where there is good management one can do without fines, but not where there is bad management?—That is so.

4654. So that really to abstain from abolishing fines upon that account would be an equivalent to an admission that we must continue bad management?—You are bound in some places to have bad management. We can scarcely expect a state in which you would be free from that. Besides, I think fining is better for the workpeople as well as for the employers.

4655. Is it better that fines should be continued with a system of bad management, and is it an advantage to the workmen to have a deterrent which is not an effective deterrent? When you say it is an advantage to the workman not to be subject to dismissal or even to a caution, do not you think on reflection that it would be in his interest that his work should be improved by the more powerful deterrent?—No.

4656. Not in his own interest?—I think fining is a better deterrent than cautions for both workmen and employers.

4657. That is assuming that fining is effective?—It is effective.

4658. But if it has to be repeated over and over again, surely it cannot be effective?—Then it would lead to dismissal.

4659. I think the evidence we have had is that fining is not an effective deterrent as the fine and the offence are often repeated?—I am convinced of what I have said. It may differ from the evidence of others, but I am giving my own evidence.

4660. And I am giving you, as being useful for comparison, what others have said?—I am sorry if my evidence does not agree with them, but I cannot help it.

4661. In your experience have you found that if a workman is fined for an offence he does not commit that offence again?—Not necessarily, and it would give him another chance.

4662. Is a caution not giving him another chance?—You might fine him first and then caution him afterwards before dismissal. I have here a set of rules with no fines except for being late, but if that firm were to start dismissing people for every small breach they would be short of hands.

4663. How do those firms manage who have denied themselves the alternative of fines and confine themselves to cautions or dismissals? Do they find themselves left without hands?—No, I think not. But in some cases where ordinary fines have been abolished they have put in a proviso to the effect that a workman will be liable to a fine or deduction if he wilfully, negligently, or carelessly destroys or damages machinery, etc. That is put in more as a deterrent, and the employer has told me that he dared not dismiss the men because he wants more hands than he can get.

4664. In the earlier part of your evidence you gave us examples of firms who have abolished fines, and I think you said that the majority of the firms or the best firms did not fine?—I may have said that the majority of the good firms in one industry have either abolished fines or do not fine.

4665. Are they consequently short of hands?—No, because in that industry the management has moral influence over the workpeople, and there may also be a better understanding between employers and employed.

4666. That is where there are no fines?—Yes. And they provide mess-rooms and other facilities.

4667. I take it that, though you consider it better that there should not be fines, you would not like to see them completely abolished?—No. I think it would not be quite fair to some employers or to the workers to make it absolutely illegal to fine, but I would make the conditions very strict.

4668. Have you known any cases in which firms who had abandoned the system of fining have reverted to it?—No.

4669. In the cases where they abandoned fining did they only successfully carry on their work by changing the management?—I cannot say.

4670. You cannot say that they have not managed without fines under the same management which, in their opinion, previously made fines necessary; that is to say, the same manager has been able, so far as you know, to do without a system of fines who has previously relied upon them?—The same proprietors; I do not know whether there has been a change of management. Where I can get fines abolished I do so.

4671. You think that the system of fining is a greater deterrent on the commission of offences than dismissal?—A better deterrent; more humane and kind.

4672. More effective?—I should say more humane.

4673. Is a man less liable to repeat his offence if he is threatened with dismissal or is liable to be fined?—I think the fine might be a better preventive, as the threat of dismissal is often regarded as idle.

By Mr. Cawley.

4674. You would say, would you not, that threats not carried out do not tend to discipline?—Yes.

4675. Therefore, in your opinion, where a manager has not complete moral control, it is better for him to have some weapon he can use rather than to be repeating a threat which he does not carry out?—Yes.

4676. In other words, you consider that many managers have not much influence unless they have some weapon in their hand?—Yes.

4677. Whereas others have so much more influence that the workers are afraid of even their word?—Yes.

4678. And consequently they can do without fines, whereas other managers perhaps cannot do without some weapon in the shape of a fine?—Some men cannot do without a fine. I have an instance of a steam laundry in Bournemouth which has abolished fines, and some miles distant there is another laundry which has tried again and again to abolish them, but has found it impossible. I put that down to a difference in the strength of character of the two managements, and also to some difference perhaps in the character of the two sets of workpeople.

4679. Where do the fines go to?—In the case I have mentioned they are distributed among the workers at the end of the year as good conduct money.

4680. Do you know of any instances where the fines go into the employers' pocket?—Oh, yes, frequent cases.

4681. Would you be in favour of making it illegal for any fines to go direct into the employers' pocket?—Yes, except such fines as are really an equivalent of time lost. For instance, one firm, has a rule that a penny will be deducted from the wages of a worker for every lockout, but no deduction will be made if there is not

more than one lockout in one week. A lockout means if they are five minutes late and come in within the half hour. The penny fine is really the equivalent of the value of their labour for that half hour. I do not think that that fine ought to go anywhere but back into the employers' pocket.

4682. Surely that cannot come to a great amount to the employer, even in a large factory ?—No, it is the principle I am thinking of.

4683. I rather gather that although you are in favour of fines in some cases as a deterrent, you are not altogether in favour of fines as a means of making up to the master for some loss he has suffered ?—I would except fines for being late. If it were provided that all fines should go into some compensation fund, the firm could then immediately change their rule, and say, "Instead of fining, we shall deduct the value of the time lost;" they would not call it a fine, and I question whether that would be truck, namely, deductions for actual time lost.

4684. Do not you think, in spite of the fact that in a few cases it would not be wrong for the fines to go into the masters' pocket, it would be well if the law were altered in order to provide that no fines whatever should, under any circumstances, go into the employers' pocket? —Yes, I will go as far as that; the master could easily re-arrange his rules.

4685. You mentioned a case of one-third of the hands of some factory being fined every week; what for, surely they were not all late ?—Yes, practically all of them were late. They were employed by a firm whom I prosecuted for truck. During the half year there were over £50 fines.

4686. Where did that money go ?—It went back into the employer's pocket.

4687. Does not that strike you as a rather suspicious circumstance, that a third of the workpeople were fined and that the fines all went to the employers ?—The fines were nominal—I satisfied myself on that point—and would not amount to the value of the time lost.

4688. You spoke of dressmakers earning only 2s. a week. Is that for a full week ?—Yes, and they have to keep and clothe themselves on that! In one instance I could name in the glove trade, a woman working full time, that is, ten hours per day, can only make one pair of gloves in a day, and for that she gets 5d.

By Mr. Delevingne.

4689. In the case where a third of the workers were fined for being late, was there anything exceptional in the circumstances of the works or of the workers?—No, it was an ordinary laundry. I spoke to the manager, who said, "We cannot get them in without fining."

4690. What class of girls were they ?—Ordinary working girls.

4691. With regard to the moral influence exercised by some managers and not by others, may we take it that the firms which are able to do without fines are on the whole the better class firms—the better established and in a larger way of business, who are able to get perhaps a better class of manager or workpeople ?—No, I won't say that; not necessarily.

4692. To what extent would that be so ?—To a certain extent. I prefer to take concrete cases, because my evidence can be backed by them in all instances.

4693. A man with strength of character makes a better manager, and can therefore probably command employment from better firms at a higher pay, whereas firms of less resources may have to put up with second-rate men with less strength of character or ability, and therefore less able to dispense with the pressure of fines ?—Yes, but you must take the whole surroundings; the class of work, the place, and the kind of workpeople, as well as a difference in the influence of different managers.

4694. Is a higher wage paid to the girls at the better managed of the two laundries which you mention by way of contrast ?—I think the rate of wage is about the same.

4695. Is the manager of one of them a better class man ? —They are both good men who know the trade.

4696. Do you think the distinction rather is that the same class of girl cannot be got for both places ?—Yes. There is a difference between the girls of a garrison town and, for instance, Bournemouth.

4697. You have not dealt with the question of deductions for damage to the work or material of the employers. Are we to understand that you have had no cases of abuse under that head ?—That is so. Sometimes in a laundry a girl may be fined a small amount for burning something which perhaps costs the management half a sovereign.

4698. You think that the powers already existing are sufficient to deal with that sort of thing ?—Yes, so far as my experience goes.

4699. You find no prevalence of abuse in that matter ? —Not in my district.

4700. Do you consider that there should be a power to deduct for damage to work ?—There ought to be something of that kind; the alternative is dismissal, and it is better for a workman to be penalised than to be thrown out of employment.

4701. Do you think that no charge ought to be made by the employers for mess room ?

By the Chairman.

4702. He said some of the best employers had abolished any charge for that ?—There are several cases where I have induced employers to provide good mess rooms. It is undoubtedly to their interest to supply mess rooms. I hope to see legislation on that point.

By Mr. Delevingne.

4703. As well as for the interest of the workers ?—Yes. One phase is the advantage of looking after the interests of the workpeople and another is the saving of time that might otherwise be lost. If a girl has to go some distance for her food, there is time lost; and moreover the mess rooms tend to better discipline. In some instances it is compulsory to supply a mess room, and I would not legalise any charge for the provision of anything which is a legal obligation.

4704. Do you mean cases under the special rules ? There cannot be a great many of these ?—There are a few in my district.

4705. You would not propose to make it illegal to levy a small charge for the use of a mess room ?—No.

4706. Provided the employer is not making a profit out of it, and provided he is not making workers pay for what they do not use, there could not be any serious grievance ?—I would make it more like an optional club.

NINETEENTH DAY.

Wednesday, 31st October, 1906.

PRESENT.

The Right Hon. Thos. Shaw, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Mrs. H. J. Tennant.
F. Cawley, Esq., M.P.
Malcolm Delevingne, Esq.
F. Maddison, Esq., M.P.
Stephen Walsh, Esq., M.P.
A. F. Yarrow, Esq.

T. E. Bettany, Esq. (*Secretary*).

Mr. RICHARD BELL, M.P., was called; and examined.

Mr. R. Bell, M.P.

31 Oct. 1906.

By the Chairman.

4707. I should like you, Mr. Bell, to state to the Committee in the first place your experience as a practical worker and a representative of the workers. You are, as we all know, a Member of Parliament ?—Yes.

4708. Your own business which you learnt from youth was what ?—Railway work in various grades.

4709. You were engaged in that for many years as a practical hand ?—Close upon seventeen.

4710. As a representative of that class of labour you have been a member of certain unions, have you ?—No, I have been simply with the same union since 1878 and an officer of it since 1893.

4711. Just tell us what the union is ?—The Amalgamated Society of Railway Servants, which embraces all classes of men employed on the railways excepting those employed in what we term the shops—the plant men.

4712. Does the railway servants' amalgamation cover the United Kingdom ?—Yes.

4713. What, roughly speaking, is the general membership of it ?—We have, speaking roughly, about 620 branches in the United Kingdom and about 65,000 members.

4714. In your capacity as representing it you have had to visit various parts of the kingdom I presume ?—I have been to all parts of it.

4715. In the evidence you are about to give I presume we may take it that, speaking generally, you represent the views of the class of labour in question ?—I feel sure I do.

4716. With reference to the question of fines and deductions by railway companies, you know the system that is in force ?—I do.

4717. In the railway companies in the United Kingdom there is a system of fining prevailing under the existing law ?—Yes, a very bad one, I think.

4718. Would you just describe it to us ?—The system they have of fining, I believe, applies to nearly every railway company perhaps, with not more than two exceptions, particularly the London and North Western for one. For a number of years now, perhaps five or six or seven years, the London and North Western have abolished the system of fining, and have adopted a system of suspension, which in practice is more severe really than the fines themselves, and I think the punishment, if we may regard it as such and if we accept the principle at all, is at most times far in excess of what would be justified by the frivolous offences committed.

4719. Of course the exception that you have named, that of the London and North Western Railway, although it is one instance, it is a very large instance ?—It is a very large instance, yes ; it is a big company.

4720. What is the other instance in your mind ?—The Midland is adopting that principle during the last year or two, more than they have been accustomed to do. Of course I ought to say at this stage that there has always been a system of suspension with all railway companies under certain conditions, such as a serious accident resulting perhaps in tremendous loss or damage to property, or in other instances perhaps injury to life or to limb, and pending inquiries into such accidents then they suspend the men concerned until they have held the inquiry. Against that we have not so much protested, and we are not protesting very much against that now. This may be perhaps pressed too far in some instances, but if it was only that class of instances that existed I do not know that we should complain very much about that.

4721. I may take it from you that even where fines have prevailed they have never prevailed in the sense of dispossessing the companies or the masters of their right to dismiss on sufficiently grave cause ?—Absolutely not.

4722. You might just describe now the system of fines. Take a man of any wage you like to name and start with that. What figure would you prefer to take ?—It is immaterial, so far as I know, what figure you take. Perhaps a shunter with his £1 a week will be fined just as much as or more proportionately than a man getting his 7s. a day. For a similar class of offence to impose a fine of say 2s. 6d. upon a man with 18s. or a £1 a week is far more severe than upon a man getting his £2 or £2 5s. a week.

4723. Quite so. Then the fine for the particular offence is a fine fixing a sum not in proportion to the wage but an actual sum fixed and laid down ?—That is so.

4724. Have you any schedule or scale which you could lay before the Committee ?—I am afraid I cannot supply the Committee with anything of that kind ; I have failed to obtain it myself. I have a few instances here which are very typical and which I got from one man, a driver, on the Lancashire and Yorkshire Railway.

4725. When a man goes into the employment of the railway what is the nature of the contract ? He has a written bargain, has he not ?—The written bargain would be a book very nearly as big as this one in front of you here—the book of rules. A man is given an hour or two in a waiting room or somewhere else with this book of rules, and he is supposed to read that thoroughly through, throughly understand every sentence of it, and come back and declare that he has read the book, that he is familiar with it, and that he agrees to all the conditions contained therein.

4726. Does the book of rules contain stipulations with regard to the fines ?—The stipulation which they generally have is this—I ought to say there is one stipulation leading up to it that the man must reside at a place convenient to the company's requirements. Then another rule goes on to say that the company reserve the right to punish by fines, suspensions, or dismissals and to withhold any moneys due and so on. It is a long rule and it is difficult to get a copy of the rules, because every man has to sign for the book, and we only borrow them occasionally to have a look at the thing. As I say it is difficult to get a copy of the rules, but there is a rule to the effect that I have just stated.

4727. What the Committee is anxious to know is whether there is any schedule or list which is laid before the employé which he can refer to so as to check the amount that is to be deducted from him by way of

fine ?—No, I may venture to say that there is no such general list or schedule supplied to the men.

4728. If there is no such list, is the fixing of the fine for the particular offence left to the caprice or to the will of the employer ?—That is so.

4729. So that the worker is earning his living under the condition that he is not able to forecast, even though he knew what he had done during the week, what would be the amount deducted from him for fines at the week's end ?—That is so.

4730. Do you happen to know whether in the archives of the company there is any such list ?—I do not know ; I am unable to state that. They would not tell me, and if I spoke my own feeling in the matter I should say I do not think there is such a general thing.

4731. Who would be the officer who would take stock, so to speak, of the delinquency and make the assessment ; would it be a clerk ?—That would vary with the different companies, according to the methods they have of management. One company may say that the superintendent of the line is the person to inflict the fine, upon reports which he may receive from subordinate officials. Another company give more authority to subordinate officials and we get what we may call a local foreman over, say, a locomotive shed and they give him authority to fine the men.

4732. So that in the absence of anything like a general standard rate you are forced of course to fall back upon the instances that you have been good enough to give us ? —That is so.

4733. I have been trying to lead up, as it were, to the general instances that you propose to put before us ?—Quite so.

4734. Now we will be glad to hear them ?—I have one instance here of the Lancashire and Yorkshire Railway Company. This is how a man there has been fined on numerous occasions. It may or may not perhaps go to suggest that the man was not as careful as he ought to be, and so on, but that is by the way. But in my opinion some of these fines are far in excess of the offences, as for instance in this little slip here handed to the man by the Lancashire and Yorkshire at Leeds, as follows :

4735. What is the date of it ?—This is the 15th of November, 1904, the first one in my hand, but there are others later than that. It states "So and So, a driver, stationed at Accrington. You have been fined the sum of 3s. 6d. for causing wagons to get buffer locked at Accrington from the 7th to the 10th November, 1904, under Clause 5 notice, dated October, 1899, which sum has been deducted from the wages herewith paid to you." That is signed in the name of the chief mechanical engineer, but initialled by somebody else. Very likely some subordinate officer has had the authority given to him.

4736. Is that a deduction from a week's wage ?—That would be a deduction from a week's wage.

4737. What was the amount of the wage ?—I do not know what hours he would work, but the normal wage for this individual would be about £2 2s. a week.

4738. Have you any other instances to put before us ?—I have several of the same kind with regard to the same man. I do not know whether you wish to have them mentioned ?

4739. Is there any speciality as to sums, or anything like that ?—Yes. The next one is fined 2s. 6d., and the date is the 31st October, 1905.

4740. What was the evidence there ?—Causing slight damage to buffer. Then there is another one on March 28th, 1899. I may say that this fellow has been very careful in saving up these things ; it is not everyone who would have been so careful in saving them up. He is fined 1s. for allowing the oil cup of engine No. 25, to get lost. In running, his oil cup might get loose, and he would lose it, and yet he is fined 1s. for that. I do not know really whether they expect the man to be screwed on to the engine in order to look after these sort of things and see that they do not work loose and get lost. Then on November 21st, 1899, there is a fine of 2s. 6d., "for causing brake van to leave the rails at Burnley," and on 14th January, 1902, a fine of 1s. "for not sending in your report for December 22nd in due course." Then on October 31st, 1899, he was fined 5s. "for inattention to signals at Nelson." That may be a more serious offence, but inattention is a very vague word here, and it is not to be taken for granted that it was something very serious. Then on the 1st of April, 1900—a rather significant date—he was fined 1s., "for losing the big end oil cup," and on the 11th Deember, 1900, he was fined 2s. 6d. "for causing van to leave rails at Accrington." Those instances are very typical of how the Lancashire and Yorkshire, at any rate, treat their men.

4741. I am going through your statement. Those are instances affecting one man, I understand ?—Yes.

4742. You are able to give us those instances because of the fact that the man has kept his tickets, and you have been able to obtain them from him ?—That is so, but it is very likely that he is only one in a thousand, because the majority of the men would tear them up in disgust, probably.

4743. Have you any other instances ?—Yes, I am just sorting them out. I take now the Midland. I have got the Midland particulars from St. Pancras. A man was fined 2s. 6d., "for omitting to sign off duty." The man coming in with his train might have done that deliberately, or otherwise, but it is not a very serious offence. Anyhow, he omitted to sign off duty, and he was fined. I have here not the original, but a copy of the form which I can put in if you like. It is supplied by the Company, and it reads as follows—"Midland Railway Company, Locomotive Superintendant's Office, Derby. April 25th, 1906." The man was a driver, stationed at Kentish Town, and he is "hereby notified that a fine of 2s. 6d. will be deducted from his wages for week ending April 26th, 1906, for neglecting to sign off duty April 10th, 1906." That is signed, "pro Mr. Deeley," the chief mechanical engineer, but inflicted of course by some local person whose initials are attached, "G. J. P.," whoever that may represent.

4744. We will ask you to put in all those documents in a bundle ?—Certainly.

4745. That you say was on the Midland system ?—That was on the Midland system. Another instance from the Midland is this ; it is a complaint from Staveley where a man had been fined 2s. 6d. for omitting to sign for some order or instructions which come into operation on certain days. It is a customary thing for railway companies to put out what one may call weekly notices. Some of them are posted up in some of the stations, and in other instances a notice is given to each individual and for which they are asked to sign. They are expected to sign for them whether they simply hang it up in a case provided for the purpose, or have one supplied to them. In this instance the man was going off duty at two o'clock in the morning, and did not bother to trouble about this notice. He thought it would be time enough to look at those things when he came on next day. But because he did not sign for those notices which came out on the particular day that he went on duty—that is the day previous to his signing off of course so far as dates are concerned—because he omitted to sign for it he is fined 2s. 6d.

4746. Have you any other instance ?—Yes, I have here the London and North Western. That is the company which I referred to just now which has practically, if not wholly abolished the system of fining, and has adopted the system of suspension. These are in my opinion most unreasonable in the majority of instances But, however, here is an illustration from one station alone—that at Stockport. Three brakesmen, for an error made on the driver's ticket—and to explain this I should say that the guards and the drivers each have to make what the men call a ticket, a return of the working for the day, showing all the detentions in running and all the particulars of the day's work with the train. On some railways the driver has to make out his own ticket, but in nineteen cases out of twenty, the driver on the foot plate with his dirty hands and so on, invariably asks the guard to make it out for him, and I venture to say nineteen men out of twenty get this ticket made out for them by the guard or brakesmen, as the North Western call them, and there may be some difference. The signalman times the train arriving at a certain depot, times the train away, enters down in the book there how

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long shunting, and various other reasons why they are there a certain time, and the guard makes out a similar one. It invariably happens that the guard and the signalman's time do not happen to be exactly the same. They do not consult one another. The signalman may look at the clock and find that the train arrives at 12.3. The guard's watch may not show the same time as the signalman's, but even if it did, he may take it out a minute or two before or after, and put it down as 12.5, and not bother about the odd minutes. In the instance in question these three brakesmen made a mistake in the driver's ticket. In making out this ticket the brakesman shows the time of arrival at a certain station ; how long the shunting occupies ; how long they are stationary, and time of departure. All three cases were for not having accounted for all the time at the stations. For example, in one case the ticket showed it arrived at 9.50, shunting five minutes, stationary five minutes, departure 10.3. The times of arrival and departure are correct, but you will see there are three minutes unaccounted for. For this these three men were suspended one day. The total amount would just depend on what was the day's wages. The wages of these men vary, one may get 25s., another 28s., and another 30s. I have not gone into the particulars of that, but it would be a day's wage, and for this class of man it would be a wage varying between 25s. and 30s. a week.

4747. Before you pass from that, can you tell me whether when a day's wages is deducted the men work there that day or not ?—No, they pay them off ; they dismiss them for that day or week as the case may be.

4748. They are told to come back in twenty-four hours or a week or whatever it may be ?—Yes.

4749. That is how it works out ?—Yes. I have given you those three instances, but there were eighteen cases in all of that same kind at that one station.

4750. Within what time ?—During that particular month. This is July last when I had this statement sent to me.

4751. Have you any other instances ?—The other instances are put in along with these, but I will mention them. This one here shows the fashion in which the North Western each week hang up a list at stations.

4752. You mean a list of the delinquents ?—Yes, and the summary of this list is that twenty-seven men were suspended sixty-three days.

4753. What year would that apply to ?—This would be for the week ending March 2nd, 1905.

By Mr. Cawley.

4754. That is for one week then ?—Yes, I suppose that would be for one week.

By the Chairman.

4755. Out of how many men would that twenty-seven be ?—I suppose this would be practically for the whole of the system for this one particular class. This would be for all the engine-drivers and firemen—that one department.

4756. Running up to some hundreds, I suppose ?—Yes, thousands ; at least I should say it would represent five or six thousand men. Of course the particulars are set out here, and really looking at these particulars as well as the others the particular causes of the offence is where the real grievance comes in. For instance smoke nuisances are about as frequent as anything, and the punishment is pretty high for those nuisances. I do not suppose for a moment that an engine driver would deliberately make smoke, but he has to burn coal as to which he has no voice in the selection. The company buys the coal which suits them best financially I suppose by getting the cheapest quality and they do not trouble about the result of the burning of it. The thing is that the men have to keep up steam and keep along the road, never mind how they can manage to burn this coal.

4757. Yes, but what we would like from you about that if you can conveniently give it us is if you would run your eye down that list and state to us whether in your judgment the suspensions are in excess of the offence ?—I certainly think so. Here is another list here for Crewe, April 20th, 1905. Twenty-three men were suspended for thirteen days. Two of these instances were where men were suspended one day each for allowing their engines to blow off. Even a man in the street knows that a driver cannot at all times avoid his engine blowing off steam He has to keep his steam up to the standard to be ready at any moment to take its train both at speed and load, and just because for a moment or two he blows off steam and some officious individual is near by, he is reported and he is suspended one day. In this instance just now there are two men who have been suspended a day each for blowing off steam, and two men who have been suspended for emitting smoke. Those are two prominent features about a locomotive, the steam and the smoke, and for showing a bit of smoke and emitting a bit of steam, the men are suspended a day. If on the other hand they were called upon to do some work, and the man had his steam a bit low, or his fire was a bit low, then he might be suspended for not having sufficient steam up. There is another sheet here for May 18th, 1905. In this instance thirty-nine men were suspended fifty-nine days and ten of those were for smoke nuisances.

4758. The penalty being one day ?—Yes, it invariably is one day for the smoke nuisance. It is very strange that all the smoke nuisance cases seem to be round Wigan and Eccles and that way, which seems to show that they must have very bad coal up there.

By Mr. Stephen Walsh.

4759. The thirty-nine men and the fifty-nine days would include cases where one man had been suspended more than once ?—No, these were all different men.

4760. Therefore they must have been stopped for more than one day in some cases ; at least in twenty instances ? —Yes. I was just referring to the one day each for the smoke nuisance. There are some here suspended for six days. For missing his train one man is suspended six days, and another man for passing a signal at danger at Whitchurch, three days.

By the Chairman.

4761. Does that exhaust your sheet ?—No ; I am just giving you the summary of what you asked me about, of these what I may call frivolous cases —the smoke nuisance, for instance, which is out of all proportion. There are others here and of course we do not know the degree—whether the thing was a serious offence or not. For instance, there is a man suspended here three days for passing signal at danger at Whitchurch. Here it is vague. If a man passes a signal with his train on the main line it is no doubt a serious thing, but it may be, as invariably is the case, that he may pass simply a little shunting signal in the yard where really there was practically no danger attached to it. I am unable to form an opinion from the statement here whether the thing is serious or not. Here is another one suspended six days for disregarding a flagman's signal and causing damage to a painter's trestle at Smethwick. He was suspended six days. Another man, missing his train, six days ; absent without leave, two days.

By Mr. Stephen Walsh.

4762. What would you take to be the meaning of " missing his train " ; it is rather a technical expression ? —He may have been due out at 2 or 3 o'clock in the morning and may have been knocked up by the caller or his wife, or whatever arrangement is made for calling him—sometimes they provide a call boy and sometimes the boy goes two hours before the man goes on duty and the man thinks he can have another hour's sleep and he goes to sleep again and misses his train.

By the Chairman.

4763. We will put other questions to you about this, but meanwhile I am rather anxious to get on the notes the cases where you think the punishment is in excess of the delinquency ?—Dropping lead plugs is one ; that seems to be rather a systematic thing, and for the offence that is a three days' penalty.

4764. What does that mean ?—There is a lead plug in all fire boxes at a certain point and if the water gets below that the plug melts and prevents any explosion and the water and steam from the boiler put the fire out. But that is not always the cause of a lead plug dropping.

By Mr. Stephen Walsh.

4765. Fusible plugs, they call them, do they not ? —Yes. In this sheet I have a number of instances of lead plugs being dropped and in each instance it is three days. That seems to be a kind of standard punishment for dropping lead plugs, but it has

been proved in more instances than one that I have personally investigated and got expert engineers to go into the thing, that the lead plug does not always drop for the want of sufficient water. There have been instances proved, and I think that the late Superintendent of the Locomotive Department of the North Western, the late Mr. Webb, also has made a statement that lead plugs drop for various reasons. It depends largely on the kind of water you use. Sometimes the water has a good deal of matter in it that corrodes round these plugs, and therefore the lead that comes nearest the fire inside the fire box gets melted because there is so much ; it would not be rust of course inside but other material that is in the water that causes it to get so thin that in some cases there is simply only a scale left and an end comes to that and it bursts out. The companies never stop to inquire into it or to investigate the thing. They simply say there is the fact that the plug has dropped, and therefore you did not have sufficient water, and the men have no opportunity of explanation or defence at all.

By the Chairman.

4766. You have given us instances with regard to the London and North Western, the Midland, and the Lancashire and Yorkshire Railway Companies ?—Yes, and I think they may be regarded as typical of most of the other companies.

4767. I think you gave us a case where there were a good number of tickets which had been kept and which were furnished to you ?—Yes, that is so.

4768. What I would like to ask you is this. Do you think that case where you have been fortunate in getting the tickets is an exceptionally bad case, or a fairly representative case ?—No ; I have no reason to think that that case is an exceptional one at all. I think you would find a very large number of the same kind of thing if the men had only taken the care that this man has to preserve the tickets. He has kept a record of every transaction connected with himself during the whole time that he has been in the service.

4769. Would you now be good enough to look at your proof. I gather from you that in your opinion the rate of fines for minor offences is defective in this respect, even if it was strictly legal, that the workman is not fully aware of what the penalty is to be in amount ?—That is so.

4770. And secondly it is defective in this way, that so far as you know the railway companies themselves have not a fixed amount except at the will of the superintending officer, whoever that official may be for the time ?—I believe that to be the case excepting in some particular instances they may have.

4771. The result, of course, in such circumstances is that the workman is absolutely at the mercy of the figure fixed by this official ?—Yes.

4772. His only remedy in those circumstances being that he must either accept that situation or leave his employment ?—Yes, that is right.

4773. Similarly where fines have disappeared and given way to the system of suspension or dismissal the same thing holds, that is to say, that the workman does not—or does the workman in that case know—what is to be the penalty ? He does, does he not, by reason of that sheet ?—No, because the penalty has been paid before those sheets are published.

4774. Yes, I see ?—The penalty has been paid and this is a kind of record like the railway companies put up at some of the stations that so-and-so was caught travelling without a ticket and fined 40s. and costs or whatever it may be. It is one of those instances of adding insult to injury, so to speak.

4775. You give the instance of a porter on the North Eastern Railway at Hull ?—Yes, but I have not the particulars of that here more than there are in my proof of evidence.

4776. Just state to us what happened there. What you say is that "he threw an envelope of invoices into an empty cask inside a wagon instead of attaching it outside" ?—Yes, and this particular cask was a part of the consignment of the wagon.

4777. That was construed as an offence and he was fined 2s. 6d. out of a wage of 22s. per week ?—Yes.

4778. Was there any correspondence with the company about that ?—Yes, I corresponded with them, in fact the man himself made an appeal and I corresponded with the goods manager at Hull with regard to it, but I never succeeded in getting satisfaction to myself as to whether or not they had a scale. He simply gave an answer to the man and merely confirmed that answer to me, or repeated it, and that that was the lowest fine they could inflict in accordance with the Truck Act. I am not able to find where the Truck Act compels any employer not to fine anything below that.

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4779. You gave an instance of a man neglecting to sign for the notices. That was at Normanton ?—Yes.

4780. You give instances here as to Wigan ?—Yes.

4781. That is on the Lancashire and Yorkshire Railway ?—Yes.

4782. The total number of cases in which fines were inflicted during the ten weeks ending May 18th, 1905, amounted to ninety-five ?—Yes.

4783. And the total amount of fines came to £13 5s. 3d. ?—That is right.

4784. What do you conclude from that figure ?—That like those instances of the North Western that I mentioned they were really in excess of any offence that may have been committed. For instance, in one case here seven cleaners are fined 2s. 6d. each and one cleaner 5s. This is for the week ending March 16th, 1905.

4785. What had they been doing ?—I have not got the particulars of what they had been doing here, but what I desire to point out is that a cleaner's wage is only from 15s. to 16s. although in some instances he may get as high as 18s. a week. But out of those wages to be fined 2s. 6d. and one of them 5s. is a very excessive fine in any case.

4786. I wish to ask you specially about the proportion that those cases at Wigan bear to the number of men employed. The depôt at Wigan has 230 men and boys employed there ?—Yes—I was going to say about 250.

4787. It is out of that number that in ten weeks there were ninety-five cases ?—Yes.

4788. The point I wanted to get from you is, are you quite sure of that figure, because there seem to have been in ten weeks ninety-five employés fined out of 230 ?—Yes.*

4789. You observe that is about three-eighths of the whole staff ?—Yes.

4790. Some of these might have been double cases, might they not ?—Yes, it is true that some of them might have been double cases. I have not got the names of them here as I have with regard to the North Western lot.

4791. With regard to the suspensions, is it the case that eighteen men were suspended at Wigan for an aggregate of ninety-eight days ?—Yes, that is so.

4792. Does your evidence again agree in that particular that you think that the punishment was out of all proportion to the actual gravity of the offence ?—Yes, it does.

4793. You will hand in the list of the suspension cases that you refer to ?—Yes.

4794. Then with regard to damage to the engine, in your opinion is damage to the engine sometimes caused by the defective condition of the engine prior to taking it out of the shed ?—That is so. There is a material difference now in the method of working railways from what it used to be during the time I was in the service. Then every man had his own engine and took much pride in it—more perhaps than some of them took in their own wives—but now there is a kind of a scarcity of engines. I suppose that is part of the economic changes, but the companies now keep fewer engines and keep them always working and one man if he gets an engine on a Monday, once he takes it back to the shed may not see it again that week Therefore men have to work on engines that they perhaps have not worked on before and may not have an opportunity of working on again for a whole week and so they cannot get to find out every little defect. Again, the engines are not cleaned now like they used to be. A locomotive some years ago was a pleasure to look at, well shined and polished and quite bright, but now you can hardly see any brass on an engine, and most of the companies adopt dark colours for painting them, particularly black, and black does not show up so well as the green

* See, however, Questions 9768–9769. This was a mistake.

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used to do, and those engines are not in the condition that they ought to be for the men to observe in the short time at their disposal the many little defects there are.

4795. The next thing I want to ask you about is the procedure adopted in a case of suspension. You have it on page 3 of your proof of evidence. You give an instance of a man at Northampton who was suspended for seven days in connection with a collision?—Yes. Happily this contract applies only to the North Western. It is bad enough to apply even to only one company.

4796. Before a man is allowed to resume work he has to sign a form?—Yes, a copy of which I have inserted in my proof of evidence.

4797. Will you just read that form?—"I do this day of agree to forego all claim, if any, from the London and North Western Railway Company for wages during the time I have been suspended from my duty for from to on condition that I may be allowed to resume work." That is a tyranny of the extreme kind.

4798. Just explain that?—It is in this way. Something has happened in connection with the man's working and some subordinate official, we will say, has suspended the driver in this instance for seven days pending inquiry. He may be suspended seven days or fourteen days or a month just at the convenience of the officials in working the inquiry. When the inquiry has been held by the officials with or without the presence of the individual who has been suspended (and as frequently without as with) the companies come to their conclusions upon the reports made by those holding the inquiry and they may or may not find that this person was responsible or was guilty of some negligence, and even assuming that he was not guilty he has got to sign this form because he has been suspended, and to put the case that he was not guilty of any negligence, and therefore should not have been punished in connection with it, yet he has to sign this, and although he may have been suspended fourteen days pending this inquiry——

4799. Erroneously?—Erroneously—he signs this, and he is not paid for the time that he has been suspended. This man in this particular instance made a very bold fight; it is very seldom you can get a man on the North Western to stand up for his rights as this man did, and he positively refused to sign the thing for nine or ten days. He felt he was innocent of the cause, but he was bound to sign it eventually. He asked me finally, "What shall I do under the circumstances?" I saw that the man's job, 7s. a day, was not to be picked up everywhere, and although it was a hardship that he had to sign a thing of this kind and forfeit all the time he had not worked in addition to the nine or ten days that he was negotiating after the verdict, if you like to call it so—he had to lose all that time in order to be allowed to resume work.

4800. On most of the railways the signalmen receive a bonus for good conduct, do they not?—Yes.

4801. That is usually paid half-yearly?—Yes.

4802. If the signalman is fined above a certain amount or suspended does he lose the whole bonus?—That is so.

4803. For the half year?—Yes. They vary. Supposing the man had had his bonus last month and something happened early this month, and therefore there were only two or three weeks gone, in that instance they would very likely fine him to such an extent as to say he should lose his bonus for the current half year. If, for instance, his bonus was due next month—just a month to run—they might in that instance suspend it for five months and he would lose five months instead of six. It usually works out to the greater advantage of the company.

4804. Can you tell us before we pass from that point, is the bonus considered a substantial element in the man's remuneration?—It is considered in two ways. If the men apply for an advance in wages the railway company say, "Your wages are not so bad; it is so many shillings a week and so much bonus equal to so many shillings a week, and your uniform which is equal to so many shillings a week more." That is the reply that is given by the companies in response to an application for an advance of wages. But if on the other hand it is for the convenience of the company, then the bonus is not considered as part of his wages; they say, "That is simply something we give you for good conduct." So that the companies always use the thing in two ways, whichever is most convenient to them. If the men claim an advance in wages then the bonus is wages, and "Therefore your wages are so much a week and not what you contemplate," and if the men claim it as wages they say, "It is not wages at all; it is simply a premium we give you for good conduct."

4805. Take a case, if there is such a case before you, of men from two companies, one which of has the bonus system and one which has not?—I think the majority of our big railways have the bonus system. Perhaps some of the smaller companies have not got it—the North Eastern, for instance, have not got it, but that is the only large company that has not got the bonus system.

4806. There is a Stoke-on-Trent case mentioned here. I should like you to refer to that?—Yes, that is a very glaring case.

4807. Tell us the facts about it?—The facts are that once a year they have been in the habit of deducting a day's wages or a day's pay from the men's wages towards the local infirmary.

4808. The North Staffordshire Infirmary, that is?—Yes, and there were some objections raised to it by some of the men a short while ago, and they objected for two reasons. The man who raised the objection first was a fireman only receiving 3s. 6d. a day, and was married and had a wife and one or two children to maintain, and he could not afford to pay 3s. 6d. towards the infirmary out of his earnings, but he had no choice, because it was deducted. Then he took it up with the officials and endeavoured to get the money refunded to him, but he was informed that thirty years ago it was agreed then that the company should deduct a day's pay from the men's wages towards the infirmary, and they had followed out that practice I suppose ever since, and although the new men who came in of course knew that the thing was not binding in any way and was a kind of voluntary thing, they followed up the practice. The difficulty is you cannot get men to protest against these things.

4809. I see you have a reference to Clause 3 of the Truck Act. You say, "It may be asked why is not advantage taken of Clause 3 of the Truck Act in those cases where a man considers the fine excessive or the deduction illegal"?—Yes. I have said it to ever so many, but the difficulty is to get men who would be prepared to take action, because it would be a certainty that as soon as they took action under Clause 3 so certainly would their period in the company's employ be at an end. Therefore of two evils they had chosen the least, and they would rather put up with it and press for other means of putting an end to these practices than avail themselves of the law to obtain what they think is reasonable and just to themselves, but at the same time sacrifice their employment.

4810. There is another point you wish to mention, namely, about the benefit societies. You might explain that?—Yes. Most of the companies, particularly the larger companies, because the smaller companies do not adopt the system very much, have a system of having friendly societies attached to the employment, and it is compulsory upon all those seeking employment with the companies to become members of those societies. It is not a question of choice, and I have since I have been in the House protested on every railway Bill that has come in where they had this compulsory membership of these societies, and I shall always continue to do so, to prevent the railway companies having such things attached to them.

4811. Would you just explain in a word the real hardship. Of course it occurs in the case of dismissal?—Yes, the hardship comes in in more ways than one, but I will take my own case if you like. When I entered the service of the Great Western Railway I was a member of the Foresters and of the Oddfellows Societies, so that I was already well provided with a friendly society. My wages were only 16s. a week, and I had to pay 6s. entrance fee to get into the Great Western compulsory societies. The contributions to those societies was 11d. a week out of my 16s., and I could not afford to keep up the Oddfellows and Foresters, and in order to gain employment I had to forfeit my Oddfellows and Foresters, of both of which I was a free member, in order to enable me to join the others—not to enable me, because I could

not very well afford the 11d. a week out of the 16s., and the 6s. entrance fee, but I did. However, I was in the employment of that company for seventeen years. When I left I got a certain percentage of my contributions to one of the societies. One was optional; I could remain a member by paying higher contributions or else I could leave it, but with regard to the other one there was no option at all; all the money subscribed was forfeited. So that when I left the service I was obliged to leave one of these societies; the other one was optional by paying a higher contribution: I got, as I say, a certain percentage of my contributions back from one and nothing from the other. The very same societies have since then, owing to the narrowness, if you like, of the field from which they can recruit their members and the increase in the demands for benefits by accidents and so on, more or less of a permanent character, had to increase the amount of the contributions and the contributions to those same societies now amount to 1s. 3d. a week—from 11d. at the time I was in the service to 1s. 3d. now—and they are on the poverty line even now, and they will always have to continue increasing it. That is one hardship. The compulsory society compels a man to give up other societies in order to join them. Secondly, whether he leaves by his own will to better his position or whether he is dismissed he is obliged to forfeit the whole of his contributions. They are therefore objectionable on those two grounds.

4812. You mention among the prominent societies two societies connected with the London and North Western Railway—the Provident and Pension, and the Insurance Society?—Yes.

4813. You say a man may have been compelled to contribute to those societies for years and then be subject to forfeiture at the end?—Yes, that is right.

4814. Then you refer to the London, Brighton and South Coast Railway Pension Fund. That is a voluntary one, is not it?—Yes, it is a voluntary one, but it is a peculiar way of being voluntary. It is the official influence getting round the men.

4815. The management I think you indicate are continually circularising the men?—That is so. There was a circular issued on May 31st last which concludes with the following paragraph: "If the form be not returned within one month from this date it will be assumed that you have decided not to join the fund, and a record of that fact will be made accordingly against your name." Is that not intimidation? The men regard it anyhow as intimidation.

4816. And they feel constrained to join accordingly?—A man when he gets a circular of that kind with a conclusion of that kind thinks, "Well, with a record against my name there is no chance for me to get promotion and there is no chance for anything else if I do not join," and he joins.

4817. Arising out of your statement, there are one or two things I would like to put to you?—Have you finished with the friendly societies? I should like to add a little in connection with them, and that is that the London and North Western since I sent in my proof of evidence have increased the contributions to their society by 1d. per week from the first week of June in this year. Again, they are now issuing a circular to all their staff to ascertain what societies the men belong to, what benefits they get from them and other information of that sort. The workmen very much resent this inquisition on the part of the employers and they do so for various reasons. Some of the men think the employers want to know what trade societies they belong to or whether the majority of the men are well provided for in friendly societies outside of the works, which might enable them to reduce the benefits from the company's societies, upon which I understand there was a loss of £5,000 last year, and in order to meet that the company has increased the contributions.

4818. In the case of these company's societies is there a contribution made by the employers?—There is almost invariably, but insufficient to meet the case. I hold very strongly that if an employer makes it a condition of employment that his workmen shall become members of friendly societies attached to the employment he should be responsible for the sound financial position of such societies.

4819. Of course you agree that in railway work it is of the highest importance that discipline should be maintained?—Yes, I do.

4820. I gather that as a general principle you are against the system of fines?—Yes, I am.

4821. And do you think that in all cases an effort should be made to substitute some other disciplinary method?—Yes, and I do not think that should be very difficult.

4822. Are you against the system of suspensions?—Yes, for the same reason that I am against fines. I should qualify that by saying that in the case of a serious accident—not so serious as the one at Grantham but anything approaching it—where several men are concerned and it is not clear which is to blame I would not quarrel with suspending several of them for a couple of days or so, pending inquiry. If that was done honourably, and if the men suspended are paid for the time they were suspended in the event of it being found that they were not to blame; but such cases would be quite exceptional.

4823. You see the case is one of employers managing a business in which discipline, as you agree, is especially necessary, and they adopt first the system of fines and then a substitution for fines in the form of temporary suspension. I understand you think that there is a better way?—Yes.

4824. We should be glad if you would give us your assistance in that matter by explaining your views and suggestions?—My idea of maintaining discipline in the railway service would be that instead of fining men or suspending them and giving subordinate officials power to punish the workmen in that way I would adopt a system of rewards and encouragements to those who do well. It is absolutely useless for a workman to appeal against the penalties now imposed because usually he cannot get a fair hearing and the matter is decided by officials who make an enquiry, send in a report, and have the penalty fixed whether it be a fine or a suspension. My method would be a system of rewards rather than of punishments; give favourable marks to a man who steers clear of complaints for a stated period, somewhat in the way that marks for good conduct are given in schools. I see no reason why that should not be done. If a man goes through a specified period, say six months, twelve months or longer, and all the time steers clear of complaint, I would give him a certain number of marks which might accumulate until in course of time they represented a certain moderate amount in money.

4825. What occurs to one's mind is that as compared with the present system the result of your plan would, in effect be almost the same, and would be as broad as it is long?—I think not.

4826. A workman would either get his full wages plus the reward, or his wages and the reward minus certain deductions. Would not that work out just the same as a fine?—I do not think so. I would not make the system work like the bonus which has been mentioned as given to signalmen. The marks might run on for a long period, say three years or perhaps even five years, at the end of which period if a man had succeeded in obtaining and keeping so many marks he would get a reward of £2 or a similar sum. You may be sure that no man on a railway is going to deliberately throw a truck off the road whether you have a system of fines or of rewards, because the trouble of getting it on the road again is a sufficient punishment to any such man. Railway servants do not commit offences for the sake of committing them.

4827. In order to elucidate this point, because it is well worth considering, let me put the case of a man with a good record of that kind and with £5 due to him as a reward after three years of favourable marks; even under that system he would be open to be deprived of his advantage at the caprice or will of his superiors just as you say is now the case. The man himself is of opinion that he has not committed any except the most trivial offence; yet there may be marks put against his name that would tend to deprive him in some measure of his bonus?—I am afraid we cannot altogether avoid that, any more than a school teacher can be prevented from sometimes giving a boy a mark more or less than he is entitled to. There is no one to prevent him doing so,

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and the remark may apply also to the railway service. What would be gained by it would be the abolition of present penalties upon men with small wages for flimsy offences such as blowing off steam for a moment whilst the fireman puts on a shovel-full of coal or for emitting a little smoke. Instead of being fined or losing wages by suspension a man who commits minor offences would only be deprived under my system of a certain number of marks which might reduce his total at the end of the three years and so postpone the anticipated reward, but the reward would only be postponed until the time came when he had his full complement of marks.

4828. Of course there is one manifest advantage in your suggestion, that, at all events, unless in serious cases where a man has to be actually dismissed, the workmen in all ordinary cases would know that their wages are sure?—Yes.

4829. And their employment sure?—Yes. My proposal would make no difference to the man whose actions merit dismissal. If the officials thought his offence sufficiently serious they could dismiss him just as they do under the present system.

4830. Assuming the Committee not to see their way past allowing fines in some circumstances I suppose you would agree that at all events it is better if both parties know where they stand?—Yes, certainly.

4831. You would, of course, apply the same principle to the case even of dismissals in lieu of fines; that is, it should be part of a plain contract known to both parties that certain acts would be followed by certain definite results?—Yes, I think that might be well. At the same time, speaking from a large experience both in the railway service and out of it, I am afraid if you insisted upon a notice being posted up in particular places setting forth the offences for which men would be subject to penalties of dismissal, the railway companies might take a minimum offence with a maximum penalty, and announce perhaps, that for emitting smoke from his engine a driver may be liable to instant dismissal. Whatever may be my opinion about officialism, and it is not a very high one, I would prefer leaving the extreme penalty to officials to decide as is done now.

4832. What would you say to a suggestion, which has been mooted here in some evidence, that both in the case of fines and dismissals the conditions of these should be clearly known to both parties, but that the rates of punishment should be a matter of arrangement between a committee of the workpeople and the employer, and that failing a settlement, there should be an appeal allowed to some central authority? What would you say to that?—In view of the advantages which railway companies have at their disposal I do not think I would advocate that, because it would invariably mean that the few men selected to meet their employers would not like to run the risk of many things that might follow if they opposed the will of officials and employers. The railway companies can deal with men differently from factories and mines. Railway men are required to reside at a place convenient to the employers and much additional power is given to the employers over men who have resided some time in a place and become attached to their surroundings, either through their children going to school or to work, or perhaps through the purchase by a workman of his own house.

4833. Would railway men have any objection to an inspector being made the judge as to the reasonableness of the scale of punishment?—I doubt whether that would be possible. I cannot express the opinion of the workmen generally upon it, but I can give my own view which probably reflects that of others, and I don't think I should care for anybody to come from outside to decide these things.

4834. I must now ask you, broadly put, do you prefer suspensions to fines or the reverse?—Assuming that we must have one or the other I should say that I prefer fines, as a suspension is never for less than one day, whereas a fine may be less than a day's wage.

4835. Always assuming these two conditions, namely, that the parties should know where they are and that the fines should be reasonable in amount relative to the amount of wage earned?—Yes, and to the nature of offence.

4836. Quite so. How could this Committee get the scales of penalties to which you have referred and which so far as you know are not accessible to the workmen?—They are not accessible to my knowledge.

4837. I presume we should have to apply to the railway companies in order to see whether they would be willing to furnish that information?—Yes, and, if I may suggest it, I think it would be well for the Committee to get that information.

4838. In regard to all these societies where the contributions are either compulsory or substantially so, in such circumstances as you have told us about, where a man feels that he must really join or something may happen to him, would you favour a system, where a man is dismissed, of paying back to him the actuarial result of his contribution?—Perhaps I may be considered prejudiced, but I try to look at the matter fairly, and I cannot forget my own experience, namely, that I was compelled by my employers, as a condition of employment, to enter their friendly society notwithstanding that in that respect I was already fairly well provided for. Now I had to forfeit these other societies and the contributions I had previously paid to them in order to enable me to take employment under the company, but if I left the company's employment of my own accord to improve my position or if I was dismissed for some alleged offence, in either case, I would have to sacrifice the advantages of the company's friendly society. I maintain that in such a case the companies ought to return to the men the contributions they were compelled to subscribe less any benefit which they had received.

4839. That is practically what I had suggested?—On quitting a railway company's services many a man is debarred from rejoining another friendly society because he has got beyond the age for entrance.

By Mrs. Tennant.

4840. Is the sick club from which you were not able to take out any money when you quitted the company's service, still in existence on the same lines?—Yes. There was the Sick and Provident Society, the Pension Society, and the Widows and Orphans Fund. The Provident Society was optional in respect that a man may continue a member by paying an increased contribution. In the case of the Pension Society a certain percentage of the contribution could be paid back, but in the case of the Widows and Orphans Fund a man who left the company's service had to sacrifice all he had paid in. These are the three societies which I was compelled to join.

4841. And they are still maintained on the same lines?—Yes, with increased contributions since I left the company's service, and decreased benefits, I think.

4842. Have you contemplated action under the Shop Clubs Act?—That Act was not then passed.

4843. I know it came into force in 1903, but you say the same system still continues?—I do not know that it has occurred to anyone to take action in such cases under that Act. I have never been approached by anyone who took that view, but possibly it never occurred to an individual member when leaving the company's service.

4844. Under the Shop Clubs Act a workman leaving his employment when connected with a "shop" friendly society is somewhat in the position described by the Chairman?—I am, nevertheless, a little doubtful whether the Act in question would help us as these railway societies are established by Acts of Parliament.

4845. I think the Shop Clubs Act was designed to meet cases of the kind you mention?—I thank you for the hint and we may try to take advantage of it.

4846. Section 5 of that Act does not seem to me to exempt from all the benefits of the Act the members of a friendly society organised by a railway company. And to secure any exemption, the society must have existed before 1903?—The point has never occurred to me. I was in Parliament when the Act was passed and very nearly got it extended to cases of the class which I have especially in view.

4847. Do the companies contribute to all these societies?—Yes.

4848. Do you feel satisfied that the scheme you proposed in the nature of a bonus or reward would not

degenerate into the bonus scheme as we find it already existing in many cases ?—I don't think so. If such a scheme was recognised it should be definitely provided that it could not so degenerate. What I object to is to a bonus being considered as part wages. I would have the marks carried forward for a sufficiently long period and the reward given eventually need not be a very big sum, but really something to encourage the maintenance of marks. A workman would never like to feel that he had lost say 350 marks in the course of three years. That would be just as objectionable to the man and no less repugnant to his feelings than to have it said that he had been suspended six times in three years or been fined 22s. on twelve occasions. A man does not like even a bad record to the extent of losing 350 marks.

4849. Do you see any reason why discipline could not be maintained by a railway company as it is by certain employers in factories and workshops without either fines or suspensions ?—I see no reason. Nevertheless, there is a difference between a railway workman and the man in the factory, because in the former case there is not the same constant and close supervision. There are officials in the factories always on the spot, who have the men or women workers under observation, and that is not possible in the case of many railway servants. We do think it rather hard that in the case of a man running a train say from London to Crewe, if there is some officious foreman on the platform at Rugby who sees the driver blowing off some steam or emitting some smoke from his engine, the matter is reported and a fine imposed.

4850. I understood you to say that your Union has difficulty in imposing its views upon the railway companies with regard to the present bonus system; but do you see any prospect of greater ease in imposing its views about your bonus system ?—Yes, I do. I am hoping that the present bonus to signalmen may be regarded as wages and paid every week instead of half yearly.

4851. What is there to prevent railway companies saying to a workman, whose wages may be 25s. a week, that if he earns a certain number of marks the wages shall be 27s. per week and that, therefore, assuming him to be a good workman, the wages might be reckoned at the higher figure ?—I would carry the marks over for a longer period than half a year, and would suggest that, say, three years of good marks would entitle a man to a reward of say £2 10s. If there was a minor offence committed a certain number of marks might be taken off.

4852. Do you not think that a railway company would feel that the effect of certain marks upon a distant prospect of £2 10s. would be an inadequate deterrent ?—Very likely the companies would think so, because they would not make so much out of it. The fines now total up to a considerable sum in the year; some companies hand these fines over to their friendly societies. I think the Lancashire and Yorkshire Railway does so. That means, sometimes, a good source of income to these societies at the cost of somewhat unreasonable fines being inflicted for trivial offences. These societies should be provided for by the employers upon the men paying their fair contribution, and if the contribution is not enough the employers should make up the deficiency and not take it out of the men by heavy fines.

4853. I understand you feel that the difficulty about supervision places railway companies in a slightly different position from other employers of labour who might be expected to maintain discipline without the help of any form of fines ?—I certainly think there is a difficulty in the case of railways upon the point of supervision, but I do not admit that railway men as a class are badly disciplined.

4854. Might not the difficulty of supervision operate another way, and make it somewhat difficult for good marks to be recorded if there is nobody there to judge of a man's conduct ?—I take it that if there is no complaint against a man his marks would stand good. I would give, in the absence of complaints, something like 500 marks in three years, entitling a man at the end of that period to a reward of something like £2 10s. But if he is reported from time to time for small offences then either ten or twenty marks might be taken off at a time.

4855. If that process goes on until you reach a minus quantity, what would be done then ?—He would not in that case get his reward, and he would be in the same position as he is now. The object of the man would be not so much to gain the £2 10s. at a particular time as to avoid having a bad record in the matter of marks.

4856. I gather that it is an essential part of your scheme that these gifts or rewards should not take effect for a considerable time, say three years ?—Yes.

4857. How would you provide for men engaged for shorter periods ? Do not railway companies take on certain occasional men for say six months or a year ?—Not usually. When a man gets into the employment of a railway company he becomes, as a rule, a permanent servant, but there may be casual men who are not on the staff, and who are hardly subject to the same conditions.

4858. Are there not a good many porters taken on for short periods at big stations ?—In most instances they would be permanent men. Some few extra men may be taken on in the summer season at large London terminal stations, and when the summer traffic is over they may perhaps be put temporarily into some other department, where the goods traffic is getting heavy prior to Christmas.

4859. May I take it that you consider suspensions to be a form of fining and a bad form ?—Yes, absolutely.

4860. Would you consider it practicable for the legislature to deal with it as a form of fining ?—Yes, I should put it on the same category as a fine and deal with it in the same way. Except, of course, in the case of rather serious accidents, where a number of men may have to be suspended pending an inquiry, not suspended as an immediate punishment, but because something serious has happened and it is not known which of the men, if any of them, is to blame. But the other men who are not found to blame should, after the inquiry, be paid for the period during which they were suspended.

TWENTIETH DAY.

Wednesday, November 7th, 1906.

PRESENT.

The Right Hon. THOS. SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

F. CAWLEY, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
F. MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. RICHARD BELL, M.P., was recalled; and further Examined.

Mr. R. Bell, M.P.

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He said:—I desire to put in one or two more matters by way of supplementing and confirming my evidence of last week. You will recollect I then said that the railway companies have voluntary associations and societies, but there is a peculiar interpretation placed by them upon the word voluntary.

By the Chairman.

4861. Are you referring to charitable organisations?—No, to such organisations as the provident and pension society. I have here a schedule of contributions and benefits to the London and North Western Locomotive Department Provident and Pension Society, and a circular on the subject which has been issued to the men. I think I said last Wednesday here that a few years ago—perhaps three or four years ago—the locomotive men approached the directors with a view to forming or agreeing to form a pension fund. The directors then refused the request, but presumably they reconsidered it afterwards, and they themselves formed a society without consulting the men at all. They arranged their own schedule without any consultation whatever, and issued notice of it as a voluntary association.

4862. Among their own work people?—Yes. I want to read the circular issued to the men, which shows how a voluntary association is worked by a railway company. The substance of the circular is as follows:—

LONDON AND NORTH WESTERN RAILWAY.

Admission of various grades in the Locomotive Department into the Provident and Pension Society.

"Certain grades of workmen having desired to be provided for by pensions payable in old age or on incapacitation, I hand you herewith a copy of the General Manager's Circular No. 3163, embodying the terms on which they can be admitted into the London and North Western Railway Provident and Pension Society.

"On and from the 1st October next all new appointments and promotions will come under these Rules and Regulations.

"In the case of new appointments, and also in that of the present staff required to join the society on promotion, the medical certificate will be obtained from the railway company's medical officers, and the company will pay the examination fee, but the necessary medical certificate will have to be furnished at their own expense by the men joining voluntarily. The certificate of any qualified medical practitioner will be accepted, and a form for the purpose may be obtained on application."

At the bottom of this circular there is a form which applicants are supposed to fill up. It is as follows:—

"I ———— ———— ————
(Signature in full) (Working Number) (Grade in Staff List)
rated at ————————————am desirous of
(Staff List Rate of Pay)
becoming a member of the London and North Western Railway Provident and Pension Society, and would be willing to pay such an equitable amount of premium, according to my age, as may be fixed if the privilege is extended to men 45 years of age and upwards.

Date of Birth————Age in completed years last birthday———
Date of entry into service————————
Station employed at————————."

In addition there is another form issued to each man, of which I could not get a copy, as each applicant had to return it with his statement whether he intended to join or not, and that form distinctly stated that no advance of wages or promotion would be given to men who did not join, notwithstanding that the circular referred to men who are desirous of joining. The men resent this very much and I have had a good deal of communication on the subject with men on different parts of the system. Some of them called upon me to be advised as to what should be done under the circumstances, but really there is nothing to be done unless the whole of the men could organise or agree as to the filling up of these forms, and the Company required them to be returned within such a short period that the men had no time to consult each other, yet if they refuse there is no prospect of advance or promotion to them.

4863. Do I understand you that, after the directors had refused the men's requests for such a society, the company itself initiated this society?—Yes, that is so.

4864. Having, as it were, tapped the feeling of the men which showed that they were moving in the direction of a society of this kind, the company, as you suggest, utilised it especially for company purposes?—Yes, without any consultation with the men at all.

4865. Do you know whether the railway company contributes to this society?—The men cannot tell me that. The first page of the circular which I have produced sets forth the contribution, and benefits in detail.

4866. I rather wanted to know, if possible, how the capital is made up?—The men know nothing more than is contained in the circular to which I have referred.

4867. I gather from your evidence that, in your opinion, that which began voluntarily is now substantially a condition of promotion in the company's service?—Yes. The company say it is voluntary whether the men shall join, but such restrictions are put on the men's future that they can hardly refuse to become members unless they are prepared to sacrifice any chance of advancement or promotion.

4868. From one point of view is it not rather a good thing that the workmen should be members of such a society?—It is a good thing provided the society is based upon a sound foundation, and that the workmen who are members have some control of its management.

4869. In regard to that latter point you suggest that it has come to be a company affair and nothing more?—Absolutely.

4870. Have you any fresh instances that you desire to mention?—Yes, in order further to substantiate what I stated last week as to the way in which men are sometimes suspended for things over which they have absolutely no control, I may mention a case that occurred on the 23rd and 24th of last month. It refers to a man who was called upon to travel as acting inspector with a special train from Stafford to Liverpool. The train

contained some wide material that overlapped the side of the trucks and owing to the dangerous nature of the load the special train was run on a Sunday. The goods guard, to whom I have referred, was appointed to travel with this train as an inspector. It is usual for some order of working to be issued in such cases, and before leaving Stafford on the Sunday morning the man in question, the goods guard, made inquiries from all who were about the premises at that time, and was informed that no special regulations had been left. He therefore took the train to Crewe, but on arrival at Crewe instructions were given by an inspector there for the train to travel *via* Warrington. It afterwards transpired that the train should have gone *via* Runcorn, and that the station master at Stafford had received these instructions, but was not about when the train started and had not left them out. Yet a fine of two days' wages by suspension was imposed upon this man.

4871. Would that not be a case in which the man would sign such a document as you referred to on the last occasion ?—I do not think the London and North Western men have to sign such a document as in the case of a Lancashire and Yorkshire driver, as suspension does not come directly under the Truck Act, and therefore they did not adopt the measures necessary in accordance with that Act as they would have done in the case of a fine, but they have to sign one similar to the copy I mentioned in my evidence-in-chief.

4872. Is there any other instance ?—Last Wednesday I mentioned the case of an engine driver at Normanton who was fined 2s. 6d. because he neglected to sign off duty. These men have to make a return of their day's working. I have a copy of the return here which shows that the man has to sign when he goes on and off duty. In the case in question the man omitted to book himself off duty on arrival at the sheds, because his time was taken up largely in filling up other returns as to the quantity of coal used, defects of the engine, necessary repairs or other matters requiring attention. He overlooked to sign himself off in the book, and was for that fined 2s. 6d. He was particularly anxious that I should not mention his name, because he says if that came out there might be a more severe penalty than the fine.

4873. Are you at liberty to mention the name of the company ?—It was the Midland at Normanton. Others besides him are treated in the same way.

4874. Are these all the fresh matters that you wish to bring before us ?—The following is an extract from a letter received from Wigan, dated November 7th, 1906. "I have to again call attention to the suspensions on the great and mighty London and North Western. At our meeting last night we had a suspension claim for three days by a London and North Western driver for dropping lead plug with three inches of water showing in the gauge glass and injector working. I am further informed that some case has arisen recently of a man being suspended for dropping lead plug of an engine that had not been washed out for four weeks previously. Another member was suspended two days for going out a few hours and not having returned when sent for, although when our member went out there were several men in front of him. Such punishments are altogether unreasonable, for if a man has not even time to go to get any requisite, the company should pay a wage to enable him to make other arrangements." I also have a typical instance of how these sick societies are operated with regard to these men. It is a recent case with regard to which I had a letter yesterday from the solicitor. It was the case of a man, late engine driver, Class 1, in the employment of the London and North Western Railway Company, who was injured whilst in the employment of that company on 29th October, 1904. The company paid him £1 per week from a fortnight after the accident until May, 1905. In January of this year, being a member of the London and North Western Railway Insurance Society, this man put in a claim against that body for the sum of £50 under Rule 8 of that society, which set forth that should a member by accident receive bodily injury which renders him permanently disabled from following his present employment, such member shall receive, etc. The society got him examined and their own doctor twice advised him not to go back on the engine again, but to try and get a light job. The company declined to find him such a job, and the general committee rejected the claim because another doctor thought he was not permanently unfitted for his regular employment. It was not until June this year that the General Committee came to that decision, and they were informed that an appeal would be made against it. The reply was that the delegate meeting would decide whether the case should go before the arbitrators. It now appears that the case will have to be submitted to a delegate meeting in April, 1907, as the rules of the society do not permit a case of that kind to be brought before the courts of law. It will therefore be probably eighteen months before this man gets a final decision. There are scores of such cases, perhaps hundreds of them, because these societies are largely in the hands of officials who dominate their whole policy, and the men cannot get their reasonable due, although compelled to join these societies.

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By the Chairman.

4875. You mean officials of the company ?—Yes.

By Mr. Walsh.

4876. That would hardly be a shop club on the lines of those which you spoke of last week for insurance purposes to take the place of the Workmen's Compensation Act ?—The company has powers for these societies.

By the Chairman.

4877. In so far as our Committee's inquiry is concerned, I gather your evidence to be that whatever our opinions are upon the subject of the sick and benefit clubs, it is important to note the management under which they are conducted ?—Yes, and that they are enforced upon the men as a condition of employment or promotion.

By Mrs. Tennant.

4878. As distinction is made under the Shop Clubs Act according to whether the railway companies subscribe or not, I suppose you will ascertain whether the company subscribes in this case ?—I think the companies subscribe something in almost every case.

4879. I think you said you did not know ?—I cannot say definitely as the circular conveys all the information I can get. The men know nothing apart from what that document indicates.

4880. But in consideration of the fact that you may be able to deal with them under the Shop Clubs Act, I suppose you will ascertain whether the company does or does not subscribe ?—Yes, I shall endeavour to do so.

By Mr. Cawley.

4881. In connection with the subject of fines and suspension I understand that of the two you prefer fines ?—If there is to be a penalty of some kind a fine would be less than a suspension. A fine of 2s. 6d. is always to be preferred to making a man lose 7s. for a day's wage.

4882. Then what it comes to is that if there must be one of the two as a deterrent you prefer the fine ?—Yes.

4883. You went on to advocate a system of rewards instead of fines ?—Yes.

4884. I think in one part of your evidence you said a man might get such a pile of black marks against him that he would have no chance of getting the reward ?—Yes.

4885. Don't you think in such a case he might become callous ?—He would not become any more callous than by being fined a dozen times.

4886. If a man has accumulated a certain number of black marks a company would have no other resort by way of punishment ?—A man would in any case have before his mind the fear of dismissal, and he would not deliberately misconduct himself and run such a risk.

4887. I am not saying whether fines or suspensions are right or wrong, but my point with reference to your suggested scheme is that it is the most negligent men who get the black marks and the company would have no redress against that man except dismissal ?—A man would always remember that there was the alternative of dismissal staring him in the face. The penalties are largely due to the caprices of officialism. Some official may make himself so over officious that a poor man can hardly look over a hedge without having the fact reported against him.

4888. They are a little arbitrary ?—I agree.

4889. That is really a condition of employment ?—I agree

4890. You were speaking of fines for small offences and amongst the rest you particularly emphasized the emitting of black smoke ?—Yes.

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4891. I suppose you are aware that the railway companies themselves get fined by the local authorities when black smoke is emitted ?—Yes, I admit that.

4892. Do you not think it is rather hard on a railway company if they have an engine-driver or stoker, whoever it is, who continually fires up so that he makes black smoke to the detriment of the neighbourhood of a local authority that the local authority should fine the railway company ? Do you not think the railway company ought to have some remedy against the man ?—I think that the railway companies might have a little relief from the local authorities in regard to this, because the black smoke at a station does not very much affect the neighbourhood outside.

4893. I am afraid that the neighbourhood would not agree with you in that, nor the local authority ?—No, but I would certainly support a railway company against these arbitary prosecutions by corporations for a matter of that kind, anyhow.

4894. We have all suffered perhaps from arbitrary corporations in regard to smoke. You are aware of course that a man can prevent smoke to a great extent ?—He cannot always prevent it at all times.

4895. How is it that some men get fined and others do not ?—Because it so happens at the moment. Various circumstances operate in these things. Take a man running from London to Crewe—those who know a little about engines, would find that engine not in the best condition by the time she got to Crewe with a heavy train. The result is he has got about two or three minutes at Crewe only in order to get himself ready to go on again from there to Manchester.

4896. He knows he has to stop at Crewe and he knows the exact distance ; do you not think he ought to regulate his firing up so as not to make a big smoke at Crewe ?—I only wish it was so easily done as you suggest. No man would do it deliberately. Passengers grumble at the company and curse the driver if he is five minutes late in arriving, and he is punished if he loses time.

4897. Is it not a fact that some men get fined for making black smoke, and others do not ?—They all get fined if they happen to do it.

4898. Is it not a fact that some men do not get fined, and others often get fined ?—That does not prove anything. The men who run a certain express are a certain section, and because those men happen to be dropped on and fined, it does not follow that other men who are running goods trains are not also emitting smoke.

4899. Your assertion is that on all passenger trains that are run in long distance journeys the men get fined for black smoke ?—Yes, or even short distances.

4900. All of them get fined ?—All get fined if some officious person interferes.

4901. Yes, but that is not quite my point. Is it or is it not the fact that all the men get fined ?—Yes, if they are caught.

4902. But do they get fined, as a matter of fact ?—Yes. They are suspended on the North Western.

4903. Is it a fact that every engine-driver at some time or another, or fairly often, gets fined or suspended ?—Every one that is caught. I will put it in that way, because I should not like to say that everyone is fined.

4904. The blowing off of steam comes in the same category ?—Yes.

4905. Have you an objection to the fines being published ? The fact that they are published does act as a deterrent, I think—it is an addition to the fine, in a way. The men do not like their names being published, I understand ?—No. Why should they be black-listed ? Is not a fine sufficient without black-listing them all over the country ?

4906. Does not the fact that the fines are published, and their names known, make the men more particular ?—Why should a passenger object to his name being published when he is fined for travelling without a ticket ?

4907. His name ought to be published ?—The Courts have held that that is wrong. If it is wrong for a passenger to have his name published when he deliberately does a wrong, it is more wrong for the engine-driver to have his name published. If a passenger travels without a ticket, he deliberately does so, but a man cannot always help his engine blowing off or emitting black smoke. To be fined and black-listed all over the country for that is certainly wrong.

4908. Do you not think that it makes a man more particular if he knows his name will be published ?—Not a bit of it, because none of these men do that kind of thing if he can avoid it.

4909. Your contention is that neither a fine nor suspension has a deterrent effect ?—Not in the least. If they had a deterrent effect, with the fines and suspensions which have been going on, we should have had these things reduced now to a very small quantity.

Mr. Walsh.

4910. I have paid some little attention to your point that there have been very few cases where the men, although they knew that the deductions or fines must be reasonable and fair having regard to the circumstances of the case, under the Truck Act, have taken any action on those grounds under that Act ?—That is so because they have a fear that if they did there would be no more employment under that company.

4911. Have the companies themselves ever had the illegality of their action brought before them ? For instance, you know that they should really schedule the list of offences for which they intend to inflict fines, and they should also schedule the extent of the fine for that particular offence ?—Yes, but I think that these schedules would not be found posted up anywhere except perhaps in a very few instances.

4912. Of course, there is another alternative. If they do not schedule, there is supposed to be a contract in writing between the workmen and the employer stating the nature of the offence or damage or omission and the amount of the fine agreed upon. Does that take place ? —No, not by agreement. There are only those little notices which I mentioned at the last meeting, which a man has to sign.

4913. That is supposed to be a written contract, is it ? —I take it it will be considered as a contract. No ; it is not signed by the man himself; it is simply a kind of notice.

4914. So that it certainly is not a contract at all, in any way ?—No, it is not a contract.

4915. First of all, I understand there is no schedule of the fine, nor of the offence, nor is there a written contract which ought to follow in the event of the first condition not being complied with ?—No, there is not. Since my attendance here last Wednesday I have written to a large number of depots to ascertain if any such thing is posted up, either in the locomotive sheds or anywhere else, and all the replies which I have had are to the effect that they know nothing of them ; in fact, they have had some difficulty in understanding what I referred to, because they absolutely knew nothing of it. I have made those enquiries in order that I might be positive in what I was stating.

4916. I only wish to draw attention to that particular part of the Act, because it seems to me that the Act of 1896 did at least try to give the workmen and the employer some reasonable assurance in this matter. Now, I would like to ask you with regard to some of those particular matters for which the men have been fined. In two cases I think the fines were in connection with the dropping of an oil cup ?—Losing an oil cup in running.

4917. And in the pulling of the brake van off the road ? —That would be at a siding.

4918. Do you submit that these are matters over which a man has really no effective control ?—I could hardly say that a man would have control over his oil cup. He may be satisfied that it was all right when he last attended to his engine, and after running fifty or one hundred miles, when he stops again, he may find his oil cup has dropped off.

4919. Of course we are not here to express our own opinions, but simply to ask questions. I take it your own opinion is that the best workman on the line might very well have this particular class of accident occur to him ?—The chief mechanical engineer himself, if he was on the engine, could not help it.

4920. That leads me a little bit further. How far can fines inflicted upon men for matters over which they have no effective control act as a deterrent ?—It is impossible that it can have any. If a man lost his oil cup to-day and was fined 2s. 6d. for it, or suspended for a day, by which he would lose perhaps 6s. or 7s. in wages, that would not prevent him losing an oil cup again to-morrow in running between two points.

4921. If he were fined the whole of his wages could even that act as a deterrent ?—Not at all.

4922. The same thing might happen twenty times over to the very best workman on the line ?—That is so. If a wheel dropped off the man could not help it.

4923. With regard to the pulling of the brake van off the road, is that a thing over which a workman could exercise some reasonable care ?—They always do that, and if you fine a man twenty times it would not prevent it. No man would pull a brake van or truck off the line, because he has to pull it on again, and that is sufficient punishment.

4924. Do you think the companies themselves have the idea that these fines do act as a deterrent ?—I do not think they have given any consideration at all to it.

4925. We will take it a little bit further for ourselves, and leave the companies to themselves. Inasmuch as the companies do inflict fine after fine, and these offences are continually occurring, am I to understand that the men are still retained in their employment ?—Yes. I will refer you to that Accrington incident which I gave you on the last occasion, where a man had been fined eight or nine times and is still driving to-day on the Lancashire and Yorkshire Railway.

4926. So that really one can only assume that the companies are still satisfied with the ability of the workman as a capable workman, or they would not retain him in their employment ?—I should certainly suggest that, because if they thought he was not they would be wrong in retaining him in their employment.

4927. Then you put it that this can only have the effect, if not of decreasing the capacity of the workman, at least of making him more embittered against the system which inflicts fine after fine for matters over which he has really little or no control ?—If I may go back to what Mr. Cawley put to me, he asked me whether these fines would not be a deterrent to a man and make him more careful, but I should say that it would make him more careless. Here is a man, doing his best, fined and suspended, fined and suspended—well, it makes him think, "It does not matter what I do; I am doing the best I can, and, for a paltry thing over which I have no control, I get fined like this"; he will then probably use a strong adjective and say, "What is the good of taking any interest in the thing at all ?"

4928. I am to understand, then, that these fines are not determined by any system or method, but that the amount of the fine depends upon the caprice of an under official ?—In some instances an under official, but sometimes it is inflicted by a superior official, although always on the report of an under official.

4929. And of course, as a matter of fact, there is no particular system which would, so to speak, limit the amount of the fine, and which would give a definite character to the nature of the offence ?—No, there is no particular system existing in that way at all.

4930. I would like to ask you with regard to those voluntary societies. You quoted the case of the London and North Western, and as I listened to you it seemed to me that the voluntary part of it only applied to those workmen who are now in the employment of the company ?—That is so.

4931. Their advance of wages, or future higher appointments, are made dependent upon joining this particular provident and pension society ?—That is so.

4932. So that although many of these men may have been working since fifteen years of age, possibly to middle age, forty-five or fifty ?—I would not put it so high as that.

4933. Would you say forty-five ?—Yes; they get it up to forty-five.

4934. Although these men have been thirty years in the company's employ, and have really earned the right to higher wages or to higher appointments, that right is now determined unless they join this society ?—Reading that circular, I take it it would not apply to a man of forty-five. They commence then a kind of application to be allowed, by paying back money and so on, but if you like, you may take it at forty.

4935. So that people who have been working for between twenty-five and thirty years in the company's employ, and who in that sense may be said to have earned the right to higher wages as they come along, or to better appointments, will have those rights determined—or at least those privileges if you care to put it in that way, for I suppose it could hardly be said that a right existed—will have these privileges determined unless they join this particular provident and pension society ?—Yes. I will put it in another way to emphasise that it is a right and not a privilege. Here is a man who has to apprentice himself, as it were, as either a cleaner or a fireman to become a driver. By the time he has become a driver he will probably have been in the company's employ say eighteen to twenty years. His minimum wage as a driver would be 5s. 6d. a day, and by right he is entitled to an advance up to, say, 7s. a day. If he happens to be at 5s. 6d. a day after, say, eighteen years service, next year he will be entitled to his 6s. a day, but unless he joins this fund he does not get that 6s. a day.

4936. Of course it will still be in the company's power to keep him in the lower job ?—That is so.

4937. They are not bound to give him the higher job ?—They are not bound to in any case, but I have never found a case in which a man has not gone up unless his reputation did not warrant them in raising him.

4938. Why I used the word "privilege" instead of "right" was that it could not be said that the man had any legal right ?—No, no legal right.

4939. We had better not get into the realms of metaphysics. Is there any guarantee of solvency in these societies at all ?—Absolutely none.

4940. So that when the men are asked under these conditions to join the societies they do not know they are joining a society which will pay 20s. in the £ ?—No, they do not know what it will be able to pay.

4941. There is no guarantee as to solvency ?—None whatever. In fact, every society is insolvent, and in a very bad state of insolvency too.

4942. Now with regard to the retention of membership: supposing a man leaves the employ of a particular company, is he enabled to retain his membership in that society, to which he may have contributed for many years ?—No, with one or two exceptions. One I know is the Great Western Provident Society, one of three societies to which the men are compelled to subscribe, and in this they can retain their membership, but they have no part in the conduct of its management, and they have to pay an increased contribution.

4943. They have to pay an increased contribution, and have no part in the management of the society ?—That is so.

4944. And that only applies to one or two cases ?—Yes. I know for certain that the Great Western is one, and I believe the Midland have similar conditions.

4945. In those cases where they are not allowed to retain their membership, is there any surrender value given for the payments made ?—Sometimes some companies give a percentage of the contributions. They give all with the exception of a certain percentage for management, and of course the deduction of any sums which they may have received in benefit as well. The London and North Western Company do not return anything from the Provident Fund.

4946. I suppose when that surrender value is given it will have been dependent upon a certain number of years' membership ?—Yes; nothing but a percentage of the contributions which he has himself subscribed.

4947. Have you considered the effect of such societies at all ? I do not know whether this is carrying it a little beyond our purview, Mr. Chairman; of course I will not press it if it is beyond our scope. Have you ever considered the effect of the men being compelled to be members of these societies upon those other societies, friendly societies to which they may have contributed

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voluntarily for a large part of their life-time? Have you considered the effect of the membership of these employers' and workmen's clubs upon the fortunes of the other friendly societies to which I have referred?—It must have a certain amount of effect.

By the Chairman.

4948. I think Mr. Bell put it quite well just now, and that we can leave it there. I think up to that point Mr. Bell's evidence is very good, that it must have a certain effect upon the others.

By Mr. Walsh.

4949. I do not wish to press it. I will leave it there.

By Mr. Delevingne.

4950. I understand you to say emphatically that Section 1 of the Truck Act, 1896, which requires the employer either to make a contract with individual workmen or to post up a general notice in respect of fines, is not being observed at the present time by the railway companies?—I feel absolutely certain of that, unless the companies regard one of their own rules in the rule books to which I referred in my evidence last week as a contract, in which they say that the company reserves the right to punish by fines, suspension, or dismissal, and to withhold any moneys due.

4951. That of course is not a contract or a notice within the meaning of Section 1 of the Truck Act, 1896?—No.

4952. It clearly is not. If such notices were posted up or individual contracts made as required by the Act, it would be a protection for railway servants—at any rate it would be a great advantage to the railway servants?—I do not know that it would be any great advantage, but the men would know when they were fined how much they ought to be fined for the particular offence. As it is, one man may be fined 2s. 6d. for emitting smoke and another man 1s. 6d., and they do not know which it ought to be.

4953. The contract is required to specify the definite acts or omissions in respect of which a fine may be imposed, and the amount of the fine, or the particulars from which that amount may be ascertained: if that condition was observed, would it not be a protection to railway servants against the caprice of subordinate officials?—It would in the respect I have just mentioned, that they would know exactly what the penalty would be for a certain offence.

4954. That would take away the power from subordinate officials of fining in accordance with their caprice for a particular offence?—Yes.

4955. The fine would be fixed for each particular offence?—Yes.

4956. Then again, Section 1 requires the amount of the fine to be fair, having regard to all the circumstances of the case. You have given us instances in which the fines were obviously unfair?—Yes.

4957. Cases in which, according to your account, the matter was entirely beyond the control of the railway servant?—Absolutely.

4958. You gave us one case last time in which, I think, a man pointed out a defect in his engine to the foreman when taking it out of the yard, and yet was subsequently fined in respect of that very defect?—Yes.

4959. That of course seems obviously unfair?—The railway company will always tell you these things are fair—that they only fix a fair sum. It is a question of who is going to interpret what is fair.

4960. Has any action ever been taken during the ten years in which this Act has been in force to test those points?—Not by the railway societies.

4961. Nor by railway servants?—No, just for that very reason which I before stated, that the men would be afraid of taking action.

4962. So far as the railway servants are concerned the Act of 1896 has been a dead letter?—Absolutely.

4963. Would that be remedied at all in your opinion if there was any system of inspection in the case of railways as there is in the case of mines and factories. You are aware that in the case of factories the Truck Act of 1896 and the other Truck Acts are enforced by the inspectors of factories?—At the depots and at the stations where men are employed that would enable the men at any rate to see that these notices were posted up in accordance with Section 1.

4964. A factory inspector's duty, in the case of a factory is not only to see that the notice is posted up, but also that it is a notice in accordance with the provisions of the Act, specifying the acts and omissions and the amount of the fine, and also that the fines specified there, and actually imposed, are fair and reasonable in all the circumstances of the case?—Yes; if someone has authority to consider and decide whether a fine is fair or unfair, I think that will be of material assistance.

4965. I understand your case to be that nothing has been done under the Act of 1896—that that Act has not had a fair trial in regard to railway servants?—That is so, for the very reason which I stated before, that the men are afraid. They would have to go to the police court, and any railway man knows very well that once he goes to a police court he goes out of the railway service the week after.

4966. Have you considered how far the Act of 1896, if put in force, would meet the points which you have laid before the Committee?—No, I have not, for that very simple reason that we cannot get our people to agree to take action, and therefore I have not bothered with the Act because there is no use for it.

4967. One question on the subject of suspensions: is that a convenient system for the railway companies? Is not suspension less convenient as a mode of punishment than a fine for a railway company?—I would say it is more convenient, because they make more money out of it.

4968. Do you suggest that the amount of the fines imposed by the railway companies is a consideration to the company?—Yes, a good deal, because as I stated, some companies place the money obtained by fines to the account of the provident societies for the purpose of augmenting the funds.

4969. Is that a benefit to the shareholders?—It is not a benefit to the shareholders directly, but it may be a benefit to them indirectly inasmuch as if the fund is well fed by fines from the men, the company have not to subscribe, whereas perhaps they would be obliged to, morally, if the income was not equal to the expenditure for a year's working. It is the company's own arrangement, and morally we would expect them to make up any deficiency. If they can feed it with fines from the men, it saves them from subscribing.

4970. Have you any idea at all as to the total amount of fines imposed in a year by any of the big railway companies?—No; it is not posssible to get at data of that kind.

4971. What is the amount of the contributions made by railway companies to these insurance funds?—That could be obtained from the balance sheets of the various funds. Of course I am not in possession of those now, but I could get them for you if the Committee desired it.

4972. You were saying last time that suspension is a greater hardship upon the men than a fine; supposing that fines were prohibited entirely, do you contemplate the prohibition of fines being also coupled with some control over the power of suspension?—I should say so in regard to those frivolous offences which I have enumerated. The North Western, for instance, have substituted suspensions for fines. They used to fine very heavily, but now, whether as a matter of convenience or for what reason I do not know, they suspend. I think a couple of years after the passing of the Truck Act they abolished fines in order to get out of the conditions imposed by the Act. They thought they would avoid all those difficulties, and therefore, they suspended the men instead of fining them. The result is they are not obliged to carry out the various conditions of the Act, and none of the employees can appeal, as they would have power to do under the Truck Act against what they thought was an unreasonable fine.

4973. Can you suggest to the Committee any practicable method by which the exercise of the power of suspension could be supervised or controlled?—It is rather difficult for the Committee, or even for Parliament, to say that the companies shall not suspend a man.

4974. That was not quite my question. My point was with regard to the difficulty of controlling the exercise of the power of suspension of a workman by his employer. Have you any suggestions to make to the Committee as to any practicable method of supervising or controlling the exercise of that power ?—I may compare two companies—the Midland and the London and North Western. The subordinate officials of the Midland have not the power to suspend men as they have on the London and North Western. The Midland subordinate officials have to report these offences to headquarters, and they are the people who decide the suspension. I venture to say that there is not 5 per cent. of the suspensions on the Midland Railway as there is on the North Western. That is putting it very high. Every one who is clothed in the least bit of authority on the North Western has the power to send a man home, and to bring his clothes in, and all that kind of thing. There you have it: one company has withdrawn the power of suspension from subordinate officials, and leaves it in the hands of those in higher authority.

4975. Is it possible for the State to control that ?—It is difficult for the State to control it, but I think if this Committee stated in its report that the power of suspension for these trivial offences should not be given to subordinate officials, or something of that kind, the thing would right itself.

4976. You think the railway companies would accept a recommendation of that sort ?—They might. If they are reasonable people they would certainly do so after an enquiry such as this Committee is making and after it has ascertained the facts. A reasonable company would do so, but I do not know whether the North Western would, because their policy is to evade all authority.

4977. Just one question on those offences of which you gave us instances. I rather gathered your suggestion was that in almost every case—certainly in the great bulk of these cases—the matter is really outside the control of the employee; it is not a matter implying either deliberate or wilful, or even careless action on his part ?—In nine cases out of ten they are outside his control.

4978. In nine cases out of ten, they are clearly outside his power to control ?—Yes. I may say if men deliberately did these things they would not be fit and proper persons to be in such an important occupation as railway service.

4979. Of course there is the alternative, that a man may not do a thing deliberately, but he may do it carelessly. Many a man does a thing through carelessness which he would not do deliberately—there is negligence or carelessness to be considered ?—If a railway man knows his duty at all, if he is fit to be in the employ of a railway company, he knows very well what is likely to follow his carelessness, and he is not careless in those respects because something is going to happen on account of his carelessness.

4980. Your suggestion is that the bulk of those offences are neither deliberate nor careless ?—I am absolutely certain of it.

4981. I have one or two questions to ask you with regard to those insurance societies which you mentioned: could you obtain for the Committee copies of the rules of any of those societies ?—Yes, I daresay I could.

4982. And hand them in to the secretary ?—Yes.

4983. They would be rather useful. With regard to the Provident and Pension Society of the London and North Western Railway, which bears date September 1st, 1906, is that quite new ?—Yes. The next circular attached to that states that it comes into operation on October 1st.

4984. Is it quite new only with regard to the locomotive department, or for the whole of the servants of the company ?—A similar one has been in operation for years with regard to what we may call the traffic men.

4985. It is new with regard to the locomotive department ?—Yes.

4986. Have you considered whether you can take any action in respect of that under the Shop Clubs Act, as the exemption which the railway companies have in regard to shop clubs is only in respect of funds or societies existing at the time the Shop Clubs Act was passed, which was 1902 ?—This fund is already in existence. Previously, they excluded the locomotive men; now they are admitting the locomotive men to the fund.

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4987. It is a fine point, perhaps, but so far as the locomotive men are concerned this is a new society ?—Yes, so far as they are concerned.

4988. And if it is a new society within the purview of Section 5 of the Shop Clubs Act, then membership is absolutely illegal unless the provisions of Section 2 are complied with by the railway company ?—Yes, but the method of making it compulsory is such that they just obey that compulsory condition.

4989. Have you taken an opinion upon that ?—No.

4990. Are you satisfied generally with the terms of the society ? Do you think that the benefits it confers are fair in proportion to the contributions made by the men ?—No, not at all, because they have such regulations that they can confine the men to receiving a certain sum. A free man can enter two or three societies if he likes and if he met with an accident he would get benefit from each of the societies he subscribed to. If he is off duty for ordinary sickness, he would get benefit from all. But the regulations of these societies are such that if you are off for sickness you can draw upon one, and if you are off for accident you can draw a bit from the other, but not from the sick club. That is the way they regulate the thing, so that a man does not get value for his money.

4991. But this society deals entirely with cases which are outside accidents on duty apparently ?—Yes.

4992. It provides for a series of circumstances which are not connected with accidents ?—It deals with what I may call natural sickness, but then there is the accident society to which they are obliged to subscribe, so that when a man is off for accident, he gets the benefit from the one, and he is not allowed to get his full benefit from the other.

4993. Because the other does not cover injury from accident ?—After all, if a man subscribes to a friendly society, if he is off either from accident or illness, he gets his benefit from that society.

4994. Quite so ?—Take the Oddfellows and Hearts of Oak—a man may be in those two societies and when he is off from ordinary sickness he gets his benefit from both, and if he is off from accident he gets his benefit from both, because he subscribes to them both. In the North Western there are two societies which the men are compelled to join. If he is off from sickness, he gets benefit from the one, and if he is off from accident he does not get it from that, but from the other.

4995. Presumably a friendly society or any society which insures against both sickness and accident requires a higher contribution from its members than a society which insures against accident only or against sickness only ?—No, I do not think so. I think the men could get into the Odd Fellows and Foresters, and some of those friendly societies for less money than they are obliged to subscribe to this.

4996. In other words, the terms are unduly high ?—Yes.

By Mr. Maddison.

4997. I think you have made it clear that the Act of 1896 does not run on railways ?—That is so.

4998. It is a dead letter ? Now, supposing it were made to run, would you think that the effect would be to cause the companies to follow the North Western's example and substitute suspensions for fines ?—I am afraid it would, unless some expression of opinion is given in regard to the suspensions for these frivolous offences, which is a kind of evasion of the Act.

4999. And you have made it plain that as an alternative you would prefer fines as against suspension ?—I would.

5000. Is one of the reasons why you do that, that a fine is only imposed after they have come to the conclusion that a man has committed an offence, whereas in the case of suspension, as I understand it, a man loses his day's pay although he may be exonerated from the charge which is brought against him ?—No, that would not apply in all cases. That would only apply in the case of a serious accident, where they suspend three or four men, and after

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making enquiries, find that A. is to blame and reinstate B. and C.; but they do not pay them for the time they were suspended although they were not to blame for the occurrence.

5001. Your answer is that what I put to you was right, but only for the major offences ?—Yes.

5002. It is a fact that men do sometimes lose three or four days' or even a week's wages in certain cases, although they are proved to be absolutely innocent of any mistake ?—Yes, that is so; and as I stated, they have to sign a document that they surrender all claims on the company before they are allowed to be reinstated.

5003. Would you say in your experience that fining and suspension—we will put them together—have increased of late years on railways, or decreased ? Can you give us any idea of that ?—I should say they have considerably increased. Where the management has been more decentralised, if that is the correct phrase, where there are a greater number of officials in authority, the fines have increased. Prior to that, when the management and government of the men was more centralised, there were less fines and less suspensions.

5004. With your long experience, and close experience, as I happen to know, of practical railway working, having regard to the serious duties imposed upon the men, would you say that a railway company could work their system efficiently without some disciplinary operation, either of fines or suspensions, or, conversely, without some method of reward. That is to say, do you think they could work the line with no fines, no suspensions, and no system of reward—it is not right to say "reward," but something which operates in the same way—as an incentive to good conduct rather than a deterrent to bad ?—I think that something would be required. After all, in an industry which employs many hundred thousand men they cannot help having what I may call a useless fellow now and again. We have to guard against that. The company should be able to dismiss him, after giving him reasonable warning, if he did not do better. Happily, there are very few instances indeed of the kind, and my system of merit (if I may term it so, rather than "reward") would cover a case like that. If the men were given marks, which were deducted periodically if anything went wrong, the company could say to a useless fellow, "You have a very bad record, and we cannot keep you any longer." They would be justified in dismissing him.

5005. That is to say, you do feel, although railway men are so faithful and so competent, that there should be either an incentive or a deterrent ?—Well, an incentive, I should say, certainly.

5006. Which should be held in reserve by the company ?—Yes, I think so.

5007. Supposing such a system, as you have sketched, of merit, as you call it, was in operation on a railway, and a man (as has already been pointed out by an hon. member) made so many mistakes, or neglected his duty to such an extent that he had no good marks, but had arrears of black marks, if that continued we will say over the second year, would you have any hesitation in saying that that man was unfit for the service ?—I should at the same time consider the circumstances under which these things happened, which depends entirely on what the marks were placed against. If a man was frequently late on duty, or failed to come on duty, or something of that kind, I would regard that as a more serious thing, as it could be avoided, than emitting smoke or blowing off steam or dropping an oil cup, or something of that kind.

5008. I am anxious to see how far you realise the necessity for some reserve power on the part of the official. With regard to your system—200 marks in a year, I think it was—if a man did not reach them, but had a balance very much on the wrong side, continuing for two or three years, not confining himself to one kind of offence, but to general offences involving bad judgment, neglect of duty, carelessness, and various things of that nature, what would you say ought to happen to him ?—As I said before, I should consider the circumstances. I will put it in this way. Supposing one man has a long list of marks for emitting smoke, for blowing steam, dropping an oil cup, and matters of that kind, until he had exhausted all his merit marks, and another man has missed his train on three or four occasions, has failed to turn up on duty, has been under the influence of drink on another occasion, and has abused his superior on another, I should say when the latter had exhausted his marks for a particular period he should be cleared out. I draw a distinction between those two men—the one whose deductions are controllable, and the other whose deductions are not.

5009. That is to say, even with your merit system you would discriminate between offences ?—Certainly.

5010. I take it your point is that there is not this discrimination at the present time ?—There is not.

5011. I want to ask you about the case you mentioned of a man who passed a signal at danger, and who was suspended three days. I take it that even in such a very serious case as that you cannot assess the enormity or the gravity of the offence by merely saying that he passed a signal at danger. It might be a very serious case, or it might be a very trivial affair—for instance, it might be at a siding ?—Yes.

5012. As a trade union official you are very much alive to the necessity of discipline on a railway ?—Yes.

5013. What has been the attitude of the Amalgamated Society of Railway Servants, of which you are the general secretary, to offences, especially the major offences affecting the public: do you always decline to associate yourself in any way with any attempt to shield men who have really neglected their duty ?—I have never done it during the nine years I have been secretary.

5014. And the society have always recognised the need of discipline of a special kind on the railway ?—Yes, that is so.

5015. Just one word about the case you gave us of a subscription to a hospital at Stoke. I am very anxious to know what is your feeling towards compulsory deductions from wages for hospitals generally: do you think that that should be interfered with in any way ?—I do not think that an employer should be allowed compulsorily to deduct what he thinks proper from a man's wages.

5016. Supposing a vote was taken at a depot as to whether the men would or would not subscribe and it went in favour of subscribing, would you then see any objection ?—No, we would agree to that. We would say, "We have agreed to pay," but if that was done thirty years ago the present men should not be bound by it.

5017. In that case, you would think that votes at fair intervals ought to be taken ?—Yes.

5018. But even in the case of a vote, would you say that the amount ought to be stopped out of wages ? Have you any objection to its being stopped out of wages ?—Not if the men say, "It will save us the trouble of getting somebody to collect it, and we will ask the company to take it out of our pay bill next Friday."

5019. Now, I want to ask a question or two about these provident funds. First of all, may I ask you whether the Midland Friendly Society, which you know all about, is not in striking contrast to the North Western Fund ?—It is, ever so much so.

5020. Will you just tell the Committee the difference ?—The difference between the Midland and the North Western (and I may couple the Great Western with the Midland) is that the management in the case of the Midland and Great Western is almost entirely in the hands of the men, with the exception of altering benefits or contributions, which have to have the approval of the directors finally. I believe it is managed purely by representatives of the men.

5021. And I suppose your objection in that case is not of the same kind as it is to the others you have described ?—There is an objection to a large extent to any of these being associated with a company. I would not say now that we should abolish all these things, but I should certainly say that the employers should not be allowed to start these things unless they themselves bear a greater share of the liability for the benefits than they do now.

5022. May I ask you whether deductions are actually made from the men's wages at pay time for these provident funds ?—Yes.

5023. The amount is deducted from their wages ?—Yes; they are taken out without any agreement on their part on the particular occasion.

5024. Therefore it amounts to this, that for a provident fund, membership of which is made a condition of

promotion at least, if not of actual employment, a fund in the management of which the men take no part, a certain amount of money is deducted from their wages week by week, or fortnight by fortnight, or whatever it is ?—Yes.

5025. And you object to that ?—Yes.

5026. Do you know of a case now where a railway provident society has a rule that a man can only receive a certain amount of money, so that if a man is in two friendly societies outside that, the benefits from which make that amount, they do not give him anything at all ?—I will take the Midland Friendly Society as an instance. I forget what the benefit is, but I believe it is 12s. a week sick pay. If a man meets with an accident and comes under the Workmen's Compensation Act and receives half wages from the company, then he only gets 6s. a week from the Midland Friendly Society.

5027. That answers my question up to a point. But supposing a man is in the North Western Provident Fund and is also in the Oddfellows, we will say ?—An outside society ?

5028. Yes ?—I do not know of an instance. What the object of the North Western is at the present time in sending out a circular to each of their staff asking them to state the societies of which they are members, I do not know; whether it is with that object in view or not, I cannot say.

5029. You have told the Committee that you are not aware whether the company did contribute to the provident society ?—No, I do not know.

5030. I believe it is a general rule that the companies do contribute to those funds ?—Yes, they do subscribe something. I do not know whether I have the balance sheet here. I have the North Western balance sheet for December, 1905. They subscribed £6,827 to their provident and pension society for the year ending December, 1905, whilst the members' premiums and cards amounted to £58,566.

5031. May I put a further question. Have the men actually any representative on that board of management, or have they more than one ?—Just one or two. They have not very many, anyhow. There is a system there by which they keep their officials on the board of management. They say it is by ballot, but the ballot is such that a man is afraid to put his cross against a name when an official's name is also on the same list.

5032. I understood you to say that you did not regard the donation of proceeds from the fines to these sick funds as at all a philanthropic thing, but that it really saved the company, or might save the company, a part of their contribution ?—That is so. It is clear here. Whilst the amount supplied last year was £58,566, the company subscribed £6,827, and "Fines deducted from the pay of the staff and contributed by the London and North Western Company and various Joint Committees" amounted to £23 17s., and at the same time this fund was deficient by £4,805 12s. 5d.

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5033. Are we to understand that that is the total amount of fines ?—On the North Western. This is the North Western, which has adopted the suspension system in lieu of fines to some extent, and that is the total amount of fines in that company, but the amount would not be anything like that in a company which has not adopted the system of suspension.

By the Chairman.

5034. In view of your evidence being so much in favour of fines as against suspensions, would you mind just saying that you are emphatically in favour of the conditions of the Act of 1896 with regard to the amount of fines being ascertainable, being in a contract, and being fair and reasonable, and that all these things should be emphatically enforced ?—I emphatically state that. If we are to have fines we should have them on those conditions.

5035. I call your attention to this, that Sub-section (1) (c) of Section 1 of the Act of 1896 says that the fines imposed under the contract shall be in respect of some act and omission which causes or is likely to cause damage or loss to the employer. Do you see that condition ?—That condition is entirely applicable to where damage or loss is caused to an employer.

5036. Do you think the same principle ought to be applied in the case of railway servants ?—Yes, and these lists would not occur, because they are neither damage nor loss in most of the cases.

5037. Now let me put the alternative to you. Assuming that we are in favour of suspension instead of fines, and that that could be accomplished, would you suggest that even with regard to suspensions some of the same conditions should be imposed as with regard to the fines, as, for instance, that the duration of the suspension should be fair and reasonable, having regard to all the circumstances of the case ?—If something of that kind was in operation, I venture to say that many thousands of days in the year which men suffer by suspension now on the North Western would no longer be days of suspension.

5038. And, secondly, that the acts or omissions with respect to which there were suspensions should be such as to cause damage or loss ?—Yes.

5039. Of course you recognise the difficulty, but if that could be accomplished you think it would be a great protection to the workers ?—I feel sure it would.

5040. And no injury to the company ?—I do not see that the company would be injured at all by those conditions being in force.

5041. It was my duty to point out the statute to you. We are very much obliged to you for helping us so much ?—I think you asked me at the last meeting if I would leave some of those forms with you. I will hand them to the secretary.

Miss CLEMENTINA BLACK, called; and Examined.

By the Chairman.

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5042. You have kindly come to-day as representing the Women's Industrial Council ?—Yes.

5043. Will you tell the Committee what that is ?—It is an association of persons who devote themselves to various branches of inquiry and organisation in the general interests of working women. If the Committee would like, I can supply them with an annual report, which would show exactly what it is.

5044. If you would be so kind ?—I will have it sent to you.

5045. You have been made aware of the nomination of this Committee, and of its labours ?—The council through its secretary was made aware of it.

5046. And in consequence you have issued the document which you now produce, making certain inquiries ?—Yes. It is as follows:—

"Name of Industry. Age and sex of worker. (1) Particulars of fines levied for: (*a*) Absence or lateness. Are these reckoned according to the wages which would be earned by the worker for the time lost, or are they larger ? (*b*) Misbehaviour, or supposed misbehaviour. How much ? For what faults ? (*c*) For failing to sell to customers in shops. (*d*) Other causes, specifying these in detail. (2) Particulars of deductions for material, tools or power used in the work. How do these compare with the real values of the articles ? (3) Particulars of deductions for damaged work or materials. How do these compare with the real value ? (4) Deductions for firing, light, rent, food and drink, etc. How do these compare with cost to employer ? (5) Deductions for sick or benefit club, medical attendance, hospitals and other charitable institutions. (6) Cases of obligation to buy from, or deal with, the employer. Complaints of such breaches of the Act should be sent in. (7) Apart from actual obligation, cases of a general understanding or practice, to same effect as (6), wherever instances have occurred of penalty or dismissal for a breach of such understanding or practice. (8) What proportions do the fines and deductions bear to the weekly wages, *e.g.*, if a worker's wages are 12s. does she usually get the 12s., or can you tell us what the average amount taken off weekly for fines and deductions would be ? (9) Whether the practice of shop assistants and other

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classes of workpeople being lodged and boarded by their employers gives rise to abuses needing remedy by an extension of the Truck Act or by other action of the State. (10) Can contrasts be given showing differences between good and what may be considered questionable treatment as to board and accommodation, so as to show by specific instances the abuses to be corrected or the improvements to be effected.

When filled in, please return to the Secretary, Women's Industrial Council, 7, John Street, Adelphi."

5047. I will ask you what has been the result of those enquiries. In the first place, did you circulate it widely?—It was sent to a very large number of clubs and other societies, branches of the Women's Co-operative Guild, and so on, but not to the trade union because we understood that another society was dealing with that.

5048. You have received in answer about thirty of the forms, filled up?—Yes, which I have here, and will leave in the hands of the Committee if desired.

5049. Now we want a summary of those. First, with regard to fines for lateness or absence. You say in your *précis* "Two correspondents say no fines at all?"—They mean in their own factories.

5050. "One, a book folder, says 3d. stopped on any wage if more than ten minutes late?"—Yes.

5051. Can you give me generally the wage of such a person?—I should think roughly it would be 12s. a week, but that is quite a rough average.

5052. Then you say that a stationery worker is fined 1d. if half an hour late, and a great many others mention ½d. or 1d. or 2d. fines if a quarter of an hour or half an hour, or an hour late?—Yes.

5053. Some fines are higher; 1d. for five minutes, 1½d. for ten minutes, 3d. for half an hour, and so on?—Yes.

5054. In one case, bottling wines and spirits, the girls are paid by the hour, and not otherwise fined?—Yes. They are piece workers, and what they mean is, that they are paid by the hour and they miss an hour's pay if they are absent. That is what that means, I am sure. It came to us in that rather obscure form, reported by the girl herself, but that is no doubt the meaning of it.

5055. Then you say that one dressmaker fines 1s. 10d. for a day's absence?—Yes. We think that simply means the same thing, and is not a fine. It means that the girls are paid by the week, and that 1s. 10d. is taken off for a day it they are absent, because the girl says "not otherwise fined." Of course it is not a fine, and we have noted that it is scarcely to be counted as a fine. It is a deduction in the strictest sense of the word, because it is taken from her weekly wage, but it is really because she has not earned it.

5056. Then you have some facts in regard to engineering?—Yes. It is a rather curious case in which they fined a boy ½d. for half an hour, 1d. for three-quarters of an hour, and at the end of the year they reckoned up how many hours he had lost and made him work that number of hours for nothing in addition to the fine. In this case it amounted to four and a-half hours, and 4½d. was deducted. He was reckoned as being paid 1d. per hour.

5057. That really doubles his fine?—Yes. They held it over to the end of the year and then made him work that time.

5058. The next item is with regard to fines for misbehaviour. You have been hitherto dealing with fines for lateness or absence?—Yes.

5059. As to misbehaviour, six or seven of your reports say no fines at all, and some correspondents say there are no fines in the industries with which they are acquainted?—Yes.

5060. Others mention these fines in a paper factory—talking 1d.; reading whilst working machine, 1s.; meddling with tools, 6d.; bad language, 1s.?—Yes.

5061. In a needle case making works: laughing or noisiness 1d. A girl who works rivetting hair-curlers says they are fined 3d. for gaming, or for throwing tea leaves down the drains. A 1d. fine for talking or laughing seems not uncommon?—Not at all uncommon. I have known many instances, which are not given here because they have happened in the course of years. I have met that case continually. It is a very common form of fine in factories where girls work.

5062. What harm are they doing?—They are doing no harm, but there are factories in which there is a rule against talking. That is quite common. If the foreman hears the girls talking, he fines them. That is one of the fines which is imposed very capriciously. In fact, you will see that one or two of the girls say it depends on the temper of the foreman. That is a fine which will sometimes not be imposed and at other times will be imposed very severely.

5063. Then you say that another correspondent reports that in an important Midland town the workers are fined for every conceivable thing. What town is that?—I believe it is Leicester. I have the paper here.

5064. They are fined for sitting, talking, laughing, going upstairs during the day, going up the wrong stairs, late coming back at night, taking bad money, or telling customers their money is bad. What is the amount of fine that is imposed?—That is not given by our correspondent, who is the representative of a branch of the Shop Assistants' Union. He gave us this as an instance of what occurs to some of the members of that union. You will probably be having representatives of that union before the committee. We felt that you would, and therefore did not carry that enquiry further.

5065. A lady working amongst laundry women has given you some details?—Yes.

5066. She says that in some laundries there are no fines, the workers being simply dismissed if they fail to obey rules?—Yes. That is a lady who has a club chiefly frequented by laundry girls.

5067. In others, 6d. may be the fine for scorching an ironing board, and ironers are often fined for scorched work?—The ironing board is the property of the employer; it is covered with linen or calico, and if it is scorched, the next thing ironed upon it may be scorched. The fine for scorched work ought not to appear there; it really belongs to another head.

5068. The next item of inquiry was with regard to deductions for materials etc.?—Before we go on, may I say that I find amongst our papers one funny little fine which is not mentioned specifically in my *précis*, namely that a certain West End dressmaker fines her girls if they come down stairs in couples. On what ground, I do not know at all. They must come down one by one; they are not to come down in twos.

5069. How much would the poor things suffer for that? Sixpence?—No; I think it is only a 1d., but it may be sixpence; I am not sure. I have the facts here and can refer to them presently.

5070. With regard to deductions for materials, several correspondents say there are no deductions: these are in bookfolding, millinery, dressmaking, stationery and packing soap?—Of course, it must not be understood that there are none in the trade, but only in the particular instances they are speaking of, in their own factories.

5071. Now we come to the laundry cases. In a laundry it is complained that 1s. in the £ is deducted for use of gas, irons, etc., even when not in use during the whole week. Do I understand that you think that these cases are serious?—We think this laundry case is a very serious one.

5072. In some laundries 1d. a week, in others 6d. a week is charged for the use of ironing boards?—Yes. Of course the ironing boards are absolutely essential; the work could not be carried out without them. They are as much the employer's plant as a table or a chair.

5073. In hosiery, it is stated that needles for machines are charged for, sometimes 40 per cent. above cost price?—Yes.

5074. For that information you are of course dependent upon the report which you received?—Yes. I think that report is from an official of a union which includes women, and if so, he is a very trustworthy witness of great experience.

5075. Then from Birmingham it is stated that in the clothing trade, deductions are common for power, needles, cotton, and sometimes for gas, and the corset makers said that wages had been raised to meet those deductions?—The women themselves say that wages have been raised to meet those deductions.

5076. Some dressmakers have to supply their own needles and their own scissors ?—Those are not from Birmingham. Our informant in Birmingham is Miss Cécile Matheson, and we have perfect reliance upon her report, but these dressmakers are not in Birmingham.

5077. A machinist mentions that girls earning 12s. per week and over are charged 3d. a week for use of machine, and 3d. for use of button-holing machine ?—Yes; I do not think that is usual. Certainly, in the larger number of factories, and in the better factories, no such charge is made; but those charges do occur.

5078. In that place all girls supply their own cotton ? Yes; that is not usual, but I have known instances of it, especially in provincial factories. I have known a stay factory do it, for instance, but it is not usual at all in good London firms.

5079. In an envelope works, the workers find their own gum, brushes and folders; they do not have to get them from the firm, and they find nothing else ?—The folders are simply things like ivory paper knives which they press things down with. I find from inquiries in the printing trade that it is usual for the workers to find the brushes and folders, but in most instances the firm finds the gum. In this case they do not.

5080. In a shirt and collar works, the workers find their own tools ?—The tools would simply be needles, thimbles and scissors.

5081. In a ready-made dress and blouse factory, the workers pay 1s. a week for "power money" ?—That means of course the engine.

5082. In some laundries there is a deduction of 1d. to 6d. for use of ironing boards ?—Yes.

5083. In a wholesale blouse factory every worker on piece work pays 3d. a week for power ?—Yes, every worker on piece work; the girls who are paid weekly wages probably do not pay that.

5084. Then in a mantle-making factory every worker on piece work pays 2½d. a week for power.

5085. You have stated your general remarks afterwards ?—Yes.

5086. May I interpolate this question. Do you think that it is a satisfactory method of payment to name a wage and then to begin chiselling off the wage by deductions for power and use of plant ?—No; we on the council think it a most unsatisfactory method. We think it not only unfair for the workers because they do not know what they are going to take, but we also think it very unwise of the employers, because we are sure it arouses a spirit of irritation and resentment on the part of the workers which is not at all advantageous to the employer. In our experience, workers resent these things very much, perhaps out of proportion to their money value. We also think that it does not tend to maintain discipline—that there is a sort of feeling on the part of the workers that if they pay for a thing they are entitled to do it, and therefore that the discipline is distinctly lowered rather than improved by the existence of fines.

5087. Then on the third head of your enquiry, with regard to deductions for damaged work or materials, five correspondents say none; these are in book-folding, millinery, dressmaking, stationery and envelope making ?—Yes.

5088. In hosiery, the charges are in accordance with the Hosiery Act 1874 ?—Yes.

5089. From Birmingham there are no complaints from girls on that head, and employers take each case on its merits and only enforce rules when real carelessness is proved ?—We have no complaint from Birmingham on that subject. Perhaps the reason is that class of trade deals with things which would not be very easily damaged. It is not easy to do serious damage in making things like iron hairpins.

5090. Some machinists have to pay for broken needles ?—Yes.

5091. And one dressmaker pays for the material she spoils ?—Yes.

5092. Might that be a very serious thing ?—It is not very serious in her case. We think it unjust because she is quite a young girl, but she adds that she raffles the material among her fellow workers, and loses only a few pence. Still, we do not think that at all a desirable thing.

5093. In patent packing works, workers are sent home for two days to a week, according to damage done ?—Yes. Sometimes the foreman will pass things over, and sometimes he will come down heavily for them.

5094. Do you find there is uneasiness on account of the caprice of the foreman ?—Yes; that is one of the most annoying things with regard to fines, that they are inflicted capriciously in some firms—of course not in all.

5095. What do you say with regard to the worker being charged for carriage ?—I assume that is the carriage of the next book which is sent in its place.

5096. In relief stamping, damaged work is charged for at the value of the work ?—Yes.

5097. Is that a serious matter ?—I should think not, because relief stamping is done sheet by sheet, so that there would seldom be much damage at a time. If there were continuous damage, it would indicate very careless work.

5098. Then in a soap factory, if more than one bottle of scent per month is broken it must be paid for ?—That is called a soap factory, but it is scent, soap and perfume; it is the S1 Works, and of course scent is rather valuable. The firm allows one bottle a month as unavoidable.

5099. In a paper factory there are deductions for damaged work even if cut by the defect of a machine ?—Yes.

5100. In envelope making, no charge for damage, but many have to do some work free of charge. In shirt and collar making, some require the work to be done again without pay. In rope works, 4d. stopped for a knot in a rope ?—Yes. We have the report of the worker passed on to us in her own words; it is rather full. But I confess it is not very clear to us whether a knot is inevitably the worker's fault or not.

5101. In rivetting hair-curlers, deductions are made for damage if through carelessness. In ready-made dresses, etc., damaged materials must be paid for the real value. Children's millinery, the same deduction. In laundries sometimes deductions for scorched work, but not generally ?—Yes.

5102. Before I pass from that head of deductions for damaged work or materials, have you any observation to make about them ?—We think it very hard that young workers especially should be charged for spoilt material, because in the course of learning they must inevitably spoil a certain amount of material. In the case of the dressmaker referred to, she was a girl of fifteen, obviously a learner, and in such cases deductions may press very heavily. I do not think that in London that does press very heavily. We have had instances quoted to us with regard to weavers. Of course that does not come into our purview officially, but we have instances noted of weavers who have been charged for spoilt work and that spoilt work has been afterwards sold; the material has not been given to the worker.

5103. Do you think that discipline could be maintained without these deductions ?—I think generally the idea is to prevent loss to the employer. Sometimes I think the employer puts upon the worker a loss which ought to be his own loss, but I do not think that is a very great evil—not so great an evil as some others.

5104. The next head is deductions for firing, light, rent, food and drink, etc. Three correspondents say none; one has to pay for tea. What is the meaning of that ?—It means they get tea in the afternoon, and have to pay for it.

5105. That is not a deduction; it is a charge for goods supplied ?—Yes, but it sometimes happens that the charge is made whether the tea is had or not.

5106. One firm charges 2d. for tea, but it is not compulsory ?—That is not a deduction at all.

5107. One correspondent says deductions for gas and hot water vary from ½d. to 1½d. per week. In one place girls sign agreement that 4s. a week be deducted for dinner and tea, and seemed to consider this a fair cost of food. Have you considered that case ?—We think that it is a bad plan. We do not think there is any hardship in that particular

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case, but it is a bad plan that girls should sign an agreement of that kind, because their position is such that they cannot resist it if it is enforced upon them. The food may not be good, and they may lose upon the bargain considerably. We do not think they do in this case, but we think the principle is a bad one.

5108. Another girl pays 1d. a week for kitchen and ½d. for tea-making. Some shirt and collar firms charge 2s. 6d. for firing, but this is exceptional. Rope-makers pay 1s. 6d. a week for dinners ?—They may call them dinners, but I think they are not very much of meals. I also think it means that the employer is not charging full price.

5109. Needle case workers pay 1d. a week for gas for melting glue. Laundries sometimes charge 1d. a week for stove and lighting. Wholesale blouse making, 2d. a week for fire for warming food ; ½d. a day for cups of tea. Mantle making, 3d. for kitchen, whether food taken or not. —Yes, that is an instance.

5110. In Leicester, these deductions are said to be frequently to the disadvantage of assistants ?—Yes.

5111. Now, in regard to deductions for firing, light, etc., let me ask you this : in so far as all these things form part of what we may call the oncost of the business, do you think they should not be the subject of deductions at all ?—We think so, very strongly. We think they should not be the subject of deductions.

5112. Would you carry that principle to having hot water supplied and so on, when meals are taken on the premises ?—That seems to us to be very much on the line. It is a very difficult thing to say, but it seems to us a little hard that where hot water is part of the material for the workers, as it is of course in some works, it should not be given free for the purpose of tea. I am speaking of cases where hot water has to be supplied for shop purposes.

5113. Then the fifth item of your enquiries is deduction for sick and benefit clubs ?—Yes.

5114. Some correspondents say none ; in others the subscription is "entirely optional." In Birmingham ½d. or 1d. a week or fortnight is very general for sick club and hospital. In box making, 2d. a week or less. In book-binding, 1d. a week, optional ; 5s. sick pay when ill ?—Yes.

5115. In a paper factory, 2d. weekly for sick club, 8s. a week allowed if very ill, and shared out 2s. 6d. or 5s. at Christmas. Envelope making, some firms have none ; some 1d, a week sick fund : 7s. for two weeks. Some pay 6d. a week and get 10s. for six weeks and 5s. for six weeks. Some add the fines and share out at Christmas. Rope workers : women 1d., men 2d. Sick and burial club had only once been known to give out anything. Rope works 2d., envelope-making, ½d. in each 5s. earned for hospital ; very seldom any sick fund in laundries. Now, have you any observations to make with regard to these deductions for sick and benefit clubs ?—We have very strong views indeed upon the subject. We feel that the existence of a compulsory sick club in a firm really creates a penalty on leaving employment ; it puts a penalty upon the worker, a penalty involved in the workers' own payments. The employer inflicts a double penalty on dismissal, because by dismissing a worker, he can cause that worker to lose the benefit of his subscriptions. We also feel that it strongly operates against a real form of thrift, because very few workers can afford to belong to two societies. They have to belong to a more or less temporary society belonging to the firm which prevents them belonging to one of the larger and sounder provident societies to which so many workers belong. We are very much opposed indeed to an employer being allowed to institute a sick fund. Of course we do not feel that to the same extent with regard to deductions for hospitals, which are very frequent, except as regards the interference with the workers belonging to a friendly society. There are large numbers of places in which every worker is so strongly expected to subscribe 1d. a week to a hospital that it is practically compulsory, and in some places it is actually compulsory.

5116. What do you say to ordinary sick and benefit clubs ?—We feel they are very much worse.

5117. Then the sixth head is the obligation to buy from, or deal with, employers ?—Yes.

5118. One says none. Hosiery worker says only for needles to maintain uniform working of machines ?—Yes.

5119. In Leicester, there is no actual obligation, but it is more or less understood ?—Yes.

5120. Substantially, you have little or no evidence to give on that head ?—No ; we have had instances, but I think they do not exist now. I have known an instance of a man who made his home workers buy their cotton from him, and charged them ¼d. a reel more than they could get it retail, but that was not a recent case, and I do not know that it goes on now.

5121. The seventh head of enquiry was instances of penalty or dismissal for breach of obligation imposed on the worker to buy from, or deal with, employer ?—We do not seem to have had instances of this at all.

5122. Then the eighth head of your enquiry was as to the proportion borne by fines and deductions to weekly wages ?—Yes.

5123. Laundry workers say 7d. in 12s. wages ?—Yes ; a certain small group of laundry workers say that.

5124. Box making, etc., each girl has 2d. deducted. In one Paper factory it is said that a careful girl does not lose 1d. weekly on an average ; ready-made dressmaker says 1s. each week ?—I think that must be a ready-made dressmaker who is charged for power.

5125. In Leicester, fines are said to vary from 6d. to 6s. Can you give us any details about that ?—We have not further details. It has simply come to us in that way, that fines vary from 6d. to 6s.

5126. With regard to whether living in gives rise to abuse, a Leicester correspondent says it most certainly does ?—That is no doubt a shop assistant.

5127. We will come to that in another branch of our enquiry. Now, as to your suggestions ?—We feel that all classes of workers ought to come under the Act, except domestic servants. We do not see our way to include them. Except in the case of apprenticeship, we think that all conditions of hiring shall be declared illegal which require on the part of the workers the making of any payment or the submitting to any deduction. The reason we say "the making of any payment," is that the decision in *Hewlett* v. *Allen* seemed to open the door to demanding a payment if it was not a deduction from wages ; but as wages form practically the whole of the income of the worker, we do not think any distinction should be made.

5128. You suggest that the only exceptions to this prohibition should be disciplinary fines, and payment for wilful damage ?—Yes. We feel, however, that disciplinary fines are a bad way of maintaining discipline.

5129. I was going to ask you about that ?—We feel that very strongly, but we do not feel that we can ask the law to forbid them. Perhaps I might quote here the remarks of two employers which happened to come under my notice in the same week. One of them was a well known employer of labour who had a strike going on at the time. He has a confectionery works, where very rough girls work at very low wage. He said, "If I did not have fines in my factory it would be a bear garden." I happened in the same week to visit X. 10's factory at Dartford, and I asked the proprietor, who is now dead, the question. He said, "If I could not run a factory without fines, I should be ashamed to have one." I submit to you those two points of views of different employers.

5130. Then you suggest that neither a written agreement, nor any acquiescence on the workers part shall affect the illegality of such payments or deductions, nor the right of recovering money thus illegally deducted. I think we follow that ?—Of course we feel that if they cannot resist by word of mouth, they cannot resist in writing either ; they must put up with it.

5131. You think that compulsory sick clubs are unfair to the workers ?—Yes. I have given you my observations with regard to that, but there is one point which I did not mention, namely, that their solvency is apt to be precarious.

5132. You say that they put, at the worker's expense, an artificial premium upon his remaining in one employer's service ?—Yes.

5133. And they give to the employer the power of enforcing an extra penalty on dismissal ?—Yes. We also think that they are unfair to him by practically preventing him from belonging to the better sick clubs.

5134. They prevent the worker from joining larger societies ?—Yes; we feel that very much. Then I have made a note that the council has had reported to it one case, said not to be a solitary instance, of a retail shop in which the foreman was required to make up, as best he could every week, a certain—rather large—total of fines. I say that written evidence of this case cannot at the moment be produced, but the person reporting is known as trustworthy, and has herself verified the facts. I do not know whether you would care to go into this case. It is not a very recent one, and I believe it to be quite exceptional. It is a very bad one.

5135. I think we had better have it ?—This is the case. A lady, who is willing to come and give evidence of the case herself if you wish it—Miss Flora Kirwan, of 29, Palace Court, who is the head of the St. Edward's Roman Catholic Girls' Club—was some few years ago a regular visitor at one of the hospitals. She saw a man who was dying, who was very much troubled in his mind about this thing. He had been a foreman in a retail drapery and fancy goods shop and there had been a rule that he was to provide a certain sum by means of fines each week, which he tried to levy as indiscriminately as he could upon the different assistants. He had on one occasion fined two different girls 7s. out of a wage of 11s. a week to make up the total. He said he knew he was doing wrong, but he was a married man with children and could not afford to lose his place. Both of those girls took to bad courses, and he considered that that was upon his conscience when he was dying; it weighed on him very much. Miss Kirwan was inclined to think at first that his mind was wandering, but she visited the shop and made personal enquiries with regard to the case, got the names of the two girls, and followed them up. The tale was confirmed at every point. She found both girls. One of them she succeeded in putting into respectable work again, and I believe the girl is still alive and is doing well. With regard to the other, she was not able to keep her hold upon her, and she drifted away, and she does not know what has become of her. These facts Miss Kirwan got at the time, and had them in writing, but she has removed since and cannot find the books. She says she considers that in those circumstances the case is hardly definite enough for you, but she is willing enough to come and report it. She cannot give you the name of the shop, because she promised both the man and the girl that she would not, though she knows it quite well.

5136. Of course you have to make enquiries into matters of this kind: I put it to you, have you personally any doubt as to the authenticity of that narrative ?—Absolutely none. But I think I should add that I consulted the representatives of the Shop Assistants' Union and asked them if they had met with such cases, as I had never met with another similar case myself, nor have any of us on the Council, and they said they had never met with another instance. They did not throw any doubt upon this one, and have no doubt the tale is true, but they have not met with another instance of insisting upon a certain total of fines, and they believe it to be practically solitary.

By Mrs. Tennant.

5137. You say that 1d. fine for talking or laughing seems not uncommon: can you give the Committee the names of any factories or workshops where, within your knowledge, that fine is imposed ?—I cannot give any one in which it is imposed at present within my knowledge. It used to be imposed by the firm T1 but I do not believe it is now. There are several cases mentioned here, but we have not the names of the firms. They were not given. No doubt they could be got from our informants.

5138. Your correspondent from Birmingham speaks of the complete absence of fines, have you more than one correspondent from Birmingham ?—No; it is Miss Matheson. We applied to another lady, and she was not able to give us any information of fines; she knew of none.

5139. Would you say that those ladies were fully aware of the conditions in the pen trade ?—I should think Miss Matheson was.

5140. We have had instances of fines relating to the pen trade which were considered bad ?—We do not feel that our information is in the least degree exhaustive.

5141. With regard to relief stamping, I do not know whether you state the district to which your information refers ?—Do you mean the case in which damaged work was charged for ?

5142. Yes. I am not sure whether you mentioned the district ?—No, I did not. I have it here. I think it is a London case, so far as I remember.

5143. Was the information given by a relief stamper herself, or by somebody interested in her ?—I think hers is a club case, and that the leader of the club took notes of it and passed them on to us. I have not the names of the girls, because we promised we would not give the names. If we had not made that promise we should not have got the information.

5144. Then it is only the impression of the lady ?—Oh, no; it is a direct statement from the girl.

5145. I had not finished. I was going to say it is only the impression of the lady that the charge does not work out heavily upon the workers ?—That is my own impression, merely from seeing relief stamping and knowing that it is done page by page. She does not express an opinion.

5146. It is your own impression ?—Yes. It is my own impression that it is not a very heavy charge.

5147. We have had some evidence on that point from one of the inspectors. I think the Inspector's impression was that it did work hardly ?—I am only giving you my own impression, judging from the process as I have seen it.

5148. That was characteristic of that factory, not of the industry ?—No; of that particular factory.

5149. You say that though you would like to see fines abolished, you do not feel you can advocate their abolition ?—That is with regard to disciplinary fines. Well, the Council has come to that conclusion. Personally, I should be inclined to advocate their prohibition altogether, but the Council, which I am, of course, representing, does not see its way to ask that disciplinary fines should be forbidden by law.

5150. Do you know on what grounds your Council have come to that conclusion ?—They seem to feel that an employer ought to be allowed a certain latitude in the way in which he enforces discipline, and that there might be cases in which a fine is a preferable alternative to dismissal. I think myself that that is a mistake on the part of my Council. I do not wish to dissociate myself from the Council which I am representing, but I should go further than they do; for my own part, I should like to see disciplinary fines abolished by law.

5151. Have you in your experience known cases in which firms which had adopted the system of fining have abandoned it with success ?—Not in my personal experience. I have had such a case quoted to me lately of a large London shop, but it is not within my personal experience.

5152. You gave the case of X. 10. They have never had fines ?—They have never had any fines there.

By Mr. Walsh.

5153. I should like to ask you some questions very largely on the same lines upon which Mrs. Tennant has already questioned you. Your own idea is that the fines really do not maintain discipline ?—That is my impression.

5154. You say here that a number of girls in one particular factory are fined for every conceivable thing ?—I think that is a shop, not a factory; I think it is a retail shop.

5155. In which, however, many girls will probably be employed ?—Yes.

5156. It will be a large retail shop ?—Yes.

5157. You say that the fines are largely dependent upon the caprice of the official at the moment ?—They very often are.

5158. I do not know how far we can dissociate you from your council, but is it your own opinion that if disciplinary fines were to be allowed, that it would open the whole door again to the establishment of a system which you consider vicious ? That is, if the fines were dependent upon the caprice of the individual who had the power to exact them, is it your opinion that the whole door

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would be open to the establishment of a fining system which you consider wrong in principle ?—I think it ought not to be very difficult to discriminate, but I do think that a certain degree of evil, a certain degree of unfairness, is admitted by allowing even disciplinary fines. I do think that.

5159. My point is this : I wish to put to you that the word " discipline " is an extremely elastic one ?—Yes.

5160. And that what some people would consider a fair standard of discipline might be considered by other people, under exactly the same circumstances, a very low standard of discipline ?—That is so.

5161. And therefore there would be no assurance, or no safety, for the workers who had to depend upon the particular standard of discipline in a certain person's mind. Would there be safety, in your opinion ? Could they have much assurance that fines would not be imposed unfairly ?—I think a certain number of fines would be imposed, but at the same time I think that the worst evils might be escaped even if disciplinary fines remained. Personally, I should like to see them go, but I do not think they are so bad that one must insist upon them going.

5162. You gave us two very striking cases where the workings of the minds of men in control were absolutely dissimilar ?—Absolutely.

5163. In one case, one man said his place would become a bear garden unless he had fines, and in the other the man said he would put an end to his employment if he could not manage without fines ?—Yes.

5164. That shows the very great elasticity of the word " discipline," does it not ?—Yes.

5165. You say that workers are prevented from joining larger, more permanent, and sounder provident societies, because they are compelled to pay to the shop clubs : do you know of any case where for that reason they are prevented from retaining their membership in larger and sounder societies ?—I cannot say that I do, but where the wages are so very low it is fairly obvious that it is impossible for them to afford both subscriptions.

5166. Therefore, although you know of no special case, you think that on account of the pressure the workers must cease their membership of the larger society ?—I do not think it takes the form of their ceasing their member ship. They go fairly young to the factory, where they have a club—I am speaking of girls chiefly—and then they do not join the other.

5167. Are you aware that in the weavers' trade, particularly in Lancashire, they have for many years done witho it a system of fines altogether ?—Yes.

5168. Are you aware of that ?—I am not aware of it. I said " Yes " acknowledging it, but I was not aware of it as a fact, though I knew that fines were much less in some trades.

5169. I am told they are non-existent in the weavers' trade. I suppose the nature of the girls is very much the same in both places ?—Yes. I think it is always the mark of a bad employer to have much fining ; it is the mark of a mismanaged factory.

By Mr. Delevingne.

5170. Just a few questions on some of the points you have raised. With regard to fines for talking and laughing, how would the employer justify them under the Truck Act, 1896 ? Does he really maintain that they cause interruption or hindrance to his business ?—That would no doubt be the line he would take.

5171. Could he seriously maintain that ?—I should think not, but I do not think a case has ever been tried. It may, perhaps, interest the Committee to know that in the case of a big confectionery works where the girls went out on strike, after they had been out for two or three days, many of the best conducted among them were hoarse, and they attributed it to the fact that they had been able to talk, whereas they had been accustomed to be absolutely silent in the factory. They thought they became hoarse because they were able to talk all day. That they were hoarse, I can testify, because I heard them.

5172. Looking at the matter from the employer's point of view, you do not think there is any ground at all for saying that talking and laughing cause any interruption to business ?—No. I think probably it is easier for the foreman to insist upon absolute silence than to prevent noisiness. I take it that is really the explanation of it. To make a hard and fast rule that nobody shall speak is a little easier than to keep conversation at a proper level. But, of course, they ought not to be allowed to tyrannise like that ; I think it is quite shameful.

5173. In one case you mentioned that the workers were simply dismissed if they failed to obey the rules : was dismissal inflicted for any trivial infringement of the rules ?—No. I have no doubt that they discharged the workers only for serious infringement of the rules, which seems to us much the better plan.

5174. In the case of a laundry, where you said 1s. in the £ was deducted for irons and so on, even when not in use during the whole week ?—It would mean in use by the particular worker.

5175. Is not that an infringement of the Truck Act, 1896 ?—I should think so, certainly.

5176. Has that been brought to the notice of the inspectors ?—No ; we have only lately had it brought to us ; but it certainly should be brought to the notice of the inspectors, and we propose to do so.

5177. With regard to the Birmingham cases, you mentioned that the corset makers said their wages had been raised to meet the deductions : why did the employer introduce the system of charging for materials and at the same time raising wages ; in order, I suppose, to cover the average amount of the deductions ?—I suppose so.

5178. What was his object ?—I cannot conceive what his object was. I think that Miss Matheson writes that " the corset makers say wages have been raised to meet these deductions " because she thinks there must be some other explanation. She does not say that they have been raised, but that the corset makers say they have been raised. She probably thinks there is some other explanation.

5179. It looks as though the employer thought there would be some advantage in the system by which he supplied materials and deducted the amount from the wages ?—We are frequently met in the tailoring trade by the declaration that if the workers were not made to pay for trimmings and so on, they would use too much. That may be in this employer's mind too.

5180. Do you think there is anything in that ?—No, I do not.

5181. You mentioned a number of cases where workers had to find their own gum, brushes, and other things : you do not suppose that that is a matter for the consideration of the Committee—that it can be dealt with by the Truck Act ?—I think gum is distinctly a deduction for material, because it enters into the finished product. Brushes and folders are different.

5182. I am speaking of cases where they have to find their own gum and materials : you mentioned a number of them ?—I should have thought that the law could have made it compulsory for the employer to provide the materials which are in the finished product which is actually sold to the public. I do not see that it can be made compulsory for the employer to find such things as brushes, because some workers might prefer a particular brush of her own ; but things which are actually sold to the public, like the glue in fancy boxes or paper in fancy boxes should, I think, be provided by the employer.

5183. There is no question here of deduction or fine ?—We feel that the compulsion to buy certain goods ought to come under the prohibition of the law.

5184. Do you suggest there is any abuse in the employer saying to a worker, " I will employ you, but I shall expect you to find your own tools or your own materials " ?—We think the finding of the materials is exactly the same as all the other deductions, and that whether a worker has to buy them out of her own pocket or whether they are deducted at the end of the week, makes very little difference to her—that it is really practically a deduction. Tools probably come under a different heading, but we feel very strongly that material is a deduction in whatever form it is taken from the worker.

5185. Is there any actual abuse ?—There is precisely the same abuse as in the case of charging for power and so on ; it is on all-fours, I think.

5186. Is the worker ever taken advantage of ? Does not the worker presumably make the contract with her eyes open ?—She does not always know. There is no written contract or agreement in those matters. In some factories the workers provide their own glue or gum, and in other factories it is provided for them. It is not a matter over which the worker has, practically, any control. She is generally told that her wage will be so much and the question of glue or gum would not be entered into at the time.

5187. If the gum or glue were provided by the employer would the wages be reduced ?—No, I do not think so, because they are so low already that they could not be reduced.

5188. Do you think that any hard and fast line could be drawn between certain materials ?—Yes. I think that that which enters into the sold product, that which is actually sold in the finished product, ought not to be provided for by the worker. That is the line which I should like to see drawn.

5189. You mentioned several cases where dressmakers had to pay for spoilt material : do you mean by that that they had to take the garment ?—It is generally in the course of making up, before it gets to that stage. It is generally a mistake in the cutting.

5190. She has to pay the value of the whole of the material if badly cut ?—She has to pay for the value of the piece she has cut ; it would not be the whole dress necessarily.

5191. Would not that often exceed the actual loss to the employer ? An employer can only deduct, in the case of damaged work, an amount equal to the loss sustained by him, but if the worker has to pay the actual value of the material badly cut, surely that must exceed the loss to the employer ?—No, not necessarily. Let us suppose it was a skirt and one breadth of the skirt was cut wrong ; then an equal length of material must be bought to replace it. That is what the worker is made to pay. I think she should not be made to pay it, but it is not so manifestly unfair as some.

5192. But the material which is badly cut is not absolutely useless ?—It may be absolutely useless. In the case I have quoted she has the material.

5193. But the employer may only deduct an amount equal to the actual loss sustained by him ; he cannot set off the value of the material which he gives to the worker ? —No.

5194. So that unless the material is rendered absolutely useless, these cases which you have mentioned are illegal ? Have they been brought to the notice of the factory inspector ?—No. The worker in the particular case I have quoted does not consider she lost much, because she raffled the piece of stuff among the workers. That, of course, do esnot alter the law, but it alters her willingness to bring a case.

5195. You think many of these cases do not come to the notice of the factory inspectors ?—Yes ; I think a great many do not.

5196. Because the girl does not feel she has suffered hardship ?—Yes, and again, she is very unwilling to make herself marked. No doubt there are abuses, but I do not think they are very excessive, though I think it is a charge which should not be made.

5197. You have called attention to one or two cases in which the workers, instead of having to pay for the damaged work, had to do it over again ?—Those are generally cases where the material is of very little value.

5198. Do you suggest that is an abuse ?—It is very difficult to say. It is a case exactly upon the line.

5199. Would it be usually the case that there would be no punishment for piece workers ?—No punishment at all, and I imagine it is generally piece workers. The particular cases we have brought forward are instances in which the material is of very little value, envelope folding and things like that. I do not think we suggest that should come under the Act, though I think abuses might arise.

5200. Would those deductions for food and drink and so on which you have referred to be in factories ?—One case is a rope works, and I am not sure whether a rope works is, strictly speaking, a factory.

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5201. Yes, a factory or workshop. Is it not an infringement of the Truck Act 1831 ?—I am inclined to think it is.

5202. You do not suggest the Act of 1831 is insufficient to deal with cases like that ?—I forget for the moment the exact clause. I think it forbids the selling to the worker of food except when it is prepared and cooked on the employer's premises. Well, this is prepared and cooked on the employer's premises. I will not be quite sure, but my impression is that that is what the Act says.

By the Chairman.

5203. Whatever the law is, you are only here to give information ?—Yes.

By Mr. Delevingne.

5204. I think you are right there. But are you suggesting this as a case of abuse ? Are you suggesting that those powers should be taken away ?—We are suggesting it. We think that it ought not to be done We know it is not illegal at present, but we suggest that all conditions of hiring shall be declared illegal which require on the part of the workers the making of any payment or the submitting to any deduction and that the only exceptions to this prohibition shall be disciplinary fines and payments for wilful damage. We think cooked food should come under it.

5205. Is it not an advantage to the workers to have a meal cooked on the premises ?—Yes, there is very often considerable advantage, but we think on the whole it is outweighed by the disadvantage.

5206. You raise the question of compulsory shop clubs ; has any action been taken under the Shop Clubs Act ?—Yes. The Women's Trade Union Association, which is the parent society to my society carried through the whole case of *Hewlett v. Allen*, which is the test case.

5207. That was under the Truck Act. You know the Shop Clubs Act 1902 which provides for compulsory shop clubs except under certain conditions ?—No. I do not know that any case has been tried. The existence of compulsory shop clubs is very general.

5208. But the matter is dealt with by the Shop Clubs Act 1902 : " It shall be an offence under this Act if an employer shall make it a condition of employment that any workman shall join a shop club or thrift fund unless the shop club or thrift fund is registered under the Friendly Societies' Act 1896, subject to the provisions of this Act, and certified under this Act by the registrar of friendly societies." Then certain conditions are imposed as to registration ?—It does not mention sick club, does it ?

5209. Yes. " The expression ' Shop Club ' or ' Thrift Fund ' means every club and society for providing benefits to workmen in connection with a workshop, factory, dock, shop, or warehouse ? "—It is only on the condition of their being registered ; it does not make them in the least degree illegal.

5210. No, but it places them under strict regulations ? —Yes. But it does not affect our first point, of their putting a premium on remaining in one employment. It only affects our third point, with regard to their solvency. Our fourth point, that it interferes with their joining more permanent societies, is not affected.

5211. I think your first point is dealt with by a later section of the Act which says that if a workman ceases to be a member of the shop club, he has to be compensated to a certain extent. He is either allowed to remain a member or he has to receive the actuarial value of his share in the funds of the club. That rather meets your first point, and the solvency is guaranteed by the Registrar. But you have not considered that Act ?—No, I do not think so. We object very much in regard to the sick clubs to the employers' dictation as to how provision for the future shall be made by the workers. We think that is wrong and unfair altogether.

By Mr. Maddison.

5212. I should like to ask you whether you regard these thirty replies which you have received as fairly representative ?—I think they are.

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5213. And so regarding them, what is the impression on your mind? Does it indicate a bad state of affairs, or an improved state of affairs, or what?—It seems to me that things are perhaps a shade improved since I first enquired into this question. We do not find quite such flagrant instances as I have met with in former years.

5214. Taking this digest, on the whole does it indicate a very bad state of affairs on the subject we are enquiring into?—I think it indicates an unsatisfactory state of affairs.

5215. You have made it plain that you personally, with your great experience, would be prepared to advise us to abolish disciplinary fines altogether?—I personally should, but my council does not instruct me to say that.

5216. I quite follow the distinction, and it is your own opinion I am asking for now. Would you say that if disciplinary fines were made illegal, there would not be some considerable danger of girls, where there is a great deal of girl labour, being discharged very readily?—I do not think it is possible that they could be discharged more readily than they are now.

5217. Discharges are very frequent now?—Yes, and they are discharged for every trifle quite readily. The constant fluctuation of girls' work is so great that it is difficult to think it could be increased.

5218. Assuming that Parliament would not go so far as to prohibit fines altogether, would it in your view be an improvement if they were limited to a percentage of the wages, that is to say, that no fines should exceed more than a certain percentage of the wages per week, not by accumulation, but in that particular week?—Yes; I think that would be an improvement.

5219. If so, have you any percentage in your mind? We are talking of girls, chiefly. Have you any percentage in your own mind up to which an employer should be permitted to fine?—I have not considered it, because I confess that suggestion had not occurred to me, so that I really have not an answer ready to that.

5220. I notice you confine your view with regard to prohibition to disciplinary fines?—Yes.

5221. I gather you would not try to prohibit payments for wilful damage?—Well, it is very difficult to do that. We feel that "wilful damage" is not a satisfactory way of putting it, because it opens the door to all sorts of discussion as to what is wilful. On the other hand, we feel that sheer accident ought to be carefully excluded. We do not feel it is satisfactory.

5222. I wish to know whether you—not your Council—but you, in your statement about the prohibition of fines, also want to include prohibition of payments for damage—a certain kind of damage at any rate?—I think that ought to be very carefully guarded. I think there is a certain damage which ought not to be deducted for. For instance, it is within my knowledge that a certain firm of refreshment contractors deduct enormously for breakages. I think they ought to be prevented from deducting for the breakages of customers from their employees' wages, as they sometimes do, but it is difficult to say that they should be prevented from deducting for a tumbler broken by an employee.

5223. In your experience, what rule obtains as to deductions from weekly wage-earners in, say, the case of relief stamping? They are very rare, I suppose?—Very rare, in that particular case.

5224. But in other similar cases, what is the practice prevailing as to deductions for damages in the case of a weekly wage-earner?—There is no general rule, but I have known cases, for instance, of girls filling jam jars, where, when a jar has been broken, the girls have had to pay at the end of the week when their wages are paid—it has not been deducted, but they have had to pay it—for the whole price of the jar of jam, while, at the same time, the bits of glass have been picked out, more or less perfunctorily, and the jam has been sold to the public.

TWENTY-FIRST DAY.

Friday, November 9th, 1906.

PRESENT.

The Right Hon. THOS. SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

MALCOLM DELEVINGNE, Esq.
F. MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary.*)

Miss GERTRUDE TUCKWELL was called; and Examined.

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By the Chairman.

5225. You are chairman of the Women's Trades Union League?—Yes, that is so.

5226. Does that League number about 100,000 women trades unionists?—Yes.

5227. Are you aware of the objects for which this Committee has been appointed?—Yes, I think so.

5228. Am I right in supposing that your League particularly sympathises with the case of the shop assistants?—Their association is affiliated to us. We have a right to speak for them; but I understand you are likely to take evidence from the shop assistants themselves. Miss Bondfield, the assistant secretary, is absolute mistress of the whole case and it seemed to me better not to trench on the ground that she will cover, except to give you instances of the sort of complaints we get from this particular trade, which has a fairly strong organisation.

5229. Does Miss Bondfield represent the female shop assistants?—She is assistant secretary to the whole.

5230. What about the textile leaders?—I presume evidence will be given by them for their own organisation. The textile organisations are in great numbers affiliated to us, and are now proposing to affiliate to us through their Amalgamation, which will represent the affiliation of the entire body. I understand, however, Mr. Shackleton hopes to give evidence, and I understand also that a woman member is hoping to give evidence. With regard to the shop assistants, I would like to give you a sample or two of the complaints we receive.

5231. Before going into that, let me ask you what is the system upon which the Women's Trades Union League works with regard to the receipt and compilation of information and complaints. We want to be apprised exactly of how you come to be informed, and what is the general system of working?—The Women's Trades Union

League has a central executive in London, and of that all the secretaries of the different organisations connected with us are *ex officio* members. They can attend if they please. Our organisers go round the various organisations once a year and attend meetings and give them advice; sometimes oftener than once a year. The different unions are all in close correspondence with our secretary, Miss Macarthur, and in that way any grievances of the various bodies are brought to our notice. We have been in the habit for years past of keeping the record of their complaints under various heads, so it is not as the result of any special whip but as an outcome of our usual experience that I can offer evidence.

5232. The main concern of your League is with the condition of the workers ?—Yes.

5233. And the remedies for various grievances may be classified under various headings, legislative and otherwise ?—Yes.

5234. Now we can come to your examples, if you please ?—I have only brought a few as to the shop assistants as I did not want to overlap Miss Bondfield's evidence. Here is one case of a girl serving in a large drapery establishment. During sale time there is a rush of customers and her check book was lost or stolen. It contained a record of the premiums or commissions she was entitled to, about £1; but the firm would not pay that, and not only so but they fined her 2s. 6d. for losing her book.

5235. May we have the name of the firm ?—It is a large drapery establishment in Hammersmith.

5236. Are such complaints brought before the League in ordinary course ?—Yes.

5237. Is it a fact that complaints have been brought before you with reference to large establishments in which there are from 150 to 200 fines and deductions ?—That concerns the shop assistants.

5238. No doubt we shall have evidence from Miss Bondfield on such points, but is it in accordance with your knowledge as chairman of the League that there are fines in some establishments to such a huge number as that ?—I ought to say that I have not given very special attention to the shop assistants' grievances, because of the great skill shown by Miss Bondfield and others in dealing with them; but I know that this is not an unusual instance. I have one case in my mind at Chelsea, where the fines ranged from 5s. downwards, and the list of fines and deductions was kept in the manager's office. It was only seen accidentally upon the room being cleared for cleaning and whitewashing. The girls ran the risk of frequent punishments and really do not know for what they are liable to punishment.

5239. You know the provisions of the Act of 1896 ?—Yes.

5240. Probably you would have little hesitation in pronouncing that that is a systematic violation of that Act ?—Well, we thought so; but there is nobody appointed under the 1896 Act to enforce the protection of the shop assistants. We had hoped ourselves to take a case, but at the last moment the young lady most likely to give successful evidence was promoted to a branch establishment and the whole thing dropped through.

5241. Have you yourself any doubt that that system exists to a disastrous extent in shops ?—No; none.

5242. Do you think it is a case in which the legislature ought to attempt more effectively to interfere ?—Yes, absolutely. I don't know whether I ought to trouble the Committee with somewhat personal matters: but not long ago I was at a large West End shop buying gloves, when a very irate shopwalker came up to a lad who had hurried in and said, "You are going to be fined 2s." The boy asked "What for ?" and the reply was "Because you were rung for twice." The boy turned to another man and remarked, "I would not mind if it had been just." That is the sort of comment we often hear; but the matter seems to be beyond control.

5243. We shall have evidence later from Mr. Shackleton, also from Miss Bondfield and the other lady as to their skilled trades. Having regard to that fact, perhaps you would give us evidence with regard to the less skilled women workers in factory, workshop and home ?—Yes.

5244. What is the nature or category of their employment ?—I have before me a list of complaints from different trades, including tarpaulin waggon covers and sackmaking, feather curlers, cap makers, envelope makers, upholstery trimming manufacturers, jam making, shirt machinists, embossing works, printing, blouse manufacturing, tailors, especially in "ready made" and "slop" work, capsule making, cartridge works, shirt and millinery manufacturing, paper making, mat making, making of children's frocks, etc. (*see Appendix VIII., A.*)

5245. Do most of these trades represent home work ?—Not all; they are mixed.

5246. Have you an idea of the average wage of these women workers ?—Yes.

5247. In the case of those employed in factories or workshops, what would be their average wage ?—Probably from 8s. to 10s. per week.

5248. And less for those who work at home ?—Yes, sometimes down to 3s. per week.

5249. Generally speaking, what relation does the pay for such classes of work bear to the subsistence level ?—No relation at all.

5250. Is the wage below it ?—Oh, yes. I think the lowest on which a girl can live in one our of big towns, clothing herself properly, feeding herself decently and allowing perhaps a shilling now and then for some entertainment, without a penny for saving, is 15s. per week. I have based that estimate upon a detailed computation as to the cost of lodging, washing, dressing, etc.

5251. Your estimate would include rent ?—Oh, yes.

5252. Of course when a working girl in such a position of life is one of a family, she could live at less cost ?—But she would have to pay the mother and help to keep the family together.

5253. Your estimate strikes one as rather high ?—If the Committee knew the sort of prices that girls have to pay as part of their regular daily expenses, including 'bus fares, etc., they would realise that I am not putting it too high; indeed, some of our people tell me I have put the estimate rather low.

5254. Would you oblige the Committee by confirming or illustrating your estimate with details showing how you make up the 15s. ?—Yes (*see Question* 5718).

5255. It may not be strictly within our province, but it bears on the question of the relation of fines and deductions to the wage question. As we have now got your view about the subsistence level and the wages, please tell us what you have to say about the deductions from the wage, in the form of disciplinary fines, etc. ?—I can quote some illustrative cases. Here is a case of feather curlers (U 1); workers, if five minutes late, are shut out and fivepence deducted. The wages are 5s. per week, and the working hours are from 9 a.m. to 6 p.m., with three-quarters of an hour for dinner.

5256. Shut out for how long ?—For the day I imagine; at all events till the dinner hour.

5257. Are they pieceworkers ?—No, employed on a set wage. My next case is (V 1) a firm of cap makers; workers, if ten minutes late, are shut out and fined half-day's wage; wages, cap cutters, 6s. per week; stampers, 7s. per week, hours 8 a.m. to 7 p.m.; one hour for dinner. Take next the case of a jam factory (W 1); fine of 6d. if workers arrive after the gates are shut (at 8 a.m.); average wage 10s. In the case of another firm (X 1) workers receiving 9s. to 10s. per week are fined if one minute late. My next case is that of some confectionery works, and here I have lumped disciplinary and other fines together to give an idea of the totals arrived at:—(Y 1): fines for being late; 2d. weekly for sick club; value of tools spoiled or lost either fined or deducted; dismissal for swearing; 1d. for doctor; 1½d. for Saturday hour short: wages 5s. 9½d. The fines for unpunctuality vary from 1d. to 6d.; a worker who is late for the first time 1d., the second 2d., and so on. Another case of a jam factory is "disciplinary" purely (Z 1). Burns frequently oblige workers to attend Guy's Hospital: in this case 2d. is deducted from wages for every hour worker is absent. A bad burn entails dismissal: wages from 8s. to 10s per week. This firm dismisses workers for such trifles as the fetching of hot water from one floor to another. The next case I may quote (A 2) is a firm which makes upholstery silk trimmings: if the worker is ten

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minutes late she is sent home and 6d. deducted from her wages. In the case of a firm engaged in the chromographic enamel trade (B 2), my note says "making tea, 1s. and 2s. fines; eating bread and butter, 6d.; fined for talking.

5258. What does "making tea" mean?—They try to boil and make their own tea, but it is not allowed by the firm.

5259. What is the wage in these cases?—From 9s. to 10s. per week. In the case of an Irish firm the stated wage is 6s. and bonus of 1d. on every shilling earned, if late 1d. in the shilling deducted as well as lost time.

5260. What is the nature of the business?—Textile. There is a case of a firm in Manchester employing home workers, who are fined for not shopping work at given hours.

5261. What are the wages?—I do not know in that case: but I mentioned the case because it raises an interesting and rather difficult question. There is next a firm of cardboard manufacturers (C 2) where girls are stopped 2d. for being late—pay 2d. an hour in machine room. My next note has reference to a cotton weaving firm (D 2) in Lancashire, where there is a fine of 1d. for being late; 6d. going in at breakfast time; 2s. 6d. if a day off is taken (piece workers). In a firm (E 2), my note is: Unpunctuality may entail "play" for a fortnight: equals fine of 16s., the average wage being 8s. per week.

By Mr. Delevingne.

5262. Do you mean that they are suspended for a fortnight?—Yes.

By the Chairman.

5263. Are you satisfied that the workers know what is the penalty for each particular offence?—Only in some cases.

5264. Is there in these cases a notice or contract set out in some prominent place in the factory, so that workers may see it and know?—In some cases such a notice is exhibited, but in a great many cases it is not put where it can be seen.

5265. Are any of these precautions taken with regard to home workers?—There ought to be a list of fines, etc., in the room where they come for the work.

5266. But is there?—In some cases.

5267. Not in all cases?—No.

5268. With regard to these fines for unpunctuality, have you any general view that they are much too heavy relatively to the wages paid?—It seems to me that they have no relation to the wages. The fines so far as I can make out are never proportioned to the loss in time.

5269. Nor to the loss indirectly caused through disorganizing the work?—The amount of fines seems extremely in excess of any disorganisation which could be caused by one girl being late.

5270. Or any possible loss?—Yes.

5271. Perhaps the unpunctuality fines are based not on extent of damage or loss but on disciplinary grounds?—Yes.

5272. Suppose that fines were abolished altogether, do you think discipline could be maintained?—I have no doubt of it.

5273. We value your opinion on that point, but we should be glad to know your grounds for it?—It is based on observation. You will find in some factories a thoroughly well-ordered room under a good foreman or forewoman in which there is an absence of punishments. You may find in a neighbouring factory or perhaps in another room of the same factory continual fining and continual disorder. I was myself originally a board school mistress, and my experience in that respect confirms my view. A good teacher can manage very well without punishments, whereas a bad teacher may be always punishing and yet not secure good order.

5274. You think the same principle applies to industrial concerns?—Yes, I think so certainly.

5275. Do you know of any cases where fines have been abolished?—Yes, there are certain well-known firms such as E. 10, who have abolished fines. They are good employers.

5276. What is their line of business?—General drapery. After a good deal of reflection, Cadbury has abolished fines I understand.

5277. What has been the effect in those cases? Has it been satisfactory?—I believe so. I have heard nothing to the contrary.

5278. I have some general questions to put to you on the whole subject afterwards, but now we will take your evidence with regard to deductions for damaged work. You know the system of compelling workers to buy their work?—I do. The first case with regard to damaged work is a paper factory. Twenty girls sort 115 reams of paper. The paper is passed through the mill and sent to London. It is partly through the press when complaints are sent that four sheets of broken paper had been found which ought to have been laid out by the girls. The sheets could not be identified because so many processes had taken place. The forewoman fined the girls 2s. each.

5279. How many girls were there?—Twenty.

5280. Now pause for a moment, and answer me this if you can. Was there a rule authorising that to be done?—I do not know whether there was a rule or not; I should say there probably was. I mean, I should say that there was probably some abstract of the Truck Act, some list of fines and deductions put up.

5281. The case you have given was one in which a cumulative fine of £2 was imposed, while the actual damage or loss was four sheets of paper: am I right in so putting it?—Yes.

5282. That fine of £2 could not under such circumstances be defended on the ground that it was to recoup that damage or loss. What then is the reason for such a system?—I imagine that the reason for the system is——

5283. Discipline, again?—Of course, one draws one's own conclusions. Seeing that these deductions put a very large sum into the pocket of the firm, I think in some cases that they may look upon it as an addition to the gains of the firm.

5284. Will you furnish the name of that firm to the Secretary?—Yes, I will get it.

5285. That is one case of deductions for damaged work?—Yes. The interesting part of that, apart from what you have asked me, was that the girls were fined for a thing which could not be traced to them.

5286. I follow that. So that they have to fine the gang, so to speak?—Then the next case is ———— & Co., a jam factory. (*F.* 2.) There are exorbitant deductions: 3d. for each empty glass jar broken; full value charged if a jar containing jam was broken, although jam was not wasted, but put into the "mixed fruit tub," to be sold at a reduced price. The manager on being questioned said it was not worth it, that it did not represent the loss, but that it taught the girls to be careful. Then ———— Bros., wholesale clothiers. (*G.*2.) Exorbitant deductions; trouser finishing paid for at the rate of 2s. 3d. per dozen pairs; 9d. was deducted, as buttons were sewn on in wrong places on one and a half dozen pairs. The work was taken in by a cousin, but informant (an outworker) had to go up to the factory and alter the buttons there herself as well as having 9d. deducted from 3s. 4½d. Messrs. ———— a London firm engaged in mat-making. (*H.* 2.) This is home work again. If there is any defect in the mat, such as a falling short of the exact length prescribed owing to its being too tightly woven, the worker is compelled to buy the mat at its full price. The mats are sold at 1s. 11d. each.

5287. What are the wages paid?—This is home work, and one of the lowest paid descriptions. I will get you the exact figure. I imagine the wage would be 4s. to 5s. a week. Jam and Pickle Factory. (*I.* 2.) This I give as bearing on compulsory, as opposed to voluntary fines. The business is tying and carrying 1 lb. jars: 2d. for putting on a wrong label, and fines for breakages. There were fines for other things, among them deducting for a hospital. After the inspector's visit, the 1d. a week to the hospital box, which had been paid compulsorily, was paid voluntarily. Of course, the construction to be placed on "voluntarily" is left to the Committee. I have a great many instances of voluntary deductions. ———— Jam Factory. (*K.* 2.) Two shillings and sixpence charged for broken glasses out of a wage of 10s. or 11s. per week. ———— Blouse and skirt maker. (*L.* 2.) Payment stopped

or deductions made in cases where work required alteration. Example: in the case of skirts (at 5s. per dozen) payment stopped for half a day. On one and a half dozen blouses at 3s. per dozen in which strapping was omitted because of worker's illness, 2s. 4d. was deducted. Here is another case of home work—blousemakers. (*M.*2.) Deductions made for slight faults in work. Also worker must supply material for trimming blouses if that given her is not sufficient. Examples: When in stitching the armhole of a blouse the velvet caught, a worker had 8s. deducted and was obliged to keep the blouse. On other occasions, 9d. and 2s. 6d. were deducted for extra trimming on cashmere blouses made with thirty-six tucks and twelve bands of narrow velvet ribbon, which are paid for at the rate of 3s. 6d. per dozen.

5288. What does that kind of worker earn per week? I am always trying to get at the comparison?—You are right. I should not like to give it to you at random. This worker could have earned about 1s. 9d. a day. The next are blouse makers. (*N.* 2.) This is also home work. Deductions made for alterations. Any alterations required are made by the inworkers. An out-worker had 2s. and 3s. deducted from work paid for at the rate of 6s. per dozen (blouses).

By Mr. Delevingne.

5289. May I ask in respect of what were the deductions made?—The alterations were required, and those were made by the in-workers. The work I suppose was not done absolutely to sample. In one case 2s. and in another case 3s. was deducted for alterations from the price of 6s. per dozen.

5290. Does that represent the payment to the in-worker?—No, I should say not. I have never heard of such a system.

By the Chairman.

5291. What we want to get at is the relation that 2s. or 3s. bears to the cost of putting the thing right. In your judgment, what could this mistake have been rectified for? Or could the goods have been sold notwithstanding that the sample was varied from to a certain extent?—I should say certainly. I have already given some instances in which the thing was afterwards sold at the full price. I remember I gave one just now. That of course very frequently happens. I do not consider from my experience of home work and that of the friends working with me that these deductions either from home work or from the lower skilled factory work do represent damage done; in the great majority of cases they represent a payment into the employer's pocket over and above the damage done.

5292. The ostensible object may be to repay the damage done, but the true object is discipline: may I put it so?—If you like to put it in that kind way.

5293. I mean that is the best defence that could be offered for it?—Yes, if there is any defence which can be offered for making deductions like that from a sum which is never in any case a living wage. The next are———— shirt makers, Poplar. (*O.* 2.) When a shirt is wrongly cut, the worker is fined or allowed to buy the shirt. Then ———— makers of underclothing, Stratford. (*P.* 2.) Deductions are made where work is damaged, and certain work is paid for at a reduced rate. In the case of a chemise soiled through being caught in a machine, 1s. 2d. was deducted. I have not the rate of pay, but it averages 8s. to 10s., and in the home work cases a little below that.

5294. Your next head is "Deductions for materials; payments by worker to employer for or in respect of anything deducted by employers"?—That was intended for an abbreviation of Section 3 of the Act of 1896. The first are ————, blouse manufacturers, (*Q.* 2.) Exorbitant deductions. Halfpenny in every 1s. earned for steam to drive the machine; 6d. a week for cotton. If earning over 5s. a week 2d. a week is deducted for kitchen girl. The kitchen girl only gets 8s. 6d. a week, though nearly 100 girls pay the 2d. The kitchen girl is paid by the deduction from the other girls while at work. She gets 8s. 6d. though there are 100 2d.'s.

5295. What wage do the girls get who contribute the 2d.?—I have not the exact amount here, but I take the average as 8s. or 10s.

5296. Assuming the wage to be 10s., the ½d. for steam for every 1s. amounts to 5d.?—Yes.

5297. And 6d. per week for cotton makes 11d. certain off each girl's wage?—Yes.

5298. And then she has the other 2d. deducted?—If she earns over 5s. a week.

5299. I am taking the 10s. case?—Yes, then she has 2d. per week to pay also.

5300. That makes 1s. 1d.?—Yes.

5301. So that a 10s. operative thus earns 8s. 11d., and the 8s. operative earns 6s. 11d. net wage?—Yes.

5302. That 6s. 11d. or 8s. 11d., as the case may be, is then subject to all the other fines and deductions in respect of discipline, loss, and so on, on other heads, in the same factory?—Yes.

5303. You have given us deductions for steam and cotton. Have you any other examples?———— ladies' tailors. (*R.* 2.) Deductions for cook, 2d. Four hundred machinists' pay, equals £3 6s. 8d. per week. Cook receives 14s. For lateness, five minutes 4d. These complaints have all gone to the factory inspectors. Those they could deal with they have dealt with, and it may be possible that they have been able to do something. Then the next (*S.* 2.) Fining for accidents to machinery: four girls fined 1s. a week till repairs paid for. Wages 10s. or 11s. a week.

5304. Was that accident caused by the girls?—It may or may not be.

5305. Then a firm in Leeds. (*T.* 2.) There the particulars books were paid for. It is a clothing factory, so that they have to give particulars, that is to say they have a contract with their workers as to the amount which is to be paid on any job, and the little book in which those particulars, which are required by law to be furnished, are entered, had to be paid for. That is one of the many cases we have sent into the factory inspectors.

5306. Are deductions made for hospitals in any of those cases?—I have many instances of that.

5307. Are deductions made for medical attendance?—I have also instances of deductions for medical attendance. The next case is ———— (*U.* 2) 7s. 6d. was deducted for cotton and 3d. for power from a wage of 18s. 10d.; the amount received was 11s. 1d. Then a cartridge factory (*V.* 2) 2d. deducted for cooking from all who earn 4s. 2d. or over, whether cookshop used or not. Then ———— (*W.* 2) 2d. for steam. Buy cotton and string for piping. Cotton is 3½d. a cop, which is enough to do a dozen skirts. Girls must buy the spoilt work; they cannot unpick it. The errors are often the fault of the cutter, giver-out, or machine cleaner. A girl earned 5s. 6d. in a week and had to buy a 3s. 4d. skirt. This happened three times in a few months. Spoilt work is generally raffled at 1d. each. I have a large number of cases here also which perhaps you would rather I should put in.

5308. Have you given us examples of them?—Yes, but among these I have a case of a hospital to which payment is made voluntarily, and I have deductions for cotton and clogs and other things.

5309. There is another department of your evidence, namely, with regard to the bounty or bonus system: in your opinion that is a source of abuse?—I think it is invariably a source of abuse. I think the position is best summed up by some Belfast girls, among whom there was a saying that "half their wages were paid in bounties which they never got."

5310. Will you give us the facts about that?—The wage would be a set one of 6s., and anything paid after that would be in the nature of a bonus, and from that bonus all the deductions would come. The girls summed it up by saying that it virtually came to this, that they never got it.

5311. It has been suggested to us very broadly that the system of fines should be abolished, and that in lieu thereof there should be the system of a fixed wage, with an attainable bonus. I wished to ask whether you agree to that?—No, I disagree entirely; I do not think you could do it.

5312. Do you think the bonus system is practically the fine system over again?—Absolutely. You abolish the fines and you allow bounties or bonuses, and all the man has to do is to make a low set wage and take all his

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fines out of the bonus. He will call it a bonus, and knock off the bonus. It is another way of doing the same thing.

5313. With regard to that system, you are speaking from your experience and from complaints you have received?—Yes.

5314. And you find the bonus system operates to cause exactly the same bad effect as the fine system? Is that so?—I think so most certainly. I have one instance here. It is ——— Indiarubber Works, ——— (*X.* 2). The work is very slack in winter. The girls get 1d. per pair for goloshes. They make 8s. to 10s. per week. They get a standard wage of 6s. a week. Of anything they earn over that they get half as bounty. If they earn less than 6s. they will be mulcted of the deficiency the next week. Apart from the half, what was short last week comes off as well.

5315. It very often works back to the minimum wage of 6s., is that so?—If you disallow fines and go on the system of bounties, I do not know what point one would stop at. It seems to me that anyone who wanted to fine would then necessarily fix the wage so low that he could make what profit he wanted out of his bounty.

5316. I will now ask you with regard to the general conclusions which you have formed. How long have you been engaged in this kind of enquiry? I have been connected with the Women's Trade Union League as a member of the committee since about 1887, but as I have told you, I was a board school mistress for six or seven years, and I suppose I did not become as intimately connected with the work as I am now till about 1893.

5317. Have you formed any opinion, as the result of that long experience, on the question of the retention or abolition of fining as a system, and if so, what is your opinion?—Of course, I think the abolition of fines is essential.

5318. Absolutely?—Absolutely.

5319. In all cases and under all circumstances?—In all cases and under all circumstances.

5320. That is broad and strong evidence. You might fortify your own position, and help us, if you would give us your reason?—My reason is partly what I have already given you. From personal experience as a teacher and organiser, and working among women, I find that discipline is maintained without punishment—that the best discipline is, in fact, arrived at without punishment. Then one has only to turn to the difficulties which attend on any system, such as for instance, the factory and workshop system where the thing is made possible by law. We published some time ago a report full of abstracts of the factory inspectors' reports, explaining that while any overtime was legal, it was almost impossible to prevent illegal overtime. In the same way, if you build up rules and say that certain things are legal in the way of fines or deductions and others are not, you are bound to have illegal fines and deductions. I do not say that you would do away with them at once by abolition, but you would give everyone a much better chance of dealing with them if they all came under the same category of illegality.

5321. Do the instances of their successful abolition justify you in your opinion?—Those I have heard of, certainly.

5322. Do you know of any cases in which they have been abolished and in which there has been a reversion to them?—I have not heard of any case, but if I had it would not shake my opinion.

5323. I am not sure of that. You should not commit yourself to that till you have investigated it?—I ought, perhaps, to give my reason. I should only feel that my alternative had not been properly tried. When one has had considerable experience in dealing with people, and knows that they can be dealt with without punishment, what one feels is that the alternative, which is proper management of the rules, is unassailable, if only trouble is taken to get it.

5324. I follow your opinion, which is very strong, in this sense, that you think that proper discipline would effect, for disciplinary purposes, all that fines at present effect?—Yes.

5325. Do you carry that also into the region of fines for loss or damage, say by spoiling material? Do you think that also can be effectually cured by proper discipline, coupled of course with the terrible possibility behind, that a chronically bad worker can always be dismissed?—Yes, certainly, because unintentional damage surely ought not to be punished. You ought not to punish a person who does damage through no fault of his own; perhaps from the fact that the hours are so long that he is worn out. Intentional damage is just the thing that a good disciplinarian would prevent, and prevent far better than by fines and deductions, which leave on the mind of a girl or a lad, whoever it may be, the feeling that they have really paid for what they have done. I would go much further, and say that the work would be enormously improved if fines and deductions were made illegal.

5326. We want you to go the whole length of expounding your views to us?—I should bore you if I were to give the sort of lists of fines and deductions at Leeds. I will put it in as evidence. I have here the sort of fines and deductions which one finds, taking any place at random. At the Liverpool Trade Congress two months ago I went to watch our Secretary, Miss Macarthur, giving out bills to the work girls asking them to come to a big meeting. She took from the girls at random, as they came from the factories one pay day, the lists they had. Everyone of those has deductions on it. The lowest was 3s 9d., with 7d. off for fines and deductions. That was a girl who ought to have been earning subsistence wage. It is impossible to get the best work while the girls are paid as they are, very often, as I contend, not half a subsistence wage. But if you are going further to reduce their power and capacity by making fines and deductions and leaving them still less to live on you will still further interfere with their work and health and general efficiency.

5327. I think if you see no reason to refuse us, you might furnish us with that, on the understanding that it will not be published?—With pleasure, always remembering that wherever we find anything wrong, we notify the inspectors. Of course they may have been going on for a very long time before we find them out, but amongst those things there is probably something the factory inspectors can deal with.

5328. This list has not been compiled by you, but has been received by you?—Yes. This other list which I have here was sent to me by the Secretary of the Textile Operatives' Society, Ireland. She sent it to me when sending information about some deductions which were made during the month. I have to patch it together out of two letters which she sent me. A woman, a textile worker, was fined the sum of 6s. 4d. for alleged faults in her cutting of damask. I wrote back to her and asked her the wage, and she gives me the wage as 11s. 2d. Another girl was fined 4s. 2d. out of a wage of 11s. 7d. This is a list of fines and deductions in Belfast factories. These are extraordinarily interesting. The girl's average set wage was 6s. with a bonus. If you take the first part, which are fines, you find they come to £1, leaving out the deductions. To return to the Leeds cases, in one case which I have here, the wages range from 5s. up to about 17s. or £1. In each case there are fines for cooks, benevolence and sewings, different sums all down the list—1s. 1d., 10½d., 1s. 8d., 1s. 7d., and so on. I imagine the tremendous variation in the wages is due to the same cause as we find in Pimlico, that one week they have good work and another week bad work.

5329. In the first place, for pure disciplinary purposes you are against the fining system as unnecessary?—Yes.

5330. In the second place, for damage to materials and so on, you look upon that as a branch of discipline?—Yes.

5331. If it is unintentional damage, the worker should not be fined; if it is intentional, the worker can be dealt with by warning, by dismissal, or the like?—Yes. At the present moment, in a factory which is a very bad one, you get both dismissal and fining. You might get dismissal and fining in the same case. You are not giving a fresh alternative; you have always got dismissal.

5332. You have told us about disciplinary fines and about fines for damage to material. The next thing I want to know is this. Are there any of the deductions which you have mentioned which you think ought to be treated as the standing-on cost of the work, as for instance, steam and the like? I gather that in your judgment all that cost should be defrayed by the factory itself, and the worker should be told his net wage instead of being told the gross wage subject to all those deductions?—Yes.

5333. So that we are agreed up to that point. Then as to charges, not for steam or the like, but for the supply of material, needles, cotton and so on, in your opinion ought that also to be part of the standing-on cost of the work, or should it be paid for by the worker ?—Certainly not.

5334. It should be paid by the factory ?—Yes.

5335. It should be treated as part of the standing-on cost of the factory, as its raw materials ?—Certainly.

5336. The suggestion is made that the workers take more care of the material if they pay for it themselves than they would if it were factory material, and that if the factory supplied the material there would be a good deal of avoidable waste incurred ; have you considered that point ?—I suppose you are referring to the present system, by which the worker pays for cotton and steam and so on ?

5337. Yes. It is suggested that they take more care of their own cotton than they would of factory cotton supplied at the factory charge ; what do you say to that ?—I do not think so for a moment.

5338. Do I gather that in your view that would be simply a branch of discipline ?—Yes.

5339. The factory would know how much had been supplied to each worker and whether they had or had not made a proper use of it, and there again, good organisation and discipline would effect the remedy ?—Yes. It appears to me to be a part of the initial cost which any manufacturer ought to be prepared to make. To ask the work-people to pay for material seems to me to come really very much under the same head as asking them to pay for tea, or the lavatory, or anything else.

5340. I must put the points to you which are suggested to us by the other side ?—Oh yes.

5341. I now come to another branch of the enquiry. You have a system of fines upon the one hand, and a system of temporary suspensions upon the other ; what do you say as between these two ?—I think they are both bad.

5342. May I point out the dilemma in which you are placed by giving that answer—that either the punishment of temporary suspension must be abolished, in the sense that the master must keep a bad workman on, or that he must dismiss him for ever ; now you do not favour either of those alternatives, do you ?—I think a bad workman should be dismissed.

5343. Would you not give them a chance, by a temporary suspension ?—I am sorry I am so crudely clear about it, but it seems to me that directly you begin giving chances by making these exceptions, you lay yourself open to the whole danger ; you again land yourself in the position we are in now in which the inspectors are afraid to take prosecutions simply because the whole subject has been dealt with in this detailed sort of way, so that nothing can be done. You must draw a hard and fast line and abide by it, or lay yourself open to greater abuses than you will by what seems a hardship on individual workers now and then.

5344. May I venture to put your point, as it appears to me, in the best way thus ; that if there is an intentional default on the part of the workman, or great carelessness, that should be, to begin with, the subject of warning, and then when a stage is reached at which repeated warnings are not attended to, the workman should be dismissed permanently ?—Yes, at that stage I would dismiss for the reason which I tried to show in one case I cited, that if you once admit the principle of suspension you have it played with as it is in that case. Instead of going to find other work, as they would do under other circumstances, the girls hang about waiting for the fortnight to expire. And as you know, when one lives on 8s. a week, there is absolutely nothing on which to live during the time of suspension, and they are either in debt, or—

5345. Yes, I know. Let me put these other points to you. Suppose the Committee did not see its way to the total abolition of fines, as you recommend, would you at all events desire that the fines should bear some percentage to the wage earned ?—I am afraid I cannot bring my mind to contemplate any of these palliatives ; they do seem to me to leave such loopholes for abuses. One has seen the breakdown of the 1896 Act and of the Hosiery Act and one can see the sort of ways in which a fresh Act will break down. It seems to me that nothing short of abolition will do. I know I was not always of this mind. In the first instance I thought that a percentage might be possible, but I have come to the conclusion that the fines ought to go.

5346. Perhaps we need not go further upon that head, but I wish to put to you a point as to the difficulty which has arisen under the Act of 1896, as to whether these fines, even though they are made upon open contract with the workers—though both parties know what they are—are in point of fact fair and reasonable. You know, of course, that great difficulty is produced by the Statute having used terms of that kind ?—Yes.

5347. I know it is a strain upon your imagination, but suppose we felt constrained to hold that fines under certain circumstances should be allowed, would you suggest any remedy of the present situation as to fairness and reasonableness ? Would you not make the inspector the judge of whether it was fair and reasonable ?—Considering the responsibility which inspectors have already, it would be very hard to put that responsibility upon them.

5348. Suppose we did not see our way to recommend temporary suspensions being reported against, in such a case, would you make the suspension open at least to all the checks that at present exist with regard to fines, viz., that the workers should know exactly, by contract, how much suspension would follow a certain act, and see that the suspension was reasonable and fair ? What do you say to that ? Again, I suppose your answer is that the whole system is repugnant ?—Absolutely. Directly you say that the suspension shall be reasonable and fair, you lay yourself open, as you have done before, to the doubt of what " reasonable and fair " means. I see no possible way out except by doing away with it. I am sorry, but I have thought about it a great deal and I can see no other way.

5349. The last point I would like to get some information from you upon is as to the failure of legislation in the past. You know that Parliament has attempted to rectify this state of matters from the year 1831 onwards, and you know how the system of fines and deductions was attempted to be legislated against in the year 1896 ?—Yes.

5350. What is your view as to the result of that legislation ?—I think it has quite broken down.

5351. Do you think that any other attempt on similar lines, even although made more stringent, would break down, short of absolute prohibition ?—I think patching is sure to break down.

5352. You illustrated one of your recent answers by a reference to another Statute ?—Yes, the Hosiery Act.

5353. Just take that as an instance, and tell us exactly what you are driving at about that ?—The Hosiery Act was a very good Act, and one in which we were very interested. When we were working at Amendments for the Act of 1896 we enquired carefully in the trade as to what was happening and how it was working, and we were told then it was a dead letter, and all enquiries showed that it was a dead letter. I have here a breach of the Hosiery Act which is quite recent, in which ten per cent. is deducted from the wages of trimmers for steam. A trimmer earning 20s. receives only 18s. ; a trimmer receiving £2 receives only £1 15s. Other operatives throughout the factory, except the warehouse men, are stopped, and so on. The Act being a dead letter, we could get nothing done under it. Before coming to this Committee I wrote to Nottingham and enquired whether it was being enforced there. I shall be interested to hear any instance in which it has been enforced, but my information from Nottingham is that it is a dead letter.

5354. I call your attention to the language of the Hosiery Act, which seems as strong as Parliament could use : " The earnings shall be actually and positively made payable in net in the current coin and not otherwise, without any deduction or stoppage of any description whatever, save and except for bad and disputed workmanship." Notwithstanding emphatic language of Parliament, your evidence is it has proved a dead letter ?—Yes.

5355. And these deductions still go on ?—Yes.

5356. Can you tell me why they are allowed to go on ?—I suppose it is because the Act is so difficult to enforce that it has been allowed to lapse.

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5357. The point is, what have the inspectors been doing all this time?—I am sorry I cannot tell you. I can only tell you that that is my information from Nottingham; that it is a dead letter.

By Mrs. Tennant.

5358. You look upon suspension as only another form of fining?—Yes.

5359. If the system were made illegal, do you consider it would be a hardship on either employer or workman?—No.

5360. There would remain the opportunity of caution and the power of dismissal?—Yes.

5361. Do you consider that the abolition of the system of fines and of the system of suspension would be a benefit both to the workmen and to the employer?—Yes, distinctly. I think it would add to the efficiency of the work.

5362. I gather from your replies to the Chairman that you have considered the balance of difficulties between regulating fines and prohibiting them?—Yes.

5363. I gather also that your opinion is that there must be difficulties in carrying out the law, whatever the law may be, and that the result would be so much better if fines were abolished that it would be better to take the stronger course?—Yes, that is so.

5364. In fact, I suppose you would go so far as to say that the inspectors' work would be so much simplified that they would be set free for other work?—That I absolutely believe, that the inspectors' task must be very much simplified by having a perfectly clear issue; and of course I feel that you are really only depriving bad employers of an additional means of defrauding.

5365. Do you believe that all workers would like to see the legal prohibition of fines?—I can speak for the organised bodies. Of course they are anxious for the abolition of fines and deductions; they have said so over and over again. In Lancashire, however they may feel in certain quarters that they are capable of dealing with these questions through their great organisations, they are prepared for the abolition of fines and deductions. The resolutions at Trade Congress and from all our Womens' Associations are quite clear on the subject.

5366. Within your experience have the workers or any of them considered the alternative of suspension, assuming that that alternative were not made illegal?—No, I do not think so. Do you mean have they accepted it, or have they considered it at all?

5367. I mean, have they considered what their position would be if the Legislature were to make fining illegal, without touching the question of suspension?—I think that they strongly take the view that all these different means of stopping wages and of making demands of any sort which would in any way touch wages, are the same; I think they look upon suspension as coming under the head of fines, and they would assume that you are dealing with that as well as the other questions.

5368. That is what they advocate when they ask for the prohibition of fines?—That is so.

5369. Do you think their advocacy would be at all modified or would your advocacy be modified if the application of the fines was confined to a good object?—I do not see how it could affect the point.

5370. Their concern is not really so much whether the money goes into the employer's pocket or to a good object, but that they shall not be penalised, whatever the object?—I have never found that it makes the least difference to the workers what the money is spent upon. There are cases in which it is stated it is given to an annual treat, and cases in which it is stated it is given to a hospital, but I have not found that the publication of a balance sheet or anything else makes any difference to the strong feeling with regard to the injustice of these deductions and fines.

5371. The sense of injustice and irritation would remain?—Yes, just the same.

5372. Have you any experience of the pen trade in Birmingham?—It was owing to our agitation, and to the representations we made to the Home Office, that Miss Squire took the abortive prosecution of Brandauer's, which firm I had personally tried to stop from making these tremendous deductions for waste. Of course we worked very hard there some years ago.

5373. Have you any examples of the deductions there?—These, which Miss Squire took, I have before me. I have not brought any additional ones. I brought this in a list of cases to show where it had broken down. A woman was charged 2s. waste out of 8s., and had 8d. a week deducted till the 2s. was paid, and so on.

5374. With regard to the question of bonus, which the Chairman has told you has been suggested as an alternative to the system of fining, do you consider that any evil of the bonus system would be removed by the fact that the bonus was paid at the end of the year rather than at the end of each week—that the reward was to accumulate under a system of marks?—It does not sound to me in the least more satisfactory.

5375. I want your opinion on that because it was put to us that the fact that it was to be paid at the end of the year would make a difference?—It seems to me if it made any difference it would make it worse, because the worker would have to stand out of what she had earned for a year. It could not be an advantage; it must be an additional disadvantage to the bounty system if they have to wait for payment.

5376. You consider the proper system of reward for good work would be good wages?—Certainly.

5377. You ought not to have to bribe a workman by a reward at the end of the year?—No.

5378. Have you found examples of causes of suffering other than those you have described? You have described the sense of irritation; you have shown us very bad cases in which very low wages have been still further reduced by fining; do you know of any other disadvantage to which the system is open?—Yes, there is one disadvantage, and any employer or factory inspector would know what I mean—that you put an additional power into the hands of an unscrupulous foreman, to use favouritism. Very often you will find, I think, that a respectable married woman who objects to the sort of favouritism which goes on in a factory, would be punished by fines and deductions, while a girl, whose work is, of course, no better, would escape. I do not know that that need be reported, but that is the sort of case which we ought to bear in mind because it does exist, and any employer will bear me out. It is bad for the employers, and they try to stop it as much as anybody.

5379. That is a condition which would remain even though you regulated fines more than they are regulated now?—Certainly. It remains an additional power.

5380. Nothing but the prohibition of fines could possibly touch that?—I have thought about it a great deal, and I am very clear that nothing else will deal with that or with any other difficulty.

5381. The opinion which you have just expressed is not only your own, but that of the Women's Trades Union League?—Yes.

5382. And its affiliated Societies?—Yes.

5383. I suppose we may take it that those organisations have considered the position of the workers very fully?—Yes.

By Mr. Walsh.

5384. You spoke of a girl's premium sheet, in the case of a London firm, having been lost, the premium or bonus to which she was entitled being £1, I think?—Yes.

5385. She was not only not paid her premium, but was fined 2s. 6d. in addition?—That is so.

5386. Could you state what length of time it had taken that girl to earn her premium?—It would be during a sale. The sales last a week or a fortnight, and I should say if she was a quick saleswoman she might earn more than £1 in a fortnight. It might be the result of ten day's work.

5387. She has earned this £1 premium in about a fortnight?—Yes; I daresay less than a fortnight.

5388. So that ten days' or a fortnight's premium was lost in addition to the 2s. 6d. fine for that single offence or accident of losing the check book?—Yes.

5389. Did the loss of this premium sheet inflict any loss upon the employer ?—It might add some difficulty in making up his books. It could make no other difference to him that I know of.

5390. Could it have inflicted any trade loss upon the employer ?—No. It was the girl's premium; that which she had herself earned.

5391. There was no trade or commercial loss which fell upon the employer ?—Not that I know of, and the premium sheet would be simply that which represented her own gains.

5392. You spoke of a young boy who was fined 2s. for not answering the bell; the bell had rung a second time, and the boy turned round to another attendant and said he would not have cared if it had been just ?—That is so.

5393. Therefore, you seem to think yourself that it is the injustice of the whole system which is felt ?—Yes. The system of fines and deductions puts power into the hands of the person who is responsible for the government of the shop. In this case it was the shop-walker. That power is very recklessly used very often.

5394. You think the whole system is a capricious one ?—Yes.

5395. As well as being unjust ?—Yes.

5396. I would like to take you to a few of those cases of low paid workers. In their case, as they are in receipt of wages which are not subsistence wages, but are very low indeed, do you think they would have a constant desire to keep them as high as possible ?—Certainly.

5397. Therefore, other things being equal, they would maintain as high a standard of discipline among themselves as possible in order to save their wages: is that your idea ?—Yes.

5398. As fines are constantly inflicted, does that seem to imply that the system of fining has had the effect of maintaining discipline ?—No, on the contrary. I think it does not work out in that way.

5399. Therefore, although the desire of the low-paid worker would be to maintain that wage at least at that particular level, you seem to think that the fines have not had the effect of improving the discipline or maintaining order ?—No, I certainly do not.

5400. Is it your idea that the fines have had no disciplinary effect at all ?—Very little indeed, not worth weighing against the disadvantages.

5401. You think that the effect is simply a very serious reduction in the worker's wages without any tangible improvement in discipline ?—Certainly the reduction is out of all proportion to any improvement of the discipline.

5402. Just at the moment I am not asking about the proportion; I only wish to see if your mind runs on these lines, that the first effect is a very serious reduction out of all proportion to the total wages ?—Yes.

5403. And secondly, so far as I have been able to grasp your general idea, there is a very serious sense of injustice in addition, due to the capricious way in which the fines are inflicted ?—Yes.

5404. You spoke of one case where 5d. was stopped if the worker was five minutes late ?—Yes.

5405. That is at the rate of 5s. in the hour ?—Yes.

5406. The worker's wages in that case were 5s. a week ?—Yes.

5407. Therefore, for one hour's delay they would be fined to the full extent of a week's wages ?—Yes.

By the Chairman.

5408. I do not think it works out like that. They are not fined 5d. for each five minutes ?—Yes; I think I gave one case.

By Mr. Maddison.

5409. It would not go on day after day ?—I understood Mr. Walsh how it worked out.

By Mr. Walsh.

5410. I took down this particular statement. It is a printed regulation to which the workers have agreed, a fine of fivepence for five minutes.

By the Chairman.

5411. If the fact is as Mr. Walsh has put it, the result is very startling.

By Mrs. Tennant.

5412. For the purpose of fining, their wages are calculated at 5s. an hour; for the purpose of payment, at 5s. a week ?—Yes.

By Mr. Walsh.

5413. That is the point. Mrs. Tennant has put it with very much greater success than I. I wished to develop the point that, if I have understood Miss Tuckwell's evidence correctly, for the purpose of the fine, they calculate at the rate of 5s. per hour, while the wages are calculated at the rate of 5s. per week ?—That is so.

5414. I suppose you are aware that the Truck Act, 1896, states that a fine shall be fair and reasonable having regard to all the circumstances of the case ?—Yes.

5415. Are you aware whether any union has taken action in any such case as this ?—No. I do not know whether the union has taken action. It is a sort of case where I think, considering the cases I have before me, the decision might be given against you.

5416. Are you aware whether any factory inspector or Government official has taken action ?—Here is an instance: ½d. for the first minutes, 1d. for ten minutes, 2d. for twenty minutes, and after that half a day's pay taken off. One girl had 7½d. deducted. Decision: it was held the fines were reasonable. That is Paterson *v.* Clark & Co., Hosiery Manufacturers.

5417. I also took down another case which you quoted, where, out of a wage of 3s. 4½d., 9d. was deducted for a particular fine ?—Yes.

5418. That is a little over 22 per cent. ?—Yes. The percentages of fines have been worked out in the Leeds cases. They are very interesting.

5419. In the case of K2 2s. 6d. out of 10s. ?—Yes.

5420. The Chairman has put to you a question as to steam being a necessity. Of course I do not intend to press you upon that because the Chairman has said all that is necessary. I would like to know from your own knowledge, or at least from knowledge which has come to you, what proportion of schedules containing the list of offences for which fines would be imposed, and the amount, have been placed in view of the workmen. Could you give us any proportion ?—No, I am afraid I could not give you any proportion at all. It is a constant complaint which we get, and which one gets at meetings and in various Labour papers: that the abstract is not put in such a place that it can be seen. In one case we had a complaint from a girl—I am afraid this is a chestnut—that she could not see the abstract because it was pinned on the manager's desk, and he would knock her head against it if she tried to look at it.

5421. It need not be in front of the people if it has been agreed to. Are you aware whether those schedules of offences and fines have been agreed to in many of these cases ?—In a great many cases the abstract is stuck up, but there are cases in which it is not. I do not wish to make any distinction between them, because to my mind the thing is equally bad whether it is or is not.

5422. Except that if the law is being systematically violated I think it would be desirable that we should find that out ?—Its value is that it is one of those technical points on which alone the factory inspectors appear to be able to get a prosecution. The unreasonableness may be quite plain, but the thing upon which it turns, in the mind of the factory inspector, is the point whether there was a contract or not.

5423. I wish to carry it to another point which I think it is desirable to know. Where schedules have not been agreed to by the work people, it is possible under the existing Act to make a contract in writing between the employer and the workman ?—Yes.

5424. Do you know whether any such cases have existed ? You are aware that when the schedule has not been agreed to, the employer and the workman has another alternative: they can agree to a contract in writing specifying the damage or the act for which the fine shall be imposed ?—I am afraid I am ignorant about that. I do not know.

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By Mrs. Tennant.

5425. There must be a contract beforehand. It will not do to merely specify the act after the act has been committed; the worker must agree beforehand, either by the publication or by the contract in writing.

By Mr. Walsh.

5426. I am afraid there is a little difference of opinion between us there. You are not aware whether any such contracts have been entered into?—No.

5427. Therefore, as a matter of fact, no particular contract of that character to your knowledge has been entered into?—No.

5428. It has been suggested to us in the course of evidence given by other witnesses, that an incentive in the shape of a bounty to be received at the end of a particular term might be of use, as, so to speak, developing a spirit of emulation in the worker, who would be certain of his minimum wage and who, at the end of a particular term, might receive something in addition: have you anything to say to that?—I can only reiterate what I said before, that I think it most dangerous. I can quite imagine that a very good employer might be able to use it very well, but I think the fact of allowing a loophole would lead to tremendous abuse. I think in that and every other case, you have to take the sort of point that I recall, Mrs. Cadbury's stating that Cadbury's had to give up fines and deductions because they felt that although they could use them properly, the fact that they used them would induce others to do so who were not so careful and that that would lead to abuse.

5429. We must consider this from a broader point of view than from that of the girls alone: the worker would be certain of the minimum wage, so long as employment was retained, and no fine could be taken from it, and he or she might possibly receive a bounty at the end of a certain period. They would be certain of their minimum wage, would they not?—I do not think it makes any difference to whom you apply it. You are not going to apply it to one person and not to another. It seems to me a most dangerous precedent, open to all sorts of abuse. I should be very sorry to have the power if I were an employer.

5430. You mean you would be sorry to have the power to take the bounty away?—Or to give it.

5431. To give it or to take it away. But the employer would be bound to pay full wages under those circumstances, would he not?—You mean if there was a bounty?

5432. Yes?—But the point about the bounty is that where it is given the full wage becomes a lower wage, and the complaint which the girls from Belfast make is that half the wage they ought to receive is paid as a bounty, and they do not get it. They get a set wage of 6s.

5433. I would like to lay before you one case quoted by you where the girls had 1s. per week deducted from their wages until they paid the full extent of the loss: does not that imply that if the full extent of the loss were deducted immediately they would be working for some time without any wages at all?—Yes; we had once a case of that.

5434. Would not a bounty system, or a premium upon good workmanship, do away with such a thing as that?—How?

5435. Because the full wages would at least be paid to the worker. The bounty might not be received even if earned, but the full wages would be paid?—I am so tired that I find it difficult to follow anything now, but that is a point. But as a matter of fact, though in theory it is a point, in practice it is no point at all, I think you would find, because in practice you very rarely find that the whole of the wage is stopped. There is usually the practice which you remember in the case of the Bristol tailoress, who had to pay over £2 for damage done, of taking it over a series of weeks. Only a certain amount is paid each week, so that the person may be kept alive.

5436. The saving clause in the Hosiery Act is in the words "bad and disputed workmanship." Full wages must be paid except for "bad and disputed workmanship." Do you not think that the error lies in those words?—I agree. All I wanted to say is that the Hosiery Act was much better than the present Act, but good as it was, it broke down, and good as any Act may be which allowed fines and deductions, something is certain to happen.

TWENTY-SECOND DAY.

Wednesday, 14th November, 1906.

PRESENT.

The Right Hon. Thos. Shaw, K.C.,M.P., Lord Advocate for Scotland (*Chairman*).

Sir Frederick Cawley, Bart., M.P.
Malcolm Delevingne, Esq.
F. Maddison, Esq., M.P.
S. Walsh, Esq., M.P.

T. E. Bettany, Esq. (*Secretary.*)

Mr. HERBERT WITHEY, of the Amalgamated Union of Clothiers' Operatives, was called; and Examined.

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By the Chairman.

5437. What is your position with regard to the Amalgamated Union of Clothiers' Operatives?—I am secretary of the Leeds branch. We allow females to join our branch, but we have not many, because we do not find it easy to persuade them to join.

5438. Is your association connected with the General Affiliation of Trades Unions?—Yes.

5439. What is about the number in your amalgamated union?—There were 1,590 members last half-year throughout England. In Leeds we have 668 members of whom 19 are females.

5440. Has it been the duty of your union and your own duty as secretary to get information with regard to the condition of the workers?—Yes.

5441. In particular, have you directed your attention to the subjects remitted to this Committee, viz., fines and deductions?—Yes; we have actually waited upon many firms whose girls were not in our society and pleaded on their behalf to stop some of these deductions. I know of one firm where there have been, I think, about ten strikes in twelve years on account of reductions and deductions.

5442. Are you at liberty to mention the name of that

firm ?—Yes, it is Y2. They have now closed their business.

5443. What was their line of business ?—Wholesale clothiers. Before the Boer War they made various classes of clothing, but then it apparently struck them that they could make more out of contract work, soldiers' uniforms and the like, in favour of which they doubtless neglected more ordinary branches of their work. When the war finished and fewer soldiers' uniforms were required, much of the rest of their trade had drifted away into other hands.

5444. What class of workers did they employ ?—Both males and females. When working full time they used to employ about 380 females and about 80 males.

5445. Had they a workshop on their own premises ?—Yes.

5446. Was there any out-work ?—Yes. Practically all such firms in Leeds have out-workers, the Jewish element. There are 187 clothing manufacturing firms in the town, nearly all of whom employ out-workers for the making of coats. The waistcoats and trousers are made in the workrooms.

5447. In the evidence you are about to give us you have in view firms like Y2, and other firms in the same line of business ?—Yes.

5448. And now please tell us something about what is the practice as to disciplinary fines ?—What I regard as exorbitant fines are imposed upon workpeople for going in late. I am especially thinking of girls who are not paid more than 4s. or 5s. per week. They worked until recently 52½ hours per week, but we sent a circular to the whole of the firms and got the hours of 1,700 workpeople reduced to 49½ per week. We found that if girls were ten minutes late they were fined 1d.; if they went in at 8.30 they were fined 2d.; at 9 o'clock, 3d. Now, that is entirely out of proportion to the small wage these girls are drawing. In the case of some of the firms if a girl stops away even through sickness, she is fined 6d., without opportunity of explanation. I have here a list of fines in the case of one clothing factory in Leeds (Z2). I find from this that a poor girl may be fined a total of 6s. 4½d. in one week.

5449. Perhaps it would be well for you to quote a few of the items ?—There are twenty-one items, eighteen of which involve a fine. For instance, any one leaving the factory without bonnet or hat and standing about in the doorway, fine 3d.; no baskets, mugs, plates, dishes, etc., allowed in the workroom, fine 2d.; any workhand taking work away without it being entered when it should be, fine 6d.; no workhand to take any work out of the workroom, fine 1s.; any workhand leaving her place in the room without sufficient reason, fine 2d.; any workhand talking, singing, or behaving unseemly, fine 3d.; any workhand disobeying her foreman or using saucy or abusive language, subject to instant dismissal or fined 6d.; any workhand absenting herself without leave, 6d. each day; any workhand changing from one machine to another without leave of the mechanic, fine 1s.; using the wrong sewing, such as cotton instead of linen thread, subject to instant dismissal or fined 1s.; losing or soiling garment tickets, for each ticket a fine of ½d.; losing or destroying file tickets, fine 2d.; bad work which cannot be altered, damages and loss of material to be paid for by the workhand; no workhand is allowed to touch the gas or electric light or the apparatus connected with it, fine 6d.; etc.

5450. Take the case of taking mugs into the workroom instead of leaving them where they have been used. Does any harm come to the work from that ?—No, none at all. I believe the firm in question is the only place where they don't allow it. I have seen hundreds of girls take a mug or plate upstairs for safety and put it beside or under her machine, in order to save them going down to the dining room for it at night.

5451. What about the fines for talking ?—Work girls sing and talk as much as they like in forty-nine out of fifty workshops in the town. There is no harm in it within limits.

5452. You think that is a case where ordinary discipline would suffice ?—Yes, if a notice was put up it would be obeyed.

5453. I see there is also a fine for saucy language ?—That again is a case for ordinary discipline.

5454. With regard to using cottons instead of linen thread, might not that cause damage or loss to the garment ?—Several firms charge 5½d. per reel for the cotton, although the girls could get exactly the same quality outside for 3½d. *Mr. H. Withey.* 14 Nov. 1906.

5455. That is a different point. What we are dealing with at the moment is the question of disciplinary fines. Where cotton thread is used instead of linen, does it not damage or deteriorate the garments ?—Yes, the garment would not last so long with cotton as with linen thread.

5456. Then in that instance, at all events, there is a certain damage ?—Yes, that is so.

5457. I see there is a fine of 6d. for touching the electric light. What is the damage done there ?—No damage at all. The foreman might be out of the room when it was getting dark, and a girl, anxious not to lose time, might turn up the electric light. It would be different in the case of gas if a girl carried about lighted paper, because the floors are soaked with oil.

5458. With regard to the whole subject of disciplinary fines, is it your view that discipline can be maintained without the imposition of fines ?—Yes, it is done by the majority of firms in the town, whose girls are as well behaved.

5459. You might quote one or two examples ?—I might mention the cases of four firms, A3, B3, C3, D3, and there are many others.

5460. In those cases there is no such list of fines as you have produced ?—There are one or two. I have some down here in other firms, but nothing approaching this one.

5461. Is discipline in fact maintained as well in those other places as at Z2, to which you have alluded ?—E3, and F3, and G3 are keener upon it without fining them than they are at Z2, with all their fines. They instil it into the people as they come into the shop that they will have no talking and singing, and of course they fall into line with it straight off the reel. It may be a hardship upon them at first, but it is grafted into them.

5462. The next part of your evidence is as to deductions for damaged goods ?—That varies a great deal. I have worked at A3 for twenty-one and a half years now and I have never seen a payment made in the whole of that time for anything damaged. Mind you, the girl or man has been severely censured, when it has been accidental, and they have cautioned them against doing it again, and it has blown over. At B3 if there is damage done which could be cured for 3d., they make them take the whole suit. On top of this they allow the girls to raffle the suits in the workshop. About six months ago I got to know two cases; I reported them to the factory inspector, and he told them it was illegal, and it was stopped. It was very prevalent in the clothing trade. If there were damage done, the girl took the suit and raffled it among her fellow-workers, and one of them got it for 3d. or 6d., as the case might be. If there is a little hole in the things, other firms will make the girl pay 1s. for it when it does not cost the firm more than 2d. I do not think that is fair. They should let it be at what it costs them. We do not charge anything, nor do F3 nor G3. They are the same firms time after time who charge, and those who do the best work do not charge the girls anything at all.

5463. May I put the point to you that these deductions for damaged goods are just another branch of the subject of discipline ?—That is so.

5464. And you think that under a skilful, good-tempered arrangement in a firm the discipline would be maintained, and it would be good for the workers and also for the employer ?—Undoubtedly it would.

5465. You do not think that it would result in loss to either ?—No. I would stick to the fines for being late in the morning, but they should not be so keen as they are. Still, if a person is told to be there at a certain time she should be there. I do not believe in people walking in twenty minutes late. I have never been late in my life, and I do not believe in it. You must state the time or they will be coming in at a quarter to ten, although they are getting nothing when they are away because they are all on piecework. There is only a little power running for nothing during that time, but

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still you must have something by way of a check on them, say ½d. up to nine o'clock. It goes up to 3d. to nine o'clock in some firms, although the girl is not earning 3d. an hour, nor 1d. an hour, taking it all the year round. With regard to disciplinary fines, there was one girl at Z2 —five weeks since, I think it was—who was fined 1s. out of a total earnings of 1s. 3½d. Sixpence was for speaking across to the girl opposite to her. I could not gather what the other 6d. was for.

5466. Was the 1s. 3½d. all she earned that week ?—Yes ; they were slack. I do not believe that any firm should compel a girl to go at eight o'clock in the morning and stop there till six o'clock when there is no work, but Z2 will not allow them to go home, and one or two other firms also. I think that is unfair. They may sit there forty-nine hours and only earn 1s. or so, and some of them are married women.

5467. Supposing a person is late on a day on which there is no work for her to do, would the fine be imposed just the same ?—No ; I should not think it would be right.

5468. Is it, in fact, imposed ?—It is in some shops, but not in others.

5469. The third branch of your evidence that I want to go into is with regard to reductions for materials ?—That is for cottons, I take it ?

5470. Cottons, silks, needles and so on. What is the practice with regard to that ?—The practice is to pay for sewings week after week as they get them. I have a book here of A3. There is 11d. down here in one week ; 1s. 5½d. the next week ; nothing the next week ; then 11d. 1s. 2d. ; 11d., and so on. The reason I object to these sewings being deducted is that a girl will sometimes get an extraordinarily light costume to make which has to be sewn with silk—say light grey. She pays 1s. 9d. for the reel of silk and will probably only use one-tenth part of it, and the other, 1s. 8d. worth, is left on her hands probably for a twelvemonth. If the firm had to supply it and let the girl use what she wanted, and then take it back, it would not be wasted at all. It is altogether wasted because that silk is rotting away the whole of the time it is standing idle like that.

5471. Can you tell me of any firm which make no such deductions for materials ?—Yes ; there are one or two firms which do not, but I cannot tell you who are they ; I have not had time to get the evidence. I knew nothing about this Committee sitting till quite recently.

5472. Do you think that there would be waste by the workers if they were supplied with materials and had the use of them ?—No, I do not think so. Why should there be ? A girl may take a yard or two home, but there is the foreman there, and he is paid to watch the girls.

5473. You think again that that comes back to the question of good discipline ?—No ; I cannot follow it in that light, because I have seen the girls dodge these people. Where they are charging 5½d. in some shops for a reel they can go outside and buy the same reel, or what answers the same purpose, for 3½d. I have seen it done thousands of times. They go back into the warehouse and watch till the foreman's back is turned and then they whip out the cotton which they have bought outside for 3½d. and put the bobbin on to the spool and run one cotton on to the other and you could not tell the difference. The system encourages these females to act deceitfully to their bosses. If the firm supplied the cotton there would be no need for that. There are thousands of bobbins bought weekly at a reduced price in the town.

5474. Have you any particulars with regard to needles ? —Yes. Some firms sell the needles at ½d. apiece. The majority provide them for nothing. I strongly object to any firm charging for needles, because they are for doing their work, and if a needle breaks it is not the fault of the girl, because nine times out of ten the girl does not touch it. The mechanic puts it in, and if he puts it in a little bit false it is going to snap sooner or later.

5475. You would favour a net wage, I suppose ?—I would, so that a girl knows what she is going to earn. You will see in this book that a girl does not know what she is going to get. There are four items down here, week after week, printed in this form :

C.
B.
F.
S.

C. is cooking ; B. is benevolence ; F. is fines and S. is sewings. She does not know till those items are entered in the book on wage day what she is going to receive.

5476. Whose form is this ?—A3.

5477. The next part of your evidence is as to the deductions for power, cooking, and so on ; what is the practice ?—There is one item which we have missed—it may be my mistake. There is one firm in the town, I3, which has this rule—I have the book with me : "There being no fines imposed for the breach of any rule, offenders render themselves liable to suspension or dismissal." That is the only rule I wish to allude to. This firm stops a ½d. out of every shilling the girl earns, for power, which I think is the worst of the lot.

5478. You think the supply of power should be part of the working cost ?—Yes. When they are working full they will have 280 girls, and they average 10s. a week. They will pay for the building in a month. Stopping money for power is the worst thing in the trade.

5479. The same remark would apply to charging steam and hot water and all that kind of thing ?—Yes. That comes under the heading of cooking a great deal. At our place we have a cook, and we have two girl assistants. Those girls have to clean the office and all the lot, and then they slip downstairs and get the fire going and warm the girls' dinner up. They will have 600 hands going in the shop and each female has to pay 1d. a week towards the cook. The males do not pay.

5480. How much does that come to ?—£2 10s. a week.

5481. What does the cook get ?—I think 18s., and the two girls about 5s. or 6s. apiece.

5482. Where does the profit go ?—Into the firm. Some of the smaller clothing firms charge the girls 1d. a week for hot water, the girls having to cook their own food. In nine cases out of ten every female employee pays the 1d. whether they use it or not. That is another injustice. Out of our 400 hands at A3. to-day, 250 will go home to dine day after day and will never see the cook room, but still they pay the 1d. per week. That is another injustice. The men do not pay. They do not make us pay, whether we go down and dine there or not, but they come round and expect something very handsome at Christmas time for their three women. There was one firm—probably it may be three months ago—that used to charge the females 2d. per week for hot water, and the girls could not get the water. They came to my office one morning when I was taking the contributions and complaints. I went to see the factory inspector, and he went down and played Hamlet about it the very next day, and there were no more 2d.'s stopped. So you see it does good to go occasionally and see the factory inspector.

5483. With regard to compliance with the Act of Parliament, in the case that you first cited, where there was a long list of fines, may I ask you what steps were taken to publish that list by the employer ?—It is in every girl's wage book. I have here a wage book with the name of the girl torn off ; she would not let me bring it with her name on. The list is in front of the wage book. I have here the books of Y2 and A3., and of another firm.

5484. Broadly speaking, are you in favour of the total abolition of all fines ?—I am, and of all deductions in every shape and form as well. Let the girls know what they are going to have when they start making a garment.

5485. You made one admission just now, namely that you would fine them something in respect of being late ?—Yes, or, as an alternative, clear them off the premises. I am very keen on that point of people being there to time, unless there is sickness which is easily accounted for. If it is laziness or anything like that I would not tolerate it for a moment.

5486. Is not that again a question for the foreman ? If he is a skilled capable man he can judge whether the worker should be kept on or not ?—The foreman should be responsible for all this.

5487. So that in that case you would prefer the alternative of good discipline to fining ?—I would.

5488. Take this case, which I must put to you broadly. Take a works in which there are no fines, no deductions for damaged goods, no deductions for material, and no deductions for power or cooking, and so on ; do you know of any such cases ?—No, not one. There is not one in the trade in Leeds. I am only speaking of Leeds now ; I dare not speak for the other branches.

5489. You are aware of some, I understand, in which there are no disciplinary fines ?—Oh yes.

5490. And you are aware of some where there are no deductions ?—Yes, for damages ; and also in some of the little shops there are no deductions for cotton.

5491. And you are aware of some where there is no deductions or charge for power ?—Yes. There is only one shop where they charge for power at all, and that is the one I have mentioned.

5492. You are not aware of any where there is a total absence of fines and deductions under those four heads ?—No, I am not.

5493. Is your evidence to the effect that if they were imitating each other in abolishing the fines under different heads, they would come to total abolition and it would be no loss to any party ?—It would be again to the employers.

5494. You think so ?—I am confident of it.

5495. What is the ground of that opinion ?—Because in the first place the girls would put the proper cotton into the goods instead of slipping outside and getting 3½d. cotton instead of 5¼d. I have heard our firm say that the reels of cotton cost 5½d. and they could show me the invoices. That is when I have grumbled a bit. Being an old servant, they have allowed me to grumble a bit ; they know my position but they let me grumble, and I have grumbled about people being able to buy outside for 3½d. what they are charged 5¼d. for inside.

5496. Who gets the difference ?—Our firm tell me distinctly, and I have no reason to disbelieve them, that they cost 5¼d., but you cannot tell the difference between the two cottons if you get hold of them ; and they can get them for 3½d. outside, and the girls do ; they do it every day in the week. They practically keep a little shop going with nothing else but sewing cottons. The girls run there from all over Leeds to get them for 3½d. They have a little trouble in running it off from the reel on to the reel which belongs to the firm, because there is a name on it, or a different coloured bobbin, one red and one white.

5497. Does not the firm discover that the amount of the work done is not duly represented by the amount of cotton thread supplied ?—No.

5498. They have never gone so finely into it as that ?—No, that is too minute.

5499. Suppose we were of opinion that in some cases, and for certain things, fines or deductions should be allowed, would you be of opinion that the total of such fines and deductions should bear some kind of percentage to the wages earned ?—I hardly follow you.

5500. Take a girl such as you have named, who earns 4s. to 5s. a week ; if fines and deductions are to be continued, I fancy you would favour that, at all events, there should not be more than a certain percentage of that 4s. or 5s. taken from her ?—No, that is a fact.

5501. Are you acquainted with any cases under the existing system in which, say, a quarter or even half of her total wage is taken away ?—Z2. is absolutely the worst firm. Of course I have had only two days on this job, and the only item I got was the one I have told you, where the girl was fined 1s. when she only earned 1s. 3½d.

5502. As to whether these things are fair and reasonable in themselves, do you know there is great difficulty in establishing unfairness and unreasonableness in a court of law ?—Yes.

5503. And is there great embarrassment on the part of the workers in endeavouring to raise such a question ?—They are frightened to raise the question. They will not come near one. When we send our organising secretary to some of the shops, the best men will turn round and bolt ; they dare not be seen speaking to him. They do not let the foreman see them. The girls will run like mad from either him or me.

5504. Because they are being visited with punishment ?—Yes, they are afraid of being dismissed. I got three to join last Friday night, and they said, "Do not let our bosses know," as if I should go and tell them ! I said, "They will not know." There is one firm, K3, who put a notice up a fortnight since that any person going in three minutes late will be fined a quarter of an hour for each offence, and half an hour for the first. That means that if they are six times three minutes late, they will lose six quarters of an hour. They grumbled about that, but the notice is up.

5505. What we are most anxious about is to know whether, with your experience, which has now lasted for many years—— ?—Twenty-nine years in the clothing trade.

5506. With your experience, your evidence is distinctly in favour of total abolition ?—It is.

5507. Of fines and deductions ?—Deductions first—no deduction in wages for cotton, or damage, or anything, because it stands to common sense that a girl is not going to make a mistake purposely. If the goods drop on the floor and touch the oil, well, she has not done it purposely, but still she has to pay 1s. for letting the thing fall from her fingers ; and the bosses do it hundreds of times over.

5508. That is in accordance with practice ?—Yes.

By Sir Frederick Cawley.

5509. I did not quite understand with regard to the thread ; why do they pay for the thread ?—It is usual in the clothing trade in Leeds. All the girls have to go to a certain little room and say they want such and such a thread.

5510. Will you explain how they are paid : are they on day-work ?—No ; they are all on piece-work. That book will show you that. The girls have to find their own sewings.

5511. They get so much a garment ?—So much a dozen—say 3s. a dozen.

5512. The girls have to find their own thread and needles ?—That is so. They do not have to find their needles in every shop. A3 give the needles, but some of the shops make them pay ½d. for every needle—some two for 1½d. Unfortunately, where they make them pay more for their needles, they pay less for the making.

5513. With regard to this thread which they buy from the employer, you would not say that the quality was the same as that which they get outside ?—I could not prove that. I have had some of both, and I cannot tell the difference.

5514. But when you have approached the employers upon the matter, and told them that the girls could buy that thread at the shop you speak of for 3½d., when they were charged 5¼d. by the firm, did they say it was not the same quality ?—They said it was false, because they pay 5¼d., and they sell at cost price to the girls.

5515. You do not assert that they can actually buy the same thread for the 3½d. ?—Oh no.

5516. But that they can buy a thread which looks as good to you ?—That is so.

5517. I understand the employers say that it is not the same thread ?—One employer says so.

5518. He says that the thread is not so good ?—I do not know whether they have classified them together, but he tells me that it cannot be as good because they pay 5¼d. per reel wholesale.

5519. It must be either one of two things—either the thread is not so good, and the girls are buying a different quality of thread, or else the employer is not speaking the truth.

By Mr. Maddison.

5520. Or does not buy so well.

By Sir Frederick Cawley.

5521. That is not quite in the way of business, because any large firm can buy as well as a little shop. It is hardly an alternative for people who know anything about business ?—I was laying stress on the difference between 5¼d. and 3½d., because I was advocating that no deductions should be made for cotton, in which case, if the firm paid, there would be no inducement for the girls to put an inferior article into the goods.

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5522. Your evidence is that either the firm is not speaking the truth in saying that they give this price for the thread, or the employees are making a mistake in supposing that the thread which they buy is as good as the thread the employers supply?—I have a brother in the thread trade. I have quoted to him the price of 5¼d., with the number on the thread——

5523. Is the name on?—Yes, the name is on, with a "XX" or something of that kind. My brother has told me that the thread at 3½d. is as good as the 5¼d.: at least it answers the same purpose.

5524. That is an outside opinion which may not be quite an expert opinion. You know as well as I do that thread has nearly always the name of the maker, and the quality, upon it, X, XX, or XXX, or some other signification?—Yes.

5525. Is the thread which they buy at the shop marked in the same way as the thread which the employer supplies?—That I cannot tell you.

5526. I appreciate your point that there should be no charge for the thread?—That is the point I wanted to lay stress upon.

5527. Only I wanted to know whether your assertion that the thread was as good was really a fact. Now, where do the fines go to?—They go into the firm's pocket. Out of the fines for being late, in ninety-nine cases out of 100, there is a trip provided every year.

5528. Then the fines do not go into their pockets?—Stop a minute. They will perhaps have £300 or £400 of fines in the year, and the trip costs them £110 or £120; the rest does go into their pockets. No fines, no trips. I am not advocating any trip. I do not want them to give us anything at all.

5529. Does that obtain at all the works?—Practically every firm has a trip.

5530. Have Z2?—Yes.

5531. They fine very largely for great numbers of things, and consequently their fines amount to a great sum of money in the year?—Yes.

5532 Do they give them back to the Sick Fund?—You do not get one-quarter back.

5533. They do not say they give it all back?—No; they do not say anything about it.

5534. I am speaking of fines and not deductions?—They do not issue a balance sheet, which they should do, to the workers, because it is the workers' money.

5535. I am speaking of the fines?—So am I.

5536. The fines go into the employers' pocket?—Yes.

5537. With the exception of a small amount?—For trips.

5538. And there is no balance sheet given, and no account taken of them?—That is so, so far as the workers can see. The employers will probably have a balance sheet, but the workers do not see it in any of the factories.

5539. You would draw a wide difference between disciplinary fines and fines for unpreventable things, that is, between anything the work girls can prevent themselves, such as coming late, and dropping things, such as you have spoken of?—That is a deduction for damaged goods if she drops something on the floor.

5540. There are some other fines which are in a different category to that?—Yes.

5541. I understand you really do not object to a small fine for being late?—Not to a small fine, but I do not want them to be fined 3d. an hour when they are only earning 4s. a week.

5542. You think there is no objection to a small fine for an offence which they can easily prevent themselves, such as being late in the morning?—I do not object at all. If they will not come in time, I should inflict a small fine, and if that did not cure them I would clear them off the premises.

5543. What is the objection to raffling a suit of clothes? I suppose the girl got out of it without loss?—Yes, but it is illegal. I have no objection.

5544. She was not hurt at all? She got the value?—Yes; she raffled it at 3d. a time. I have seen the things raffled hundreds of times. They have perhaps twenty at 3d. a time, and some poor person gets hold of a good suit for 3d.

5545. The majority of firms do without fines?—Some firms do not fine at all. The majority of firms do not fine unless they are extremely busy; I am speaking of fining for coming late.

5546. Is there a single firm in Leeds which does not fine for girls coming late?—Yes; L3, F3, and G3.

5547. They do not fine when they are busy and the workers come late?—That is so.

5548. Suppose Z2 are busy, how much per week do the fines amount to in the aggregate?—I could not tell you, because they fluctuate so with the hands.

5549. They have a long list of fines which look very formidable, and what I wish to get at is what the fines amount to, so that we can see what the percentage on the wages is?—I could not answer that.

5550. Could you give us any idea?—No. I will make a note of it and find out for you. I would not like to make a statement about that from memory, because I could not prove it.

5551. You could not say what it was in any firm?—No, I could not.

5552. When these firms are busy, you have no idea what proportion the fines bear to the total wages received?—No. Some seven or eight years ago a female came to me from D3, who had been dismissed. She had been late two or three mornings, and the boss saw he could not make any impression upon her, and he dismissed her. She came to our shop and brought her wage book with her. She had been fined £2 17s. in two years, and wanted to know if she could get it back. I said, Yes. I sent her up to Bruce, the stipendiary magistrate, and she got back that £2 17s. She was only averaging between 8s. and 9s. a week for the two years.

5553. Was that amount for being late, principally?—Yes, £2 17s. in 104 weeks; that is 6d. a week.

5554. That is all I have to ask you, unless you can give me the proportion which fines bear to wages received?—No, I could not give you that. You might track it from the book you have under your hand.

By Mr. Walsh.

5555. Sir Frederick has already put one point which I was going to put to you. Is there any audit at all held on behalf of the workpeople? Do they audit the accounts?—No.

5556. Under the Truck Acts you will probably be aware there is a power given to the workmen to audit the accounts?—Yes, I am aware of that.

5557. No audit ever takes place?—No.

5558. Therefore your promise to Sir Frederick that you will find out for him will probably be a little difficult to carry out? You mean you will do as much as you can, I suppose?—Yes.

5559. I understood you to say there were three firms—L3., F3., and G3.—where no fines at all were inflicted?—Yes; that is for being late in the morning.

5560. It is only for being late that no fines are inflicted?—That is so.

5561. Does suspension or dismissal take the place of fines in those places?—No. They have got some nice hands in, and they find by treating them nicely and quietly they can get them there, and they are all in a nice, steady-going swing.

5562. Is it your opinion that improved discipline has developed a higher standard of conduct on the part of the workers?—Undoubtedly it has.

5563. You have had no complaints from those places of discipline being relaxed or lowered in consequence of no fines having been inflicted?—No.

5564. No complaint, even from the employers?—No, not a word from them.

5565. I suppose in your capacity of secretary you receive from time to time complaints even from the employers?—Yes.

5566. Of relaxed discipline?—Yes, many a time, but not often of the females; it is of the youths generally

5567. In the case of I3. you told us that there were no fines at all ?—That is so.

5568. But there was a deduction of ½d. out of each shilling for power ?—That is so.

5569. But there were no fines at all ?—That is according to that book ; there are no fines down there.

5570. Do you know what reputation I3. bears with regard to the state of discipline ?—They are a lot keener now than they were. Four years ago they were absolutely one of the worst firms in the town. The girls would slip out in the morning, and in the afternoon too, to get a drink of beer at a pub. But other people took it, and it is different now.

5571. There is a higher state of discipline now, you think ?—Yes.

5572. You said that ½d. in each shilling for power supplied was in your opinion the worst thing of all : how do you mean ?—I object to that, so far as I am concerned, more than the deducting for damaged goods and fining for being late.

5573. Because of the extent of it ?—No. I think it is quite sufficient that we should work for the paltry wages we are getting without at the same time buying the machinery, which we are doing when they knock ½d. off every shilling.

5574. But from the point of view of the worker's necessity to know his or her earnings, is it not better to know distinctly what they are going to have and to know what particular deduction will be made, than to have it liable to the caprice of the foreman ?—Yes.

5575. So that in that sense, although you may feel that the charge is extremely heavy, and is probably a charge which ought not to be made in your opinion—— ? —Yes.

5576. Yet, inasmuch as the worker does possess a certainty, it has a certain advantage ? Have you looked at it in that light ?—Yes. They will know what they are going to draw. If they have earned 12s. they will know they will get 11s. 6d.

5577. And there is no other deduction which the employer will make ?—That is so.

5578. Is it your opinion that in that sense it gives a worker comparative certainty at least ?—That is so.

5579. The Chairman has submitted the matter to you very much on the lines that I was going upon. You think it fair that the right of fine should be maintained by the employer where a worker is late.?—No, I do not say so, but where they will persist in coming in six, seven, or eight minutes late, you are bound to impose a fine, because I would not let them come into my own place late morning after morning. It is not fair to the employers, and it is not fair to the workpeople themselves.

5580. Of course the law of the land might decide that fining was altogether impossible, but it also might decide upon your lines that the employer should have the right to fine where a worker was persistently late : would not that open the door to other abuses ?—Yes, perhaps it would.

5581. In that case the innocent would be punished for the offence of the guilty ?—Yes.

5582. I submit to you this point for your consideration, that where a work person might only be fined 1d. or 2d. for being late, that would hardly act as a deterrent so much as if he felt that for that persistent kind of conduct he would be liable to dismissal ?—I favour the dismissal rather than the fine ; I do, indeed.

5583. Dismissal would probably develop in the workers a greater recognition of discipline and the necessity of conforming to it ?—Yes, it would.

5584. Because, as a matter of fact, it would really be a greater penalty for persistent lateness ?—Yes.

5585. And, inasmuch as the fine will only be a very small one, in many cases they will be prepared for that, will they not ?—Yes, and take no notice of it.

5586. And be indifferent ?—Yes, that is so.

5587. Whereas if dismissal were hanging as a penalty over their head they would probably attain to a higher standard of conduct ?—That is so.

By Mr. Maddison.

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5588. First I will ask you a general question. What is your experience of the operation of the Truck Acts in Leeds. Take the 1896 Act, which says a fine must be fair and reasonable : what is your experience of the operation of that Act ? Do the inspectors often intervene ?—Not unless we put them on, as far as I have seen. I believe he has had one or two cases. There is one clothing firm which was fined £5, but I did not find out what it was for. I do not know who reported them. I did not.

5589. I want a general reply ; would you say that the Acts so far as those deductions are concerned, have been a failure, that they are a dead letter, that is, not put in operation ?—No, I would not say so.

5590 Do you not think that some of the fines which you have mentioned are obviously unreasonable ?—I do. I think *this* one is a disgrace to any firm in the world.

5591. That is Z2, is it not ?—Yes.

5592. Has the factory inspector ever had his attention called to it ?—I do not know whether he has or not. I should say the factory inspector ought to demand to see it.

5593. That is what I want to know ?—That I cannot tell you.

5594. The Union apparently does not use the inspector very much ?—I have used him a good deal, and he has done very well for me.

5595. Have you many cases ?—Yes ; I have written to him forty or fifty times.

5596. What about, this document of Z2 ?—This has only cropped up this last week. I only got this on Monday night, after telegraphing for it.

5597. Would you say, in your long experience of the clothing trade of Leeds, that fines are increasing or decreasing—that the practice of fining is increasing or decreasing ?—They are decreasing.

5598. At I3 there are no fines at all ?—That is so.

5599. Were there no fines during that rather lax period when the women used to go out to the beer shop ? —No, there could not have been I am not going to say there were not, but there could not have been, or they would not have gone out.

5600. The one place in Leeds where they have no fines is the most lax place you know ?—No, I do not say so. It was some years ago.

5601. Where you are quite sure there were no fines at the time, for the reason you have given ?—Yes.

5602. It is still a little lax ?—Yes, but they are keener.

5603. It would not compare with your firm, for instance ?—No.

5604. So that it does really come to this, that the one firm where there are no fines, is a little more lax than your firm or Z2 ?—Yes. I do not want you to class Z2 with ours. We only fine our girls when we are busy, and working overtime. In the slack season they can come in when they like.

5605. How do you account for the abolition of fines, or the non-existence of fines, in I3 working so badly ? —I can account for it in two ways, but I cannot prove either. In olden times I3 was such an absolutely rotten shop (I am bound to use that expression) that practically the whole of the workers were married women, or the loose women, shall I say, of Leeds. They were the masters of the situation so far that if they wanted to have a day off to booze they had it, and if they wanted to work, they worked. The women would not have tolerated a fine ; they would have walked out in a body.

5606. There were exceptional circumstances in connection with I3 ?—Yes.

5607. May I ask how the wages of I3 compare with those of your people or any of the ordinary firms ?— Z2 is the worst paid shop in the place.

5608. Is I3 good ?—I will not say it is good.

5609. Is it average ?—It is slightly under the average.

5610. I must ask you one question about the L3 ; is that a wholesale works ?—Yes.

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5611. Have they any fines?—No.

5612. Nor deductions for material or damages?—Very slight. I might almost say 'No' to that. They are very lenient.

5613. What about the discipline?—Good.

5614. What about wages?—Fairly good.

5615. What type of girl?—All right.

5616. A good type of girl?—Yes; I wish they were all like them.

5617. So that you have here a place where there are no fines, a good type of girl, the discipline well maintained, with fairly good wages?—Yes, and shorter hours than any other firm in the town, bar one. They work forty-eight hours.

5618. You would put L3 in the highest flight?—Yes. If anyone asked me for a list, L3 would be among them. They are six.

5619. Now about suspensions, would you include the abolition of suspensions as well as fines?—Not suspensions.

5620. Perhaps I should ask you whether suspensions amongst the girls in the clothing trade of Leeds is at all a prevalent practice—suspending a girl for one day, two days, or three days?—Not unless there is no work.

5621. Suspension in Leeds is practically non-existent as a disciplinary punishment?—That is so.

5622. But suppose we proposed to abolish fines, would you say we ought to include suspensions in that abolition?—They ought to be done without.

5623. You say we ought to include suspensions in the same category as fines, and abolish them both?—Abolish them both. I contend that if they got the proper workmen over these girls, they can get as good discipline out of them without fines as with them, and with no bullying. They have to be firm with them; that is all.

5624. Among low-priced girl-labour, would you view with any apprehension the bare alternative of dismissal for the employer—warning and dismissal? Would not there be a danger of a great many dismissals among those poor girls earning very small money?—I do not think so. If the firms can supply the quantity, you will find that the majority of the females in the clothing trade in Leeds would rather have the common work than the better class work.

5625. My point is this—whether if they were to abolish fines and suspensions, there would be any danger of us having subjected the girls to dismissals of a very frequent character?—I do not think so at all. I do not think it would affect them in the slightest.

5626. You have told us that fines go to the profit of the firm?—Part of them.

5627. You would not say that employers regard fines as a profitable source of income?—No, I do not infer that, but they do not spend the bulk of the fines on the trip which they give to the workpeople. Perhaps some of them do.

5628. So that all that portion goes to their income, and yet you still say that the employer does not regard fines at all as a favourable source of income—that he would rather be without them, in a word?—Yes, I should say so, unless it is that some of them feel that they would like to fine so that they can make themselves look big one day in the year and give the workpeople a trip, and pay for their ticket.

5629. Suppose we were to say that there should be no deduction for material, that the employer should supply cotton and everything else that goes into the garment, would you say that there was any danger of more waste with the firm's material than there is now?—No.

5630. As a general proposition, would you agree that we take more care of our own stuff than we do of other people's?—We may do a little, but still there would not be a farthing waste in a twelvemonth.

5631. I gather from you that although there might be a little danger in that direction, it could all be met by supervision?—Yes.

By Mr. Delevingne.

5632. You said that fines were decreasing; is that the effect of the Act of 1896?—I think so. It must be. It is undoubtedly decreasing because three or four of the firms have given up their trips.

5633. You have found a difference between the state of things now and ten years ago before the Act came into force?—We have not.

5634. You would not say there was very much difference?—No, I would not speak on that point.

5635. Because I notice that among the fines you read out, and the deductions, a good many of the specific instances which you gave are obviously offences against the Act as it stands?—Yes, that is so.

5636. For instance, you mentioned the case of H3, a firm which makes its workers take any garment which is damaged, and pay for it?—Yes.

5637. Do you happen to know that that particular firm has been prosecuted by the factory inspectors?—No, it has not been prosecuted. He got up too late and he could not prove it, but I gave him the tip, and he told me that if it occurred again he would prosecute them.

5638. This particular firm has been prosecuted by the factory inspectors for that very offence—making their workers pay for garments which they had damaged?—They have been prosecuted two or three times.

5639. And they were convicted by the stipendiary at Leeds for that thing?—I was not aware of that.

5640. That is the case. So far as that class of cases goes, it is an offence and has been successfully prosecuted as such under the Act as it stands. You say that in I3 ½d. is deducted in every shilling from the workers' wages for power?—Yes.

5641. You say that is excessive?—Yes.

5642. And exceeds the actual cost to the employer?—It exceeds the actual cost of the power, yes.

5643. Have you brought that to the notice of the factory inspector?—No. I knew nothing about this till Monday.

5644. Have you not often had complaints of this during your experience?—We have only nineteen females out of 7,000 in Leeds, who work in clothing factories, in our society.

5645. Are these deductions only made from the wages of the females?—Yes. None of these fines I have spoken of are from the males; it is all female labour I am speaking of, and all piece work.

5646. No males are employed in this class of work?—Only the foremen in the different departments.

5647. Are the women organised at all?—No; there are only nineteen of them in the society.

5648. They have nobody to call the attention of the factory inspector to these cases?—No, unless they call my attention to it, and then I report it. I reported one where they were working till four o'clock in the morning. They pulled up a few months since.

5649. Where the factory inspector has intervened, he has intervened successfully?—Yes. I have nothing to complain of with regard to Mr. Hine.

5650. The present state of things is rather due to the fact that these matters have gone on unnoticed?—The girls will not complain.

5651. It is not the fault of the Act of 1896 in itself?—Now you mention it, I believe Mr. Hine's attention was called to that ½d. in the shilling, and I think—I would not be positive—that he wrote to tell me it was all right, because the employer had notices stuck up in the shop to that effect, or something which covered the Truck Act.

5652. The Truck Act also provides that the price charged must not exceed the cost to the employer. What I am trying to get at is this; how far the Act of 1896 is defective, and is not sufficient to put a stop to these abuses, or how far they are due to the fact that the inspectors have not had time to cover the whole of the country yet, or to the fact that they have not been brought to their notice?—There are not enough factory inspectors. We have not enough in Leeds, at any rate.

5653. I want to clear my mind about this case of Z2. What class of girls do they employ ?. Are they better or worse ?—Better. They have the best class of girls.

5654. And yet they pay them the worst wages ?—Yes.

5655. How do they manage to get the best class of girls when they pay the worst wages ?—I do not say they are the best workers. You may find the commonest girls are the best workers in the clothing trade. I mean that their parents are a little better off and they send them to Z2 because it is a respectable shop ; they make them go well dressed, and all that sort of thing.

5656. What do you mean by a respectable shop ?—They do not allow them to rove about the streets in the dinner hour ; they do not allow them to run out without their hats on, but they must dress themselves up. A girl is fined if she goes outside that place with her hat off, and she is fined if she stands outside the door a minute before she goes in. She must go straight in.

5657. What I do not quite understand is how Z2 can get the best class of girls ?—I do not say they are the best workers.

5658. But they get the best class of girls, you say, for the worst wages, and under a system which imposes a great many oppressive fines?—That is because they get them from the middle class people, people who do not care whether their daughters earn 5s. or 10s. In nineteen cases out of twenty they have not to earn their own livelihood. It does not matter whether they work or not, in a sense. They go there for pastime.

5659. Do they work as hard ?—They work as many hours, but they do not work so hard because they do not get the work to do. Still, they are compelled to go there, and if they go there in the morning they are not allowed to go out before night except for meals. There is no such thing as saying, " I have no more work for you to-day ; you can go home." That is a great hardship, because some of these girls could go home and help their mothers.

5660. You say you have found great difficulty in finding out what the list of fines was in the different shops ?—Yes.

5661. Supposing these things continued to exist, would you favour a placard posted up in the shop in preference to a contract with the individual worker ; the Truck Act of 1896 gives the alternative ?—I favour its being sent to the Home Office here, not allowing these employers to fix anything they like. When they are making the new rules, they should be submitted here to some Committee. There are not two alike.

5662. You mean the Home Office should have the task of settling these things ?—Certainly, for each firm. I do not say you should tie every firm down to word for word, but see that they are not contravening the Act, which *this* set of Z2's is.

5663. That would be a very large task for any Government Department to undertake ?—You could put an official on.

5664. You realise that if no fines or deductions are allowed there is a possibility that a firm may resort instead to one of several alternatives. They may, for example, reduce wages ?—If they reduced the price of garments, that would be far better than deductions. I favour that rather than deductions.

5665. Suppose deductions for damaged goods were made illegal, would there be anything to prevent an employer saying to a girl, " The next piece of work which you do like this I shall reduce your price for it, as the result of the damage done " ?—He cannot. The price lists are hung up in the room, stating what they are to receive. He cannot say, " I shall reduce you so much because you have damaged so much previously."

5666. To what extent is he bound by the price list ?—The girls would absolutely refuse to work for less. As soon as there is a new garment, the price is put down. Our price list is in the shop and it is hung up on the pillars in each department.

5667. Are the prices fixed for all time, or are they subject to alteration ?—They are subject to alteration from time to time, provided there is a little bit less work or a little bit more work necessary for the garments.

5668. You said that the girls complain not only of deductions from their wages, but also of reductions of prices ?—That is so.

5669. If that is so at present, there is nothing to prevent the employer using the same power, and instead of deducting from wages, reducing the price for an article ?—There is nothing to prevent him.

5670. You do not get rid of deductions by saying there shall be no deductions ?—This is a reduction, not a deduction.

5671. It is the same thing under a different name ?—Yes, but I would rather have that than the other. They would hail with delight the putting an end to deduction, throughout the town, and it is not a big thing to stop all these deductions.

5672. As regards suspensions, that is another possibility. You told Mr. Maddison that you knew of no such thing as suspension as a punishment for an offence ?—No, I have not.

5673. I see in one of these lists which you have handed in this rule : " Weekly and time hands must mark their own time. Anyone marking for another person will be suspended for one day for each offence ? "—That is with regard to males. There is not one female in a hundred on time in the wholesale clothing trade.

5674. This only applies to male workers ?—No, it applies to females also, but there is not a female worker working on time.

5675. This would equally apply to piece work ?—I think not.

5676. " Weekly and time hands," it refers to, I see. I was reading that as an instance of suspension as a means of punishment. That only applies to time hands ?—Yes, and males in ninety-nine cases out of 100.

5677. Is that often enforced ?—No. Forty-seven were suspended for three weeks recently.

5678. Do you think that rule is a dead letter ?—Yes ; I have never heard of anyone being suspended except when there is slack trade.

5679. It is obviously a weapon which the employer possesses and which he could exercise if you took away his power of fining ?—Yes.

5680. Mr. Maddison asked you whether you would be in favour of prohibiting suspensions as well as fines, and you said " Yes ? "—Because suspension is a dead letter.

5681. If you took away the power of the employer to fine, he might say, " I will suspend you for a day.' You would be in favour of preventing him doing that ?—Yes. You are putting it in another light. They only suspend them when they are working short time. If he cannot fine a person 6d. for touching the electric light, because fines are prohibited, you mean he might suspend her for a day ?

5682. Yes ?—I should put my foot down on it very keenly. I would not allow that.

5683. May I ask how you would propose to prevent an employer suspending his workers ?—You cannot, because he could always turn round and say, " I have nothing for you to do."

5684. It would hardly be practicable to prevent an employer suspending if he wanted to ?—No. He always holds the whip hand, because he can say, " I have nothing whatever for you to do."

5685. Does that modify your view at all that all fines and deductions should be prohibited ?—I would prohibit every one of them barring for coming late in the morning ; I would have a small fine there.

5686. Would suspension be a worse punishment for a girl than a fine ?—It would make her suffer, and would probably make her family suffer in some instances. I do not want a girl to suffer.

5687. You mentioned out-workers casually at the outset of your evidence, but I do not think that your evidence referred to out-workers in detail at all ?—No. It is the Jewish Union. Of course out-working is the curse of the trade. It is done at home under the worst conditions of labour that one could imagine.

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5688. There is an immense amount of out-work in the clothing trade ?—Yes, and it is terrible to see.

5689. Are fines and deductions applied to these out-workers in the same way as to in-workers ?—Not to women out-workers. I do not know what the Jewish Union does. But with regard to the women who fetch the trousers out to sew the buttons on and so on, there are no fines and deductions.

5690. Suppose the out-worker damages the work ?—I suppose he would have to pay for it.

5691. Then he would be subject to the system of deduction ?—Yes.

5692. Could we get any evidence as to the out-workers in Leeds ?—Yes ; I could get you some information. I will do my utmost ; I cannot do more.

5693. The Jewish Union would know more than anyone else about Jewish employees ?—Yes.

5694. The Jewish employees form the bulk of the out-workers ?—Yes.

5695. One question about the charges for mess rooms : you are opposed to any charges being made for mess rooms or cooking ?—I am.

5696. It is the case that the provision of a mess room is entirely voluntary on the part of the employer ?—No, I think not.

5697. I think there is nothing in the Factory Act which requires the provision of a mess room : there is no compulsion on the employer to provide facilities for cooking ?—There is a provision made that the workers shall not remain on the premises, but that the workshops must be closed at a certain hour. I think you are wrong this time. I believe that a place must be provided where they can have meals away from their workshops. The workshops must be locked up, and thoroughly ventilated one hour at dinner time. I do not know what it is, but there is something to that effect.

5698. The provision which I think you are referring to is the provision in the Factory Act which says that during the meal times women and young persons shall not remain in the rooms in which any manufacturing process is carried on. But there is no obligation on the part of an employer to provide a room in which the workers shall take their meals. The employer can turn them out of the factory during the dinner hour and leave them to get their meal outside. Is not the provision of a mess room convenient to the workers ?—Oh yes, and it is a convenience to the bosses too. If the girls had to go home to their dinner, they would take an hour or an hour and a quarter, and they would soon tire of it when they are busy—it pays the employer as well.

5699. Still, it is a voluntary provision on the part of the employer ?—Yes.

5700. And it is also a convenience to the girls ?—Yes.

5701. Do you see any objection in principle to the girls paying something for that convenience ?—No, if they only charged those people who get their dinners there, but if they make every person pay whether he goes there or not I object.

5702. I agree. Supposing it was provided that only those girls paid who used the mess room or the facilities for cooking, and so on, and the charge made to the girl did not exceed the cost to the employer, but was a fair charge, you would not then object to deductions being made for such convenience ?—No ; they are getting something for the deduction there.

5703. Quite so ; the girls are getting something for which they pay ?—Yes.

5704. You said in one case a girl on dismissal recovered fines imposed over a period of two years ?—Yes, £2 17s.

5705. Can you tell me under what section she recovered ?—No.

5706. Or what the nature of the proceedings was ?—No ; it is eight or nine years since.

5707. You have no particulars ?—No. I could try and get them. It was £2 17s., I know, because it was cut out of the paper and stuck on the wall by one of the chaps who was a little antagonistic to the firm at the time.

By the Chairman.

5708. In the first place, can you tell me the average wage of the women workers indoors—not out-workers ?—All the year round ?

5709. One case with another, on an average, how many shillings a week will they earn ?—Can I look at my book for a moment ?

5710. Yes. Take into account the time they are in work and when they are off work ?—9s.

5711. What would be the earnings of an out-worker ?—3s. or 3s. 6d. They are busy with their families. They do it in their leisure moments, when their children are asleep and so on.

5712. You have told us that there are only nineteen women in your Union as yet ?—Yes.

5713. Is the condition of those nineteen women a fair sample of the condition of those who are not yet in the Union ?—Yes ; they are not all in one shop.

5714. Do you think if these women had a strong Trades Union that some of those things which you have given us such good evidence about might be rectified by their united protest against the system ?—It is a fact, sir. All those deductions would have been stopped years since if they had been strong enough. That is what we tell them every time they come to us.

5715. With that class of worker the formation of such a Union would be attended with some difficulty ?—Yes.

5716. You have said that 9s. a week is the average wage : is that the average wage for full employment ?—I am taking a twelvemonth, short time, full time, and overtime. This does not include the girls who have just started.

5717. Apart from short time on the one hand and overtime on the other, would the average steady wage for full employment be about 9s. ?—Yes, as near as you could get it.

TWENTY-THIRD DAY.

Thursday, November 22nd, 1906.

PRESENT.

The Right Hon. Thos. Shaw, K.C., M.P., Lord Advocate for Scotland (*Chairman*)

Sir Frederick Cawley, Bart., M.P.
Malcolm Delevingne, Esq.
Mrs. H. J. Tennant.
S. Walsh, Esq., M.P.

T. E. Bettany, Esq. (*Secretary.*)

Miss GERTRUDE TUCKWELL was recalled; and further Examined.

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By the Chairman.

5718. You have something you wish to put in, I think?—Yes, I will put in the name of the firm and of the Paper Mills. (M.3.) I will also put in two sets of budgets (*Exhibit No.* 1. *of Appendix VIII. B.*) making up 15s. per week. One has a few comments upon it. The girls put in their own remarks, and I did not like to stop them. One says "Burial by the Workhouse." I did not know whether you would object to that sort of graphic comment. If so, I will put in another instead. But I did not interfere with what they had done for me.

5719. I see here the amounts for food range from 6s. 6d. to 8s. a week. That is relatively large. I understand from you these are actual returns?—Yes, one from a tea packer and the other from a girl in the clothing trade.

5720. Are they from girls who live at home, as members of the family?—One says, "Pay to Mother." I only gave you two lists out of ten and it may not be one of them.

5721. There is nothing of that sort here?—Well, I have that. I can put it in if you like.

5722. I notice the rent of a room is given in one case the room being kept clean by herself?—Yes.

5723. In another case the rent is 4s., and in a further case 5s. 9d.?—Yes.

5724. Can you help us as to whether this would be a fair statement of the sum necessary to keep life going on reasonable terms in the case of a girl who is a member of her father and mother's household?—I am so sorry to answer apparently indirectly, but the fact is when you are a member of a household you pay as much as you can afford. As a matter of fact, a lot of our girls who are living at home pay everything they receive, except about twopence, to the home, so that it is very difficult to arrive at. They pay all they possibly can.

5725. Let me put the question to you in another way. Suppose you have two or three girls in this station of life who are members of their parents' household, and their father is a worker: what would be the rent of a house of that kind, to accommodate, say, five or six all told—the father and mother and four children?—I cannot tell you the rent of the house, but I can send it to you. The rent of a single room in the cases I put in comes to 4s. 6d. and 5s.

5726. I am speaking of a three-roomed house, the father being in employment and two children in employment; am I right in saying the rent of that would be about £20 a year?—I would not like to answer at random. I do not know. I must look it up.

5727. At all events, it would come to this, that those figures which you have given us might be subject to deduction in the case of family life, such as I have alluded to?—They would be subject to deduction, because it might be that the parents could not get more out of the girl. I consider that their food estimate is understated. I do not consider a girl can really feed herself on the amount she has given you there.

5728. Are there any other documents you wish to put in?—Yes I wish to put in copies of the tickets (*See Exhibit No.* 2. *of Appendix VIII. B.*) I mentioned last time and showed you—tickets collected at the door of a factory which we chose at random. It was a biscuit factory (N.3.) You were interested in hearing that in each case there were deductions, and in one case the wage of 3s. 7d. came down to 3s. 2d. for a full grown girl. I have brought four of those.

5729. Before you pass them that, a certain question arises in my mind when I see those documents?—This was typed the moment before I left, and I have not looked at it; I hope it is all right. Then I wanted to put in the list of fines and deductions of Z. 2 (*See Exhibit No.* 3. *of Appendix VIII. B.*). That is particularly interesting, because that is a model factory. They say that no girl can be employed who is not moral, and everyone must be very respectable; it is, in fact, a factory to which the mothers say well-conducted girls go. I wanted to put in that list, because it shows you the sort of fines and deductions which obtain among the so-called good employers with regard to the lower class of workers, that is, the lowest paid. The girls are very neat. He makes a point of that. Then I wanted to put in *this* list (*Exhibit No.* 4. (*A.*) *of Appendix VIII. B.*), because it applies to the textile factories of Belfast. You will remember that I said that if a girl was fined all possible fines and deductions they would amount to over £1 per week, her set wage being 6s. per week. This list (*Exhibit No.* 4. (*B.*) *of Appendix VIII. B.*) is from O.3. It governs a considerable number of textile factories in Belfast. Then you thought it would be interesting to have the wage sheets taken from the girls at Z.2. (*Exhibit No.* 5. A. *of Appendix VIII. B.*) and A. 2. (*Exhibit No.* 5. B. *of Appendix VIII. B.*), showing fines for cooks, benevolence, fines, and sewings. I will hand them in. I think I have now put in all you asked for.

By Mr. Delevingne.

5730. I should like to ask you about your statement that the Truck Act 1896 had broken down; on what do you base that?—On the Home Office figures.

5731. Do they prove that the Truck Act has broken down?—Surely. I did not mean to bring the papers with me which I had last time, and I find I have not that with me, but I think you will find from both the tables in the women inspectors' reports and the percentage taken in the men's, that the percentage of successful prosecutions is extraordinarily small. I remember I calculated that under the Truck Act in one year you lose one-fifth of your cases, as against one-fiftieth of the cases taken under the Factory and Workshops Act.

5732. Are not the prosecutions under the Factory Act very much simpler than those under the Truck Act?—I should say so, certainly. I should be very sorry to prosecute under the present Truck Act.

5733. It is not quite fair then to compare the Truck Act with the Factory Act and to say that the comparative measure of success proves that the Truck Act, 1896, has broken down?—Surely, because it is evidence that the Truck Act is a thing which you cannot work.

5734. It may be on account of the difficulty in the subject matter?—Oh, no. I beg your pardon for contradicting, but put to yourself the number of things which you have to do, the extraordinary number of points which you have to meet if you take proceedings under the Truck Act. It seems to me that although you have got the most admirable inspectors, for whom I have profound admiration, their work is getting more difficult. A lady writing

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on behalf of the Freedom and Labour Defence the other day to the "Tribune" explained that really you are getting practically no prosecutions at all under the Truck Act, and used that as an argument to show that there were no fines and deductions.

5735. I should say that that was a complete mistake?—She took your own figures—the Government figures.

5736–7. I have a return here showing a summary of prosecutions taken by the Factory Department under the Truck Act of 1896 up to 1905. There were 319 separate cases and out of those 243 resulted in convictions?—All I can say is the proportion is terribly small in comparison with your prosecutions under the Factory and Workshops Act, and the numbers you take altogether are most distressing. I have a profound admiration for the factory inspectors, and we refer cases to them always. I was told that in one case deductions had been made for the payment of a certifying surgeon, those deductions being much more than were necessary to cover the fee of the certifying surgeon. We had gone on so long merely having people warned and asked not to do things, that finally I wrote to say we should be very glad to take steps ourselves and prosecute if the Home Office could not see its way to take action.

5738–9. Well, when a case of deductions to cover a certifying surgeon's fees was brought to our notice, the Home Office took the view that it was covered by the Act of 1896, and instructed the inspector at once to say that it must not go on, and it was dropped. I do not remember any other cases where a deduction for the certifying surgeon's fee has been made which have been brought to our notice?—It was because it was one of a series of cases of that description, in which we had deductions for the little books in which particulars were furnished and appeared to me to be very comparable to the cases which I hope the Committee is bearing in mind—which it was promised should be borne in mind—of deductions for compensation, that I wrote to the Home Office; I was anxious to get a test case upon it in order to see whether the Truck Act covered it.

5740. You mean the case of the fee of the certifying surgeon?—Yes, all those cases which come under the words "any other thing to be done or provided by the employer in relation to the work or labour of the workman," which are so wide that I think you could take action.

5741. We did try the Compensation Act question and failed?—Yes, and you got a great many more cases. You no doubt know there are a great many more cases going on in which compensation is being deducted from the workpeople's wages.

5742. As regards the fees of the certifying surgeon, do you say that the case which you brought to our notice was one of a long series?—I say it was one of a long series of that kind. I was very anxious that we should take that case, because if we had won it we should again have raised the question of compensation, and again raised the question with regard to the book of particulars. I do not say that now there is the same need to do it, because this Committee is sitting, but my impression was that we should then have shown how ridiculous the thing was, when people were being mulcted simply for paying the doctor and things of that sort, we should have shown either that the Act was no good, or else we should have shown that it did cover those cases.

5743. In that particular case the thing was stopped as soon as it was brought to our notice. So far as I can see, it does not show that the Act of 1896 has broken down?—That is one of my strongest points. I am sorry if we do not agree about it. I have papers showing the numbers of cases which the women inspectors have lost, and which have been discussed. I can put in the numbers, which show they are tremendous. It is to the women inspectors we send these cases. We have come to the conclusion that the small number which are now being taken simply means that the Factory Department in its wisdom, seeing they cannot carry these points, are proceeding by warning. It is nothing to us that you should go to a firm and say, "Do not do that thing," or "Re-fund the fines and deductions," because there would be no principle involved; the thing would go on just the same in other places. In point of fact, it goes on worse.

5744. Do you advocate a prosecution in every case in which a fine or deduction is discovered which does not appear to be reasonable?—Certainly not, but I most strongly advocate prosecution in cases where you can get a test case covering a great many cases.

5745. Certainly where there is any principle involved I think you will find we have?—No, excuse me. How can you say that when you burked the prosecution which would have covered this case of the fee of the certifying surgeon, which would have covered the whole question of the meaning of the words "anything to be done or provided by the employer in relation to the work or labour of the workman"? When you did not take a prosecution on a case like that, of which we have sent you several, but merely proceeded by warning, how can you say you have taken a test case? Please understand that I am not finding fault with the department. I do not believe anybody has a greater admiration than I have for the way they do their work. What I am saying is that you have got a thing which no one can work. If I were a factory inspector, I should be sorry to take proceedings under a thing so impossible as this.

5746. Two hundred and forty-three convictions out of 319 cases does not suggest to my mind that the Act is altogether unworkable?—It suggests a comparison with the Factory and Workshops Act prosecutions, which is very serious. My point is further emphasised by the cases of our poor girls which we send to the women inspectors.

5747. Are you of opinion that practically no good has been done by the Act of 1896—that things are very much the same now as they were ten years ago?—Yes, I am not sure that they are not worse.

5748. I should like to refer you to a passage from the annual report made by Miss Squire in 1901 in which she says, "The Truck Act of 1896 has now been in force five years, and in my experience it has by degrees produced in that time, in spite of limitations, a most marked effect upon fines and deductions in all parts of the country to the advantage of the work people." That is the beginning of a long paragraph. You do not agree with that?—I think there is this to be said, that if you send extraordinarily able people (and you have got extraordinarily able people), who will bluff, and will make more than really exists out of the Act, will use it for all it is worth, and point to a great deal which they have not the power to enforce, then you may produce a great deal of effect. I admit the ingenuity and capacity of the inspectors has been great, and they have done all they can, but it is far more due to the staff you have got than to the Act itself that anything has been done. I consider, from watching it, and from seeing the way in which these fines and deductions continue to crop up, that this Act has absolutely broken down.

5749. You are aware, of course, that before 1896 fines and deductions were very prevalent?—They *are* very prevalent.

5750. And they were before 1896?—Yes.

5751. They covered the whole of the country?—Yes.

5752. And before 1896 they were absolutely under no control whatsoever—I mean they did not come under the Truck Acts?—I wonder! I think they did.

5753. Fines were definitely ruled outside the Truck Act by the case of *Redgrave* v. *Kelly*?—I do not want to get into an argument on legal points, of course, but, as you know, there is now a case which again supports the contention which made Lancashire ask to be excepted from the Act, which shows that the original contention that it was laid down that all wages should be paid in the coin of the realm was according to law the right one. I remember Miss Abraham once taking a prosecution under this Act.

5754. I suppose you are referring to the recent House of Lords decision?—Yes.

5755. That does not touch the condition of things before 1896. The Home Office prosecuted in the case of *Redgrave* v. *Kelly* and it was carried to the High Court and the Home Office lost; it was ruled that fines were outside the Act?—Yes.

5756. And that was the unquestioned state of the law till 1896?—Yes.

5757. That the Home Office had no power over fines and deductions before 1896 ?—Yes.

5758. In 1896, this Act was passed, and the Home Office had to attack the whole system of fines and deductions throughout the country; is it surprising that in less than ten years unreasonable fines and deductions should not have been altogether abolished ?—Of course if I were to agree with you that the position is that fines and deductions have not been "altogether" abolished, I might be able to say it was not surprising, but when I say to you, as I firmly believe, that fines and deductions are as bad as they ever were; when I tell you that I cannot send people round to inquire about the extension of particulars to a certain class of home work without finding numbers of fines and deductions; when I put in the documentary evidence which I did the other day, which does not represent anything like as much as I could have put in (I knew you could not find room for more in the Appendix); and when I know, when I come across these things, that they have gone on sometimes for a very considerable time, you will see I cannot agree with you. And, after all, I am connected with 100,000 women directly—I am only connected with others incidentally—and I do not come across one-thousandth part of the fines and deductions which exist.

5759. Home workers are rather outside the question, because to a very large extent they have been ruled outside the Act and the Home Office has no power to deal with them ?—Not as regards fines and deductions ?

5760. No ?—Not when they are directly employed ?

5761. Except in so far as there is a contract to do the work personally ?—It is a great mistake to suppose that our home workers are employed by sub-contractors.

5762. That is not the point, I think. The High Court ruled that unless the out-worker is bound by his contract to do the work himself, and not to pass it on to anybody else, he (or she) does not come within the Truck Act ?—You will find, I think, that your inspectors take up any case in which the work is given out directly. I know they do. The number of cases in which the work is sub-contracted to anybody else, or in which other people are employed, is very small. The number of persons who take out the work and do it directly, and say they are going to do it directly, are very large.

5763. I do not suppose for a moment that the number of cases in which the out-workers do the work themselves is small, but there must be a contract to do the work personally. That was the reason we failed in Donegal, and why we failed recently in Nottingham ?—Incidentally you are giving one of the most crushing reasons why the Truck Act, 1896, is no good.

5764. Because it does not deal sufficiently with out-workers ? However, I am going outside the point ?—I do not mean to limit it to out-workers. But it is curious when you are making any sort of inquiry to come across fines and deductions in the way you do. I tried to point out to the Committee last time that if I stand at the door of any factory or workshop or whatever it may be, and take the girls' wage bills as they go away, the chances are there will be deductions on them. I am referring to girls employed in the lowest paid work. I ruled out shop assistants and textile workers, not because they do not suffer, but because I do not want to bring them in. Among factory and workshop workers or home workers you will always find fines and deductions.

5765. You are of opinion that no good has been done by the Truck Act, 1896 ?—Practically. I think Lancashire was right to say they would prefer to be under the law which, although the decision of *Redgrave v. Kelly* had gone against us, might yet be set right. I think Lancashire was right to say they would prefer coming under a law which they said virtually regulates the whole thing.

5766–9. That does not answer my question. Are you or are you not of opinion that the Truck Act, 1896, has produced no effect ?—Practically, yes.

5770. Then you made another statement: you said inspectors were afraid to take cases ?—Yes; I have said so just now

5771. What is your authority for that ?—My own experience. We send in cases, and you proceed by warning, as you did in the case of the certifying surgeon. You go to the employer and ask him to withdraw it. That is always happening. The man who is employing girls at such low wages and mulcting them of part of their money by fines ought not to be cajoled. He has to be because you have this law, but if the law were worth anything you could show him up.

5772. I do not think it is correct to say the Home Office do that. Their instructions are that if the inspectors find a case, unless it is specially bad, they are to tell the employer that unless he puts the thing right at once he will be prosecuted. Is that an unreasonable method of procedure. Take the case of the certifying surgeon. That was an isolated case as far as I know. We had had no such case brought to our notice before. When it was brought to our notice, instructions were sent that the inspector must see the employer. The employer stopped when he was told that it was illegal. Do you call that cajoling the employer ?—This is what would have happened if it had been under the Factory and Workshops Act: you would have done as you did in the case of the flower shop the other day; you would have prosecuted. You have these girls paying for their particulars books and paying the certifying surgeon, and the men paying workmen's compensation. You do not take a test case because you know the chances are you will lose it. You have not a law behind you which is strong enough to go upon, and I think you are right. When I say "cajoled" do not think that I am saying anything disrespectful to the factory inspectors. What I say is you are thrown back upon that when you have a law like this to deal with.

5773–6. I am afraid I cannot agree with you about the motives which actuate the Home Office. I should like to ask you for some further details on your list of cases ?—I thought I gave you the details.

5777. Well, I should like to ask you for some further details about the case of the jam factory you referred to (K. 1). 2s. 6d. was charged for broken glasses out of a wage of 10s. or 11s. a week ?—Yes.

5778–9. Is that a fixed deduction, or is it in proportion to the actual damage done ?—I gave you an instance in which 2s. 6d. had been taken from a girl's wages for breaking a glass. If you want to know if it is on the list which is stuck up I will find out for you, I do not know. I only put it in as a case where a girl had been fined. It was a complaint which went to the inspector.

5780. Can you give the Committee any information as to what the damage represented ? It may have been reasonable, or it may have been quite unreasonable ?—Does not the evidence go on to say anything about it ? I thought I said the foreman stated it did not represent the damage, but it was necessary to do it for disciplinary purposes. I know that is mentioned somewhere, but it may be somewhere else. It was with regard to K. 2 certainly.

5781. I do not think we need pursue it. Will you tell the Committee what period these fines and deductions cover: are they quite recent cases ?—They cover some period of time. I took them after 1896. I took them from the time when the Act might fairly be considered to be in operation. The greater number of those I gave you were quite recent—within the last two years, 1905 and 1906, but they date back till immediately after the Act came into operation.

By the Chairman.

5782. If you look at Question 5292 you will find Miss Tuckwell is right. The question I put was: "The ostensible object may be damage but the true object is discipline; may I put it so ?" and the answer was, "If you like to put it in that kind way." That was your attitude—that it was due to discipline ?—I said, if you liked to put it in that kind way. I did not put it in that way. I call it another way of putting money into the pockets of the employers.

By Mr. Delevingne.

5783. I suppose you would agree that any fine in respect of damaged work which exceeds the damage to the employer, and which is put on as a matter of discipline, is quite illegal under the Act of 1896 ? The Act is quite clear that the deduction must not exceed the damage, and so far as it is imposed as a

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matter of discipline and the deduction is out of proportion to the damage, it is illegal ?—You do not need me to remind you of the case of the Bristol tailors ?

5784. Perhaps you will give the Committee the details ?—I think I have it here, but I know it has been put in evidence so I was not going to put it in. A girl was paid 6½d. per pair for making trousers. Amounts were deducted from this wage until the total amount of a spoilt pair (viz., £2 5s.) was paid off. This took two years. It was held that the deductions were fair and reasonable.

5785. That was a case where the girl had to buy damaged trousers ?—Yes.

5786-7. You are aware the Home Office has taken prosecutions since where almost exactly the same point was raised, and in which convictions were obtained ?—You can obtain convictions now and then. My point is you cannot be sure of getting them under this Act. You can never be sure that you will not get a magistrate who will say, perfectly justly under this Act, that the amount deducted represented the loss to the firm.

5788. As you have mentioned that, I should like to take it at once. The Bristol case was a very important case, of course, but the Home Office was not satisfied that compelling workers to take damaged goods and pay their value in full was legal under the Truck Act. Cases have been taken since then with the express object of raising the point, both in London and Leeds, and in each case since convictions have followed, and the employers have not so far ventured to take the case to a higher court. We should have been pleased if they had done so, so that we could have had an authoritative decision from the High Court. But that Bristol decision has not been followed elsewhere, and, so far, the fact that the practice is illegal is not questioned ?—Really ! Do you know the Brandauer case at Birmingham ?

5789. That was not a case of compelling the worker to buy damaged goods ?—The decision was that on the question as to whether the deductions were "fair and reasonable" three things must be considered : (1) the nature of the work ; (2) the loss to the employer ; (3) the actual wages after deductions were made. I think the same point exactly arises, and my strong view is it will go on arising. A great many of the cases which I brought were cases in which this point might have arisen. It does not seem to me that while you have a law which allows you to deduct for the possible loss to the employer you will do much good. I have followed your cases very carefully, and am glad to know they are as many as you say. You may get one or two magistrates to hold that the deductions were not fair, but I do not think under the present law, which brings in questions like the total loss to the employer that you can possibly be sure of getting a better result than in the case of *Squire* v. *Brandauer*.

5790. I admit the cases are difficult for the Home Office to establish as to what the loss is to the employer, but I am confining myself for the moment to the question of compelling workers to buy damaged goods, such as compelling the woman worker to take the pair of trousers and pay their value to the employer, and compelling the seamstress to take a shirt and pay the whole value to the employer. That was the point in the Bristol case, if I remember rightly, and it is a point which has been raised since in two cases, if not in three—two in Leeds and one in London, or two in London and one in Leeds—in which the decision has been given exactly the other way, in favour of the contention of the Home Office. I have mentioned it because many of the deductions which you mention were cases in which the girl was compelled to take the damaged goods, which the Home Office holds to be entirely illegal under the Act of 1896 ?—Of course, I can only say what I said before, that it is not a bit of good for the Home Office to hold a thing illegal while such questions as "the loss to the employer" are considered by the courts. You remember our great case in which the girls danced to a harp in the dinner hour, and it was held that the deduction made was reasonable because they raised dust. So long as you have a law like this, you will have such cases.

5791. Coming to the instances of fines proper, disciplinary fines as distinguished from deductions, I notice that the great bulk were fines for unpunctuality. May I ask whether in those cases the fine is usually assessed in this way, that if the worker is, say, perhaps five or ten minutes late she is shut out for the whole of the morning ?—In some cases that is so. I should say that to be shut out for the whole of the morning is comparatively rare, but she may be shut out till breakfast time, or perhaps for half-an-hour. In some cases there is no shutting out ; they would be admitted.

5792. In cases where they are shut out, how far is the fine which is imposed equivalent to the amount of wages not earned during the period for which they are shut out ?—I am afraid I should have to work that out from each of the individual cases. My own conclusion, as I said to the Chairman when he asked the question, is that it bears no relation at all to the amount which would be earned.

5793. You say that the fine is in excess of the amount the girl would have earned in that amount of time ?—Extraordinarily in excess. If we could introduce a system of payment on a scale equivalent to that of the fines, the Women's Trade Union League would have done its work ; I think we might feel that we could almost retire from the field.

5794. Supposing fines were abolished entirely, would you think it possible to prevent the employer shutting out his girls till breakfast or dinner time, as the case might be ? There would still be that loophole ? The employer would still be at liberty to close his factory gates till breakfast or dinner time ?—Yes.

5795. Fines would still exist, therefore, though in a different way : it would be a system by which the girl would be prevented from working for a certain period as a punishment for unpunctuality ?—Yes, I presume that would be so.

5796. You do not see your way to deal with that ?—That is a point I have not thought of. I have thought a great deal about the question of suspension and so on as a punishment. It seems to me in cases in which the admission of girls late would disorganise the work, a girl who chose to come after the proper time would have to bear the penalty of not getting to work until breakfast time ; but then she should have no other penalty.

5797. You do not see anything objectionable in that ?—I have not thought about it. On the face of it it appears to me a thing which must be.

5798. Just one word with regard to the case which you mentioned in which a whole gang was fined because the damage could not be traced to any particular girl ; was that case brought to the notice of the factory inspectors ?—All our cases are received from the workers, or from the organisers and others working among them. They are registered, and the complaints sent in on the forms suggested by Miss Anderson to the women inspector's office. If it is the case of a boy or man, it would go to Dr. Whitelegge, but the women inspectors' cases all go automatically on.

5799. You cannot say what was done there ?—We are under this difficulty that unless there is a prosecution, such as there was at Briggs's factory, we do not know what happens in the cases we send on.

5800. It seems to me to be quite illegal to fine a gang for damage which was done by some individual worker who could not be traced. You state in many cases the contracts are not posted up in conspicuous places ?—Yes.

5801. That is a very easy breach to prosecute an employer for ?—It appears now to be the only resource left to the factory inspectors to prosecute on a formal point like that. It is clear you must stick a list up or have a contract signed in writing. They can prosecute on that, but that appears to be the only resource left to them.

5802. Is it your evidence that you find a great many cases at the present time in which the notice is not posted up ?—We do get complaints about that still.

5803. Frequent complaints ?—No, I do not think they are very frequent, but we do get complaints. And as I have said, we do get fairly numerous complaints that they are put somewhere where they cannot be seen—behind a desk or somewhere out of sight.

5804. That of course is also illegal, is it not ?—Yes.

5805. It must be in a conspicuous place ?—Yes. All these complaints are immediately forwarded to Miss Anderson or to Dr. Whitelegge.

5806. If there are still a great number of cases in which that state of things exists, though it is such an easy thing both to prove and to secure a conviction for, it rather points to some other cause for the continuance of fines and deductions than to a breakdown of the Act itself ?—In the case which you took in the Potteries, where the girls were made to pay for damaging the machines, the only reason you got a conviction was that some formality, such as the announcement that the deduction was going to be made, was not complied with.

5807. With regard to deductions for hospitals. You did not go into these at any length. They are not covered by the Act of 1896, and in view of the cases it is very difficult to say whether they are covered by any Act. What in your opinion are the abuses connected with deductions for subscriptions to hospitals ? Do you see any advantage in them, or are they entirely a disadvantage ?—My strong view is against every single form of fine and deduction ; I have seen too much of the harm they do. We frequently come across cases of deductions for hospitals and for dispensaries. I had an interview with an employer the other day in which I explained to him that there appeared to be a great deal of suffering in his factory as he was paying £52 a year to the dispensary. He said he was not aware of it. I pointed out he was employing five hundred girls and deducting a halfpenny from their wages, which were already very small, per week. He said he was not aware of it. I never can find that the use which is made of the dispensary by the girls is really what is paid for. I know cases in which the girls do not go to the hospital at all, although money has been deducted for it.

5808. Do you suggest that in that case and in other cases the employer makes a profit for himself out of these deductions for the hospital ?—Not in all. I suppose when K. 2. deduct 2s. 6d. from the girls to give them a picnic in the summer, they have the picnic in the summer, but I think these are a great many cases in which it adds to the profits of the employer.

5809. In your opinion that is so ?—In my opinion there are a very large number of cases in which the money does not go to any object which benefits the employees.

5810. It is a very serious matter for employers to deduct money from their employees' wages for hospitals, dispensaries, and so on, which they do not pass on to the hospitals and dispensaries ?—Yes. I am taking the whole of the cases—I am not only taking hospitals and dispensaries. I say in a very large number of cases I believe the deductions which are made for those purposes do not represent the sum which is paid. I would go further and say that in a great many cases the deductions which are made are not spent on the object for which they are ostensibly deducted. For instance, there is the case where all the girls had twopence deducted to pay the cook, their payments working out at over £3, while the cook received 8s. Where does it go ? There was no treat. The girls come eagerly to tell you if anything is done for them.

5811. It would be very interesting to know if that custom of making deductions from wages for hospitals and dispensaries, which go into the employer's pocket, exists to any extent ?—I do not confine myself to hospitals and dispensaries. I think it is one case out of all cases, where you cannot say that the money deducted goes to the purpose for which it is deducted. There are a good many cases. The people who fine and deduct on every pretext are not the best kind of employers, and they are not very particular where the money which they get goes to in a good many cases.

5812. You do not see the advantage, even under certain restrictions which do not exist at present, in regard to deductions for hospitals, of allowing an employer to arrange in that way for his employees to contribute to some sick fund, or for them to provide themselves with medical attendance in the case of sickness ? —It seems to me where an employer employs workers, their illness and the suffering which is entailed on them during their work is his business and not theirs. I think that sort of subscription ought to be paid, not by the workers, but by the employer himself.

5813. You mean for sickness arising out of their employment ? Or do you mean any sickness, from whatever cause arising ?—How are you to make a distinction ? I am thinking now of the case of the girls who paid a halfpenny a week, £52 being paid to the dispensary. In that case, bronze was used, and lead was used, and the work entailed a great deal of standing. There were some cases in which you would have distinctly said there was suffering from lead poisoning—mild, mind you—and other cases in which you would say that the sickness and general ill health came from bronzing. There were also a good many cases where the girls were anæmic. When you get 8s. a week to live upon you are not going to keep yourself in such a state of health as to prevent you being bowled over by colds and every sort of ailment. I consider that nothing ought to be taken from those wages for the benefit of the employee ; the employer ought to do it.

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5814. With regard to mess rooms, there is no obligation upon the employer to provide a mess room except under special rules ?—That is so.

5815. Is it a convenience to workers to have a mess room provided ?—It all depends. In some instances it is a great convenience where they live far from their work and where there is nowhere to go.

5816. Would you be against an employer making a small charge where he provides that convenience for his employees ?—Yes ; I should prefer very much, if his employees have to go a long distance, that he should provide them with a room. There is very often a room which can be set aside Directly you begin to make deductions you get them taken from people who do not use the room in order to get a uniform rate ; it is easier to do. You charge every girl, although a lot go home. I have had case after case in which the girls have complained that they are made to pay for tea or hot water although they go home because they happen to live near.

5817. Supposing the practice was brought under regulation so that only those girls who made use of the convenience should pay for it, and that it was entirely a voluntary matter between the employers and employees, what would you say ?—I do not like it. There is the same objection as I have to all these things. If you do away with the whole thing, you do away with the possibility of illegality. If you allow no fines and deductions, you make the inspectors' work comparatively easy and you stop an enormous opportunity of breaking the law. If you are going to do it at all, it ought to be done by a club of the workers themselves ; they ought to manage it and run it. It ought not to be done by the employer.

5818. But the employer finds the room ?—Do you not think he might do that when he only pays 8s. to the girls ?

5819. I am looking at the matter not from my personal point of view, but of what the employers may say. Now just one or two words upon the alternatives. Supposing fines and deductions were abolished, you said you were not in favour of employers having the power of suspending ?—Yes.

5820. Have you any idea of how that could be enforced in practice ?—Only what I said—from my experience in other directions and by watching how it works and seeing how much better the discipline is where you have a capable foreman and there is no punishment. I am judging from individual experience.

5821. I was thinking of it from the administrative point of view. Say suspension for disciplinary reasons is prohibited—and that the prohibition has to be enforced by the factory inspector : will not that be very difficult to do ?—I do not see why. I do feel most strongly on the point. I can only tell you my own experience with children, and I think there is a close likeness between the two cases. You do not get good order by punishing. You get good order by capacity in managing people, and the great captains of industry ought to be more and more careful, and are becoming so, to choose the right people to manage their employees. The only way you are going to do it in the case of the employers I have been describing is by forcing them. When they find it is dismissal or nothing, they will begin to find the right people to manage their employees, and you will

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not get the scandal which there is now with regard to foremen and even forewomen—people absolutely incompetent to manage anybody.

5822. You hold that discipline can be maintained without punishment?—Better. Any person who has taught, or had anything to do with, large bodies of people, knows that, given the power of removing a person altogether if he is impossible, he can manage better with that sort of power than with any other.

5823. You gave us a case in which a firm dismissed for very trivial offences?—Yes.

5824. Do you apprehend that practice will grow if you do away with fines?—No. They do it now.

5825. Is it the practice for many employers to dismiss?—The firm to which you refer is an exceptional one, in this respect, that they are one of the worst employers I know, but, apart from that, I do not know that their case is exceptional; employers make use of their power of dismissal now, frequently.

5826. For trivial offences?—If they want to.

5827. If there is no power of suspension or fining, the practice of dismissing for trivial offences may prove a very great hardship for the workers?—I do not think so. If you warn the workers, and say, "If you do not do this, if you cannot conform to the rules, you go," and if they understand that you have that firm rule and understand they will have to go, I believe you will not want any other resource. I am not advocating that you shall have the people all over the place and have no discipline at all.

5828. Does a girl who is dismissed in circumstances like that find it more difficult to get work at another place?—It entirely depends. I have one case now in which a girl has been black-listed and can get no work anywhere. The employer spited her and she cannot get work anywhere. Then on our Indemnity Fund we have several people who have given evidence to the factory inspectors, for whom we have some difficulty in getting work. But very often the employer does not take the trouble to bother about it.

By Sir Frederick Cawley.

5829. You admit, I think, that a large part of the fines is for coming late in the morning?—I did not quite admit that, I think. Mr. Delevingne said that most of the disciplinary fines which I had put in were for unpunctuality; and I said, "Yes?" because I have not my evidence before me which I gave on the last occasion and I took that from him. I should say that we get lots of fines for laughing, and for talking, and for all sorts of things.

5830. You are against any sort of fine, however small, for unpunctuality?—I am against any sort of fining for any sort of thing.

5831. The alternative to that is suspension, which is a more severe punishment than a small fine?—Suspension *is* fining.

5832. I am rather differentiating. One firm may fine 2d. for being late or 3d., and another firm may say, "We will not fine you, but we will not allow you to start till breakfast time." Therefore I put it to you that suspension is a more severe penalty than fining. I do not class them together; I am differentiating. Do you admit that suspension is a more severe punishment?—It is a differentation which the employers do not make, because they both fine and suspend. The girl is both fined and shut out.

5833. That surely does not happen in every case although it may in some cases. Most factories, I take it, have a rule that a certain fine shall be imposed for being late. Another firm may say, "We will not do anything of that sort, but we will suspend you; we will not allow you to start till a certain time." ?—In the cases I have put in I think you will find that you nearly always get fining and suspension together. It has never occurred to me, except when you get it in an exaggerated form, that the two things were the same. Suppose you take a case like that of E. 2, where a girl may be suspended for a fortnight simply by the will of the foreman, who says, "You can go and play" because he is angry with her; there you get a thing which is intended to be a punishment, and it is a most terrible punishment; it equals a fine of 16s. But in many factories it is very inconvenient to have people dribbling in, and the gate is shut till breakfast time. It had never occurred to me to look upon a case where a factory closes its gates at a certain hour and then opens them again at breakfast time as a punishment to the girls; that appeared to me to be part of the business of the factory.

5834. Is not that disciplinary? It tells the girls, "If you cannot be here at a certain time we will not allow you to start till another time"?—Yes. But you have treated that as a fine, have you not? I want to distinguish between punishment and order in the factory!

5835. No; I wish to differentiate between the two. That is suspension?—Yes.

5836. Do I understand that you are in favour of altering the law, and saying that an employer shall not be able to say, "If you do not start at 7 o'clock, you shall not start till eight"?—That I could not say. It is for the Committee, which appears to be capable of drafting anything, to say how they are going to do it. But it appears to me you have to differentiate between shutting out a girl for half a day, and for an hour where it is simply a question of disturbing the order of the factory.

5837. Do you not think it would be difficult to make a law to prevent an employer saying, "I cannot allow you to work till a certain hour"? My point is really this, that suspension is a more severe punishment than saying, "We fine you 2d. for being five minutes late"?—No.

5838. You do not think it is?—No.

5839. You do not think suspension is a more severe punishment?—No, I certainly do not. Our women are paid at the rate of perhaps 1d. or 1½d. an hour. You fine at a very much greater rate than that. The things are not comparable.

5840. You do not say that to fine and suspend as well is the custom at many factories; it is only in a few of the worst?—No.

5841. All your evidence is with regard to black sheep, I presume? It is not general; it is particular?—No. Z. 2. is not considered a black sheep. It is a very good type, I think, of a certain class of employer.

5842. That particular firm may be, but your evidence, of course, is of the worst of firms. You have not generalised; you have particularised, and you have particularised the very worst people you could think of or lay your hands on?—No; I have put in the complaints just as they came in to us. I would not say I had taken the worst people I could lay my hands on. I have taken the lowest class of work, in factories and worshops, and at the home, amongst the lowest grades of labour. Barring that, I would say I had given you some typical instances, and some bad instances, but I should be sorry to say that other employers at the present time, except one or two whom the Chairman asked me about, do not deal with this system, do not have fines and deductions, because, so far as I can make out, nearly all firms have fines and deductions.

5843. But you have only complaints of a very few, and naturally they are the bad ones?—But I can give you lots more. I gave you as many as I thought you could stand.

5844. Do you admit that those people who fine or suspend unjustly—when I say unjustly, I mean where the ratio of fines to the wages received is so great—are only a few amongst the bulk of employers?—What I do admit is this, that I have given you some of the worst cases because I wanted you to see, so long as you have fines and deductions at all, the sort of things which will happen. So I have given you some of the worst cases as well as some of the ordinary ones in order to show that. You, as a good employer, employing a very different kind of people, perhaps cannot understand factories managed on the principle on which they shut out and fine for unpunctuality.

5845. What I understand is that fines and suspensions in your opinion can be made use of, and are made use of, by employers in a way which ought to be put a stop to, but fines and deductions are not used unjustly by the vast number of employers?—Fines and deductions are essentially unjust.

5846. But you have no complaints from people who work in good employment?—Excuse me. When I came here I ruled out the better class of factories because I thought that Mr. Shackleton would speak about them.

To a large extent they deal with fines and deductions by their trade organisation. He has often said to me, "Our union would not tolerate this for a moment" when I told him of a particularly bad case. I ruled them out, not because they do not exist even in the cotton trade, but simply because I thought the Chairman wished me to give evidence with regard to the poor girls.

5847. You are instancing cases in which fines and deductions are harsh ?—I could not instance a case where they did not act harshly, in my view.

5848. Of course you are against all fines and deductions ?—Yes.

5849. The way I put it is this, that suspension is generally rather a more severe punishment than fines. Fines are small, but dismissal, which is an ultimate punishment, is a more severe punishment still ?—Yes.

5850. Would you be an advocate for an employer, instead of fining a person who was late a small sum, saying that the girl must be dismissed ?—Yes. In the first instance, it should be an understood rule of the factory that if a person continued to be unpunctual he or she must go, and there should be no other rule at all. My experience and my impression is that you would find that would lead to greater punctuality, and also it would prevent this dreadful cutting down of wages which are already too low.

5851. Do you not think that your argument is the same as to say that there must be no punishment at all for crime or for anything else ? Why do we have any fine or punishment in any walk of life if it is not a deterrent ?—What more can you want than dismissal ?

5852. In that case, you go at once to the ultimate punishment. I take it you are hardly in favour of a very heavy punishment for a very small offence. I am speaking now of other things than factory management because I wish to get at your logical conclusion. The logical conclusion is that you must have the most severe punishment for the smallest offence ?—You can devise some other punishment if you can think of it. All I say is, do not touch the wages. That is the one thing which should not be touched. As far as dismissal goes, you must remember that they have got it already, and that where there is a great deal of labour it is very largely used. You have girls taken on and taken off and put on to work again at a moment's notice. Look at the girls standing in rows outside P. 3. You get that, and you get it in addition to fines and deductions. All I say is, take those away and fall back upon what the good employers are trying to do. The factory inspectors will tell you that fines and deductions have been abandoned with success in a good many cases. For instance there is E. 10; and one knows of Q. 3, a firm which one is not anxious to praise in many particulars, but who have found that they do better without fines. Then there is Cadbury's where it is known that no girl will stay who is not going to be punctual and good.

5853. You advocate no punishment except the maximum punishment ?—If you like to put it in that way.

5854. Is not that the proper way of putting it ? Is not that the logical outcome of your evidence, that there must be no punishment for any breach of discipline except maximum punishment ?—If you like to call it the maximum punishment. To my mind it is not. What happens now is that girls are dismissed in a great many factories and workshops of this kind for the most paltry reasons.

5855. I quite understand that ?—I will tell you what will happen. If it is worth your while to keep a girl on you keep her on. What happens now is this: one does not dismiss a girl if one thinks she is worth keeping; she has fines and deductions from her wages because she is too good to lose. I say if she is too good to lose do not fine her.

5856. If a girl is a valuable servant there would be no punishment that one could use except dismissal, and if she came late every morning in the week there would be no means of checking her as long as one wanted to keep her in his employ ?—I think it would be more in the girl's interest. Of course it might be more in the employer's interest also.

5857. I take it we are not altogether dealing with one interest, simply; we want to arrive at what is just ?—That is a very great object to set before ourselves, certainly.

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5858. Your theory of management, I take it, is to abolish all fines, abolish all suspensions, have no punishment except dismissal, and that any business can be managed by capacity without any punishment being held over the employees ?—Yes.

By the Chairman.

5859. That states your evidence very fairly, I think ?—Yes.

By Sir F. Cawley.

5860. Have you ever thought how difficult it is to get these capable people ?—I think, like everything else, supply always comes when there is a demand. At present, nobody cares.

5861. Is that your experience of life, that you do come across many capable people who would always be able to exact obedience without punishment ?—My experience of life is this, that if you want a certain class of engine or a certain class of worker you get it by the demand and you get it by training. I do not say that if you were to abolish fines and deductions you would be able to get all the foremen you want at a moment's notice, but I say that if it is essential for employers to work their business without fines and deductions, they will loyally meet the requirements of the law and will gradually get the kind of people they want.

5862. Do you not think it is difficult for an employer to get these capable people, and to judge who is the capable man when several people present themselves for situations as foremen ?—It seems to me that the man who can run any big industry or any big concern successfully, is the man who can choose the right men and women. Surely it ought not to present itself to you as a difficulty which is likely to occur in good firms.

5863. I should say it would be difficult ?—I am only telling you my own experience of organisation, which shows me that a good part of managing anything is choosing the right men, who can do the work, and as soon as it is imperative for employers to choose men who are intelligent enough to do without this perpetual bullying and fining and deducting from wages, the thing will be done.

5864. I will not pursue that further. You suggested that certain firms deduct money for a charitable object, and do not send all that money to the object for which the money is deducted; is that what I understood ?—Yes.

5865. You do not believe that ordinary respectable firms ever collect money from their employees, and put some of it into their own pockets ?—I hope that no names will go in anywhere, but I can tell you there is a factory I know of which deducted annually a very large sum from the wages of the people for a hospital, and we found that no payment had been made to the hospital for five years. I am only giving you that as an instance. The employers are very mixed. I could tell you of some who would not scruple to do anything. You must also remember that very often the employer himself is not the person concerned; it often falls into the hands of the class of manager whose employment I am deploring. Adopt system of having really capable people, and this sort of thing would cease, of course.

5866. Do you not think it would be rather a hardship to charitable institutions all over the country if you were to prohibit the employers asking their workpeople to subscribe so much a week, towards some charitable object, and, by the employees' consent, taking it out of their wages every week ?—The workers do not consent. The employer pretends they do. He says that it is done voluntarily. It used to be compulsory but now, after the factory inspectors' intervention, it is still done, and it is said it is done voluntarily. I put in a case like that. That simply means that the girl thinks to herself, "Of course the boss wants me to pay this, and if I do not pay it, it will mean he will find somebody else to do my work," so she pays it. But nobody wants to pay to the hospital.

5867. You do not suggest that that sort of thing goes on generally, or that it goes on even among the small minority of the firms of this country, that they actually coerce their employees to subscribe to the hospitals ?—Wherever there are deductions for a hospital, it is coercion.

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In cases where it is said it is done voluntarily, I say it is not done voluntarily. Except in the case of an employer who really has made it understood by his workpeople that he means that he leaves the question of whether they will subscribe to their own decision—that type of employer being very rare—the workpeople go on paying the subscription because they think the employer wants it. By the sheets which I have put in evidence you will see that a girl ought to spend 15s. a week, and out of that there is nothing to spare for a hospital ; and I am talking of girls whose wages average 8s. 10d.

5868. I am not much concerned with regard to the point whether they ought or ought not to subscribe, but what I want to know is your opinion on this ; supposing an employer has a meeting in the works and the employees generally consent to subscribe so much a week to the hospital, and after that one of them, or a number of them, went to the cashier and said they could not afford to subscribe, do you suggest there are many employers who would say that if they did not like to subscribe to the hospital they would cease to be in his employ ?—No, I do not suggest that. What I suggest is this, that the workers would not refuse to subscribe because they would say to themselves that the employer or the manager wished them to subscribe ; they would think, "If we do not do so, for some reason or other he will not want us as much as he did." You do not know the class of people I am talking about.

5869. That is rather the point I want to get at. You are talking of an extremely low class of employer, and you are suggesting that the law should be made for the worst employers, and ignore the better ones ?—No. It seems libellous to keep on dragging in his name, but I am talking of Z.2., the virtuous man.

5870. He may be a hypocrite, I know nothing about him ; but after all he is only one ?—My point is this. I am talking about a class of employer who employs girl labour, women labour. That is what I came to give evidence upon. What I am saying applies, I think, very generally to the whole. These dangers and these difficulties which I have been putting before you arise whenever you get this low paid women labour.

5871. With regard to always prosecuting, and never telling an employer that he is doing wrong ?—I did not say that.

5872. I rather fancied you suggested that ?—No, not for a moment.

5873. I rather thought you suggested that that should be the course adopted ?—No ; what I said was that where we had, as I thought we had, one or two cases (which were in the mind of Mr. Delevingne) which could be brought as test cases, I was very anxious that the Home Office should take action. The Home Office's usual plan of warning in the first instance, and not taking the step of prosecuting until that warning has been neglected, commends itself to me, and, I should think, commends itself to everybody. What I was speaking of there was test cases.

5874. When the Home Office thinks that the case in point is a test case, even if the employer is breaking the law unknowingly you think he should not be told that he is breaking the law and asked to improve his method and come within the regulation of the law, but should be prosecuted immediately ?—I am afraid you do not understand. What has happened has been this. The directions of the Truck Act as well as of the Factory Act have been sent in abstract to the employer and he has been fully informed as to what the law is, and what he has to do. I am not proposing for a moment that he should be taken unawares and suddenly prosecuted. Of course he knows what he ought to do.

5875. It rather seemed to me that your evidence in regard to the management of a place was that there should be no fines or deductions, and that that was rather antagonistic to your evidence with regard to prosecuting an employer immediately without any warning or anything else if it were for the public good ?—If I were to feel, as you seem to feel, that it is possible for employers to know nothing about the law, instead of having (as they do) a deluge of papers from the Home Office, I should think it unfair, but I do not think they can possibly avoid knowing what the law is.

5876. Sometimes a deluge of papers are read rather less than if they were fewer in number.

By the Chairman.

5877. You used an expression with regard to the Home Office burking prosecution. I gather from your evidence that the Home Office, like yourself, is, in your opinion, conscious that there are great difficulties under the existing law in securing conviction in the case of a factory for offences under the Truck Act ?—I am not in a position, being an outsider, to say what the Home Office is conscious of, but from the statements made by the late Home Secretary and by what one sees in the Chief Factory Inspector's reports, I should have thought that was the case—that they are conscious that they labour under great difficulties.

5878. That being so, it may be the case that they refrain from prosecution, not because they do not think that there might be a deterrent effect if it were successful, but because in the present state of the law, they think that they might not be successful at all, owing to the defects of the existing statutory provisions ?—That has been my impression certainly—that was the reason why they warned.

5879. When you used language of that kind as to burking a prosecution, what you really meant was that they do not in fact prosecute. You do not suggest that the public Department is consciously failing to put into operation what in its opinion would be effective ?—It would be quite impossible for me to suggest anything which in any way reflected upon the Factory Department of the Home Office ; I have the greatest respect for it.

5880. In consequence of some questions which have been put to you in cross-examination upon this matter, may I put this to you. You explained to us in the early portion of your evidence that you represented a certain type of worker ?—Yes.

5881. It has been no part of your evidence to refer to the condition of other classes of workers except those whose condition you personally know ? I mean, you are not giving us the condition of labour in Great Britain as a whole ?—I have refrained from dealing with any class except this, because I did not know that anybody else was going to put it before you. I should like to say that I think Mr. Shackleton will bear me out in saying that as far as women are concerned, highly skilled women would be exactly in the same position if it were not for their trade organisation. Miss Squire has said that in a good many cases, in spite of their trade organisation, there are heavy fines and deductions. They are able to deal with it by their own voluntary methods, but that does not seem to me to touch the question.

5882. You have given evidence with regard to that class of women worker with which you are particularly acquainted. Do you happen to be aware of any association of women workers in the kingdom which favours the continuance of fines ?—Barring the Freedom of Labour Defence I know of no organisation which would do so. I wish it to be understood that I have concentrated upon this class because I felt that others were going to deal with other types, and not because I could not have brought you overwhelming evidence, with a little trouble, to show that others also wanted the abolition of fines and deductions, and that it was very necessary for them.

Mr. MOSES SCLAIRE, was called ; and Examined.

Mr. M. Sclaire.

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By the Chairman.

5883. Will you tell us the society you represent ?—The society I represent is the Amalgamated Jewish Tailors, Machinists, and Pressers Trade Union, Leeds.

5884. Is that confined to Jews ?—There is no rule preventing a Gentile from becoming a member of our society ; in fact they are welcome. There are a few.

5885. Are you yourself a Jew ?—Yes.

5886. Will you tell me the number of the membership of your society ?—At the present time it has something about 1,100.

5887. And where are they located ?—In Leeds. It is a local society.

5888. What is the line of business of these men ?—The majority of the members are working in the wholesale clothing industry—about 75 per cent. About 25 per cent. are working in what we term the bespoke trade.

5889. Do these operatives work in workshops or factories, or in their own homes ?—Our members always work for employers. As soon as one of our members becomes even a small employer, he usually drops out of the union.

5890. Do they do their work in factories belonging to the employers, or do they take the work home and do it there ?—It will be necessary for me to explain. There is what we term a master tailor, who is a sub-contractor of the manufacturer. Very often the work is done inside the factory, but in the busy seasons the work is done by our members, I understand more cheaply. The master tailor takes a workshop paying about 5s. to £1 a week for it, and our members are employed in those workshops. There are cases where a worker wishes to become a master tailor; he is occupying a house for which he pays 5s. or 6s., and he takes a house say for 8s. a week; instead of having two bedrooms he has four, one or two of which he employs as a workshop. Those master tailors are not our members, but our members work for them.

5891. In those manufactories to which you have referred is there a system of fines and deductions ?—The system of broken time, or discipline as you would term it, is unknown yet. If a man or girl is late, say five minutes, it depends on the temper of the master tailor; he either shuts the door in their face and keeps them out an hour, or sometimes he gives them a warning and keeps them on.

5892. Are they time workers or piece workers ?—Where the greatest evil comes in is here, that in the same workshop we have time workers and piece workers. The piece worker being always anxious to do as much as he can comes in a little earlier; in fact, instead of coming in at the usual time, eight o'clock, he will come in at six in the busy season. The piece worker, being anxious to do as much work as he can, will work five or ten minutes later, after the time for stopping for meals, and he works overtime, besides coming in sooner. The time worker is expected to do the same; the master looks at him sideways if he does not. No proper time is observed in such workshops.

5893. Is the piece worker paid so much for the garment on which he is engaged ?—No; in the wholesale clothing trade work is divided and sub-divided again. We have in the shop a fitter who gets the work in from the warehouse, cut, and he fits the different parts to it. Then some parts go straight to the machinist, the lining goes to men specially employed in making linings; there is a one who makes sleeves, there is an under-presser and a presser and a tailor—at least we call him a baster. In a shop there might be six basters employed—those who work with a needle. They might be termed tailors. But out of six, and sometimes eight, you will only find one man who is a proper tailor. He is not employed in making a garment by himself; also one is employed in cutting the shapes.

5894. I may take it that this series of operations is largely conducted by minute division of labour ?—Yes.

5895. Speaking generally, can you tell me the average wage received by that type of worker ?—Say there are twenty employees in a workshop, one will be machinist or sleeve sewer; he sews in the sleeves with a machine. It is usually a man. If he is of average speed, he gets from 7s. to 7s. 6d. a day. The wages vary so much that it is impossible to give an average for the whole of the workers, but I must take each kind of worker by himself. The average earnings of a sleeve sewer, getting 7s. 6d. a day, are about 29s. a week during the year, providing he has a shop all the year round. He is in the shop whether they are slack or busy.

5896. It works out at 29s. a week during the time he is employed ? Yes. Those are the best workers.

5897. And that goes down ?—Yes. We have another process called piecing up. They piece up the coat. The piecer up earns on an average about 19s. per week. Then we have another process, the lining making of the coat, and sleeve making; those workers get about the same wage, from about 2s. 9d. or 3s. up to 4s. 6d. a day; their average earnings are 16s. a week.

5898. Is that the lowest type of worker ?—That is for men, but there are women employed as well.

5899. Now tell me about the women ?—There is division of labour again among the women; they do not all do the same kind of work. We find that finishers earn from 5s. up to, on rare occasions, 11s. 6d. per week. The average will be 7s. 6d. per week. We have some in the trousers department who are earning less; their average will be about 6s. 6d. per week.

5900. Are those women of the Jewish faith also ?—I might say that you find in the shops Gentile and Jewish girls together. In the majority of the shops you will find two or three English girls working.

5901. Are these wages gross wages, and are they subject to deductions ?—They are net wages, so far as I have calculated. Of course they get more, and sometimes they are subject to deductions. We find, as I explained, that the work is divided, and the greatest sufferer from this is bound to be the presser, that is the one who does nothing else but pressing. We have an under-presser. He usually starts the first day. He does the pressing of the inside of the coat, not the lining, but the opening up of the seams; that is the under-presser's work.

5902. Is there any general feeling among the class of worker that you represent as to fines and deductions from wages ?—Yes. First, I wanted to explain about the pressers. They use hot irons and sometimes they singe the cloth, and that is considered a damage. If the material can be replaced they usually pay what it costs. Sometimes the employer pays half and the worker has to pay half.

5903. Of the value ?—Of the damage. Supposing a coat is spoilt, and the customer will not take it, the whole suit is sent in, although in that department only the coats are made. To give you one case, the work was done by R.3, who was a master tailor working for a firm in Leeds S.2. They made the suit, and the under-presser happened to burn the back of the coat. It was only the coats they got in that department. They were told that they could not get any more of that cloth, and consequently they sent the whole suit back to R.2, and the presser who was responsible for the under-presser was made to pay for the whole suit, 21s. He sold the suit for 5s. 6d. making a loss of 15s. 6d.

5904. Is that a case actually within your knowledge ?—Yes.

5905. That was a deduction for damaged goods ?—Yes.

5906. Was there a rule to that effect ?—I might say that where the greatest difficulty comes in when I have had to deal with employers or master tailors is that there are no rules; in fact very few of them keep wages books, the majority of them being illiterate. Very few of them can sign their name. We find that is a great disadvantage to the workers.

5907. Are there any printed regulations up telling the workers ?—No. I have been in a good many workshops and have not seen them.

5908. Who fixes the amount of these deductions or what is to be done ?—If the cloth can be got, of course the bill is sent in from the warehouse, but otherwise he fixes whatever he thinks proper.

5909. That is one set of deductions for damaged goods. Are there any other deductions ? Are there any deductions in your experience made for power ?—Yes.

5910. What kind of deductions are made for that ?—I find there is a tendency now amongst the master tailors to introduce power for driving the machines. There are four shops to my knowledge in Leeds which have introduced power; I think in two cases it is electricity.

5911. By the machines you mean sewing machines ?—Yes. In two cases gas engines are the motive power. We find deductions are made. In one shop, T. 3, 4d. in the £ is deducted for power. If a girl or a man earns £1, 4d. is deducted. There is another shop, U. 3. I did not get exactly the system of how the deductions are made, but as far as I can gather it is 1s. in the £ for power.

5912. Are there any deductions for lighting ?—No.

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5913. Or cleaning?—No. There is another firm, V. 3, which deducts 6d. in the £.

5914. Are there any deductions for materials supplied?—So far as the Jewish master tailors are concerned there are only one or two places where they supply cotton, and the hands have to pay for it.

5915. In all the other works that is all part of the general expense of conducting the business?—Yes, in works conducted by the master tailors. I would refer to W. 3, a master tailor. I have been complaining to the factory inspector about this master tailor not putting up a price list for piece work. When the factory inspector was there he looked up one of the books in which the work is booked and found that one of the girls, a lining maker, had had 3s. 2½d. deducted for cotton and power.

5916. Off how much?—I had not an opportunity of seeing her book, or rather I only discovered it on Wednesday and I had not time to see her. But they are not working full weeks now. Say they are working about four days a week, or three and a half days, she could not have earned more than 15s., and off that would come the 3s. 2½d. W. 3. deducts ½d. from the shilling for power until he gets up to £1, when he takes off a full shilling.

5917. We are now on the head of deductions for material supplied?—I am told the workers can get the cotton supplied by him from outside for 2s. 9d. a dozen bobbins.

5918. And what are they charged?—Up to a fortnight ago we had a dispute with this firm and the workpeople were out for a week. He charged them 3s. 6d., but after the dispute he came down to 3s. per dozen bobbins.

5919. Then the next head is as to deductions for alterations?—Yes. This is in the bespoke trade. I will give you a type. There is X. 3 who is in the bespoke trade and works for a very reputable firm in the city, I mean a first class firm doing the best class of work in Leeds, and I understand he gets the best prices for the work. He is an out-worker. The firm employs hands inside and also gives work to this man. An overcoat was made by one of our members who works daily in X. 3's shop. The master tailor times them without telling them; he does not say he will give them twelve hours for an overcoat, but he marks it down and does not tell them. He pays that man 5s. 6d. a day, working eleven hours a day. This overcoat was made by one of our members, and, so far as I can gather, he had twelve hours for it. That would mean he got somewhere about 6s. for it. The man does everything by himself, machining and pressing included; he is a proper tailor; and this was a first class made coat. When the coat is put together and the collar put on, it is the duty of the master tailor to see whether that coat is right, especially the shape of the collar. It came out that after the coat was finished and sent to the shop, either the cutter there or the customer himself (I do not know which) noticed that one side of it was a little bit wider than the other. The coat was sent back for alteration. The man had to do it in his own time; he got no pay for it. It was altered and the coat was sent back again. The customer thought the lining was a little bit tight. The coat was sent back again and the man had to alter it and put the lining right; he had to rip it right round the bottom and sew it round again. The coat was sent back to the shop, and either the cutter or the customer—sometimes people are very particular, it was an overcoat with a fly, that is, the buttons were covered over—fancied the lining inside the fly was tight and wanted it altered. X. 3 had to take it back again, and the same man again had to rip it up and put in a new lining. At last the coat was finished. The man was deducted eleven hours for alterations. That was not during the same week, but it came back on three different occasions. I am not sure whether it was three weeks or only a fortnight, but it certainly was more than one week. The man had eleven hours deducted from his wages at 5d. per hour.

5920. The next evidence you give is as to reduction from piece work prices?—Yes; that is the greatest difficulty. As an official of the union I find a master tailor offers a certain price for the work, and usually, when it comes to the end of the week, there are so many different classes of work that he mixes up one class with another, the better class with the cheaper, and reduces the price. If a man has earned say £2 5s. this week the master tailor will think, "The workman had a good week; the prices were too good," and he tries to take off a penny here and a penny there, and sometimes it comes to 2s. or 3s.

5921. Under what pretence does he take off a penny here and a penny there?—He simply says to the worker, "You had a good week and a shilling or two will not hurt you." I have a book here from an outside firm, from which you will see how advantage is taken of the worker; 3s. 1d. per dozen is paid for the tailoring. When it comes to one garment, 3d. is paid. I find in this book that during the week the worker had four single coats and they are all paid at 3d. and there is no allowance made for the extra penny. This the workers lose. There are other cases where 2s. 7d. a dozen is paid. Fractions of that sort are always taken advantage of. It is thought the worker can afford to lose it, and he has to do so, and not the employer. They do not allow them a farthing; the advantage of the fraction is always taken the other way about.

5922. Do the members of your society get work from the clothing manufacturers such as Z. 2?—No.

5923. They only work for a middleman?—Yes.

5924. Who works for Z. 2 and who farms out the work to the members of your society?—The middleman who works for Z. 2 is not as a rule a member of our society.

5925. He has your operatives in his employment?—Yes.

5926. Has your association any particular view with regard to whether these deductions which you have narrated under these different heads should be abolished by law or not?—We would certainly be in favour of these deductions being done away with altogether if possible. We would have agreed prices, at least.

5927–8. Take the cases one by one. First, the case of damaged goods: do you think the employer would be sufficiently protected by discipline or by the power of dismissal?—He certainly would be sufficiently protected by the power of dismissal. Our men put up with a great deal while they are working in the shops simply because they want to keep their places. The fear of being dismissed is quite sufficient to keep the men in good order, and doing their best. The time workers, in order to find favour in the eyes of their employers, come in ten minutes earlier and work ten minutes later; they do their utmost to please because they have great difficulty, once out of a job, to find another.

5929. Supposing the deductions for damaged goods were abolished, do you think there would be a greater amount of goods damaged than at present?—I do not think so. I do not think it is wilfully done. It is a pure accident. I should explain this. You will think it strange, but after a coat has been divided into so many different parts of production, each part is often under a sub-contractor. In the case of pressing there is a sub-contractor for that work alone, and if he works in a large shop he will employ two or three hands under him, pay them daily, while he gets paid by the piece. In such cases a man would naturally look for cheap hands. He would get in a man who has no knowledge of ironing, simply because he would work for 1s. 9d. or 2s. a day to learn the pressing. It is usually such a man who does the damage, not because he wants to do it, but simply from want of experience, want of knowledge of how to handle the iron or how to distinguish between when the iron is too hot, or just sufficiently hot to be used.

5930. Do you think, if there were no fines or deductions, but just the fear of dismissal only, that there would be greater care taken in the selection of competent workmen?—If it was possible to abolish this system of sub-contracting in the shops so that we should have one employer, there would not be so many accidents, because the employer himself would be more particular in getting proper men.

5931. Have you any opinion with regard to deduction for power? Should that in your judgment be part of the general expenses of conducting a business?—If one man is satisfied with 4d. in the £, why should another man charge 1s.? It speaks for itself that it should be abolished. V. 3 has four machines, a new kind of machine called "five-needle" machines. It has five needles in it and it is used for making linings quilted. He employs four girls daily, and the profits he makes are sufficient to cover the expense of driving power, and I do not see why he should charge his workers for the power when their wages are so low. In that particular shop

the work is of a low grade and the best of hands do not earn more than 25s. on an average during the year.

5932. Do you think that the materials supplied should also be part of the general charge of the work ?—Yes, as it is only where piece work prevails that deductions for materials are made, not with day workers.

5933. I want your opinion, do you approve of it, or do you not ?—I do not approve of it simply because there is no limit to what they may charge. Then of course when a girl or man goes into a shop, as a rule there is no price list put up as to what they are going to get for their work, but the employer tells them they will get 1s. 6d. or 1s. 9d. for a dozen linings. Naturally, the worker will think it is all right; he calculates he will make so many dozens a week and will get so much. At the end of the week he finds so much is deducted for power. Some of our members think that if that were abolished the employer would reduce the prices. Personally, I do not think they would, because the prices are so low that really it is hardly possible. It would simply prevent unscrupulous masters from making deductions to make the wages of the employees smaller when they are already so small.

5934. On the whole I gather your opinion is against the system of deductions ?—Certainly.

5935. As the system of deductions is practised in Leeds, do you happen to know whether the following provision of the Act of 1896 is complied with: "That the terms of the contract are contained in a notice kept constantly affixed at such places as are open to the workman to be easily seen and read" ?—As an official of the union, I am aware that such a notice or form of contract should be put up, but I did not find a price list put up in any of the shops I have been in. When I last interviewed the factory inspector I pointed out several shops where he should at least see that price lists were put up.

5936. That part of the statute is a dead letter ?—So far as the Jewish workers in Leeds are concerned it is. If they were put up it would help the officials of the union greatly. The majority of our members are not able to read. If there was a dispute with an employer I should be able to make up a book for them and see they got their wages in accordance with prices promised by the master tailor.

5937. The alternative is that a contract should be in writing, signed by the workman. That is not the case with your own workmen ?—No. I do not think employers themselves are aware that it is necessary for them to do so.

5938. The next point I wish to ask you with regard to the Act of 1896 is this. You say there is no contract put up or signed by the workman, but the statute says: "The contract must specify the acts or omissions in respect of which the fine is imposed, the amount of the fine, or the particulars from which is is ascertained." In such a case as you have been describing, who fixes what is to be fined for and the amount of the fine ?—The employer, the master tailor. The worker is never consulted in that, nor are the officials of the union consulted in that. They simply do it themselves, as they like.

5939. And do they fix the sum which is to be taken off ?—Yes.

5940. You have no voice as to whether the amount of the fine is fair and reasonable ?—In some cases I see an honest endeavour to make them as easy as possible for the workers, but those cases are rather the exception than the rule; the rule is to get as much from the worker as they possibly can. In the particular case which I mentioned of the bespoke trade, it is known to the workers that the master tailor himself gets paid for alterations, but does not pay his hands. He charges the shop for alterations 9d. an hour, while the hands would be paid 5d. or 6d.—if paid at all.

5941. Another section of the statute applies to bad and negligent work. Now there again there is provision in the statute for the terms of the contract being either in writing or posted up. You say there is nothing of the kind ?—Nothing of the kind. I have seen price lists put up, but they correspond with the prices paid, it is a mere blind for the factory inspector.

5942. And there is a provision that the deduction or payment shall not exceed the actual or estimated damage. There is nothing of the kind ?—I explained how the workers are charged. It solely depends upon the people in the warehouse when they send in the bill. I do not think the middleman has power to fix what the value of the damage is. He has to pay what he is asked to pay. In cases where they work machines, oil is used, and if a drop of oil gets on to the coat or lining of course it is a damage, and the worker has to pay for it according to the price fixed in the warehouse.

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5943. I gather from your evidence that the statute of 1896, from which I have been quoting, is now substantially a dead letter ?—That is so, so far as the outworkers are concerned.

By Sir Frederick Cawley.

5944. Is your evidence principally with regard to outworkers, or with regard to what you call the master tailors, the middlemen ?—What we term the outworkers are the men who work for the middlemen.

5945. In the middleman's own house or shop ?—Yes.

5946. And your evidence does not relate at all to people who take the work home to their own houses and work there ?—No.

5947. It is entirely confined to the people who work——? In workshops for the middleman.

By the Chairman.

5948. In bedrooms and places like that.

By Sir Frederick Cawley.

5949. Are these places under the Factory Act?—The factory inspector explained to me that they should all have the Act posted up in the workshop, The bedroom master seldom or never complies with the Factory Act. In our opinion that is the greatest difficulty we have to contend with. The bedroom master is the greatest cause of bringing down the prices paid by the Warehouse men and the wages of the workers, because they usually work in families. It may be the father of a family working with two or three children, either boys or girls, and sometimes the wife assisting. He only takes in an occasional assistant—a presser to press the work. That is generally done as overtime. The presser will work somewhere else, and he will go on Thursday or Friday night and finish the work for the bedroom employer. If a law could be passed to abolish dwelling-house work, it would be a great benefit to the workers in general. We are entirely opposed to such work.

5950. You are entirely opposed to outwork ?—No, not so long as the work is carried on in a workshop. We are agreeable to that, but we are opposed to its being done in a dwelling-house. We find outwork is the best method, but not if it is carried on in a bedroom. I might say that the warehouse man, the manufacturers, have created those bedroom masters. It is to their advantage. They always threaten a large sub-contractor who employs from fifteen to sixty hands that if he does not do the work at a cheaper price they will get a bedroom master and they will do the work even cheaper—1d. or 2d. the garment as the case may be. The warehouse man always keeps a staff of those bedroom master tailors as a threat over the larger sub-contractor. As a union, I may acknowledge that we are powerless to deal with them at all, because they can do a good deal of the work themselves, and if we strike against them the only result is that they do less.

By the Chairman.

5951. The Committee are agreed that we are not engaged in a general inquiry, but only on the subject of fines and deductions from wages so far as your evidence is concerned.

By Sir Frederick Cawley.

5952. You spoke of a warehouse: you mean a warehouse or factory such as A. 3 ?—Yes.

5953. You say they threaten their employees that if they do not take a certain wage they will have the work done out by a middleman ?—No. As a rule, a place such a A. 3 or Z. 2 employ girls on the premises, but there is as certain amount of work which it seems the girls are not capable of doing at all times—they cannot turn out as much work as is required—and A. 3 or whoever it is gives out the work to master tailors. There are some

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who do the work direct themselves, and employ our members.

5954. With regard to fining for singeing or burning which you spoke about, the factory gives the work out to the middleman, and the middleman gives it out to the presser, who employs one or two hands, often inexperienced; they singe the cloth through lack of knowledge, perhaps. Does the presser charge the inexperienced man for doing it? Does the man who works for the presser pay it, or does the presser pay it himself?—Both the presser himself and the under presser who works for him usually suffer for it. They have to pay; not the master tailor for whom they work.

5955. You say the man who works for the presser does not pay as a rule?—The presser is held responsible. He is the sub-contractor and is responsible to the master tailor, and he is held responsible. But we find that it is divided between the two: the presser has to suffer partially for it and the under presser has to suffer partially for it; they have both to suffer.

5956. In that case the abolition of deductions for this burning would not make any difference, because these inexperienced men do it by reason of their inexperience?—Yes.

5957. And no punishment will affect them at all?—The punishment would not affect them. Sometimes even it is done by an experienced presser. But so far as we can ascertain it is never done intentionally; it is always an accident.

5958. The employer employs a presser who employs two or three inexperienced men; you would not suggest that the employer should not be paid by the presser for the damage done by the inexperienced man, would you? You would not suggest that it is any hardship that the employer insists upon the presser paying for the damage done by the inexperienced man?—I suggest it is a hardship, because if he was willing to pay proper wages and get proper men he would not have to put that hardship upon those who are inexperienced. The master tailor gets the benefit of that already; the men are cheap; he does not pay them proper wages; but the poorer men have to pay for the damage caused by employing cheaper hands. Accidents are rare—there may be one a month or one in two months—while the advantage he gets from employing the cheap hands is daily.

5959. Having got cheaper hands you think he ought to bear the loss caused by employing those cheaper hands?—Yes.

5960. And you think that insisting upon this deduction is getting it both ways; he is getting cheap labour and is getting paid for the damage done by that cheap labour?—Yes.

By Mr. Walsh.

5961. I was going to ask you upon the point which Sir Frederick has asked you about. You seem to think that the presser is paid already in a sense, inasmuch as he employs inexperienced men at very low wages: is that it?—No, I did not suggest that. What I suggested was that the master tailor is already paid, because if he allows a man to sub-contract and allows him to employ his own hands, it is simply because he gets it done at a cheaper rate, and the master tailor is, in a sense, recompensed by having cheaper hands. Then again, with regard to the master tailor, it depends how he is paid by the warehouse. In my opinion the people who give out the work should be held responsible for the damage.

5962. I wish to find out exactly upon whom that burden really falls. You spoke of a case where a whole suit of clothes was returned?—Yes.

5963. 21s. was deducted and the suit was sold ultimately for 5s. 6d.?—Yes.

5964. Who got the 5s. 6d.? The presser?—Yes.

5965. Was it the presser who sustained the loss of 15s. 6d.?—In this case both the presser and under presser were members of the union and they came before our committee. The loss being 15s. 6d. we decided, I think, that the presser should pay 10s. and that the balance shold be paid by the under presser.

5966. Putting out of sight for the moment the fact that they were members of the union, and assuming they were not, upon whom would that loss have fallen? Would it have fallen upon the presser himself? Would the presser himself have had to bear the loss?—So far as my experience goes it would have been divided, perhaps equally, between the presser and under presser. The presser has the power to keep back part of the wages, because he pays the under presser.

5967. That is the point I wanted to find out. He really can please himself as to whether he increases or lowers the wages of the men working under him?—Yes. The wages are not paid direct by one master, which is a thing we desire very much, but it is paid to different sub-contractors. There are sometimes as many as four to one place. Then the sub-contractor pays again to the men working under him, and he has the power to pay them in the way he likes.

5968. Inasmuch as he has already got these men working for him at very low wages, the chances are the loss would have fallen upon him, because I put it to you he could have reduced their wages very little more?—Very little more reduction could be made.

5969. And therefore whatever loss would have to be sustained would ultimately fall upon the presser: is that it?—Yes. But I do not want you to understand that the presser is a person who can afford to lose it. Although he is a sub-contractor he cannot afford it.

5970. I am not pressing that point. I only wanted to find out upon whom that loss would ultimately fall. You have given the Committee to understand that the presser generally employs people at very low wages?—Yes.

5971. Who can really bear no further reduction?—That is so.

5972. And therefore if any loss is sustained, inasmuch as the master tailor will not bear it, it must fall upon that middleman?—Yes, upon the sub-contractor.

5973. The presser?—Yes. Ultimately a good share of it falls on the lowest paid men. I may say in all cases where there are losses, they are paid by deductions from the wages of the inexperienced men, the lower grade men, the men who cannot pay.

5974. I am trying to carry it to that point?—We find that the poor and inexperienced machinists, girls who are working at from 2s. 6d. a day and are doing a man's work, have to suffer for the deductions for spoilt goods.

5975. The chances are these inexperienced men are working for very low wages because of their inexperience?—Yes.

5976. And to enable them to acquire experience?—Yes.

5977. And gradually, over a course of time, they acquire an experience which they would not otherwise obtain?—Yes.

5978. Is it your opinion that that lowers the general standard of wages—that that system brings down the general wage of the workers?—That is so.

5979. You told the Chairman that no list was fixed in these shops?—That is so.

5980. Does that apply to those shops which are real workshops?—Yes; it applies to the shops generally.

5981. There is no list fixed?—There is no list fixed.

5982. In no single case?—There are exceptions. I been in warehouses where a lot of our members are working and there is a price list there on the table, but otherwise amongst the Jewish middlemen there is no price fixed in any of them, not to my knowledge.

5983. I wish to point out to you that the list to which I am referring is the list of offences which may happen in a workshop and for which fines or deductions of a particular amount may be made—not special lists of wages, but a list of fines for particular offences which may be committed?—With the exception of a notice both in English and Yiddish, that a week's notice is to be given on either side, I find no regulations in the workshops. As I mentioned before, even the Truck Acts are avoided by the bedroom masters; you do not find that they have a copy of the Truck Acts put up.

5984. Just at the moment I am speaking of the workshops. Is it left entirely to the caprice of officials? Are you ever called in yourself to regulate these fines?—No.

5985. I mean to regulate the fine with the employer ?—No; no one would ask us.

5986. With regard to the power for driving machines, you told us that there were four or five charges—4d. in the £., 10d. in the £. and 1s. in the £.; is this known to the people upon their appointment, when they are taken into the service of the master tailor ?—Generally it is not known; they only find out at the end of the week, after having worked a week. People usually get work in places in the busy season and if a girl earns £1 and 1s. is deducted, she does not take notice the first week; she thinks it is all right. But as the work goes down and she only earns 10s. 6d., and then 6d. is taken off, that is the time they begin to grumble and complain about it.

5987. That is to say when they find that the lessened payment is continuous, is continued week after week then they feel the hardship ?—Yes. In the particular case I referred to, the factory inspector asked whether there was a notice put up about deductions for power or cotton, and as far as I was told, he could not find it in any of the workshops.

5988. It is not definitely known at the time of appointment either that the power for driving machines or the materials supplied will be charged for and deducted from their wages ?—No, it is not generally known.

By Mr. Delevingne:

5989. With regard to Mr. Walsh's last question, you say deductions for power and materials are not usually known beforehand to the worker ?—They are not known

5990. You are aware of the order made by the Home Office requiring particulars to be given in the wholesale tailoring trade to all workers, both in-workers and out-workers ?—Do you mean, am I personally aware of it ?

5991. Do you know the Section in the Factory Act called the Particulars Section ?—No.

5992. You do not know that in the wholesale tailoring trade an employer who gives out work to be done by the piece is required to furnish to the worker particulars of the work to be done and particulars of the wages ?—No.

5993. Just one word about the middleman; is he of a superior grade to the workers he employs, or is he very much of the same class and same financial position ?—Do you mean only financially.

5994. Financially and socially is he very much above the workers he employs ?—I should say financially he is a good deal above the employee, but otherwise they are of the same class of people; a worker of to-day may become a master tailor to-morrow.

5995. If the middleman is prohibited from making deductions for damage from the workers he employs, will he be able to throw that charge back on the wholesale house for which he works, or will he have to pay it himself to the wholesale house ?—In a good many cases, so far as I know, he will be able to get that from the wholesale house; he will not have to suffer it himself.

5996. The wholesale house would bear the loss ?—The wholesale house would bear the loss if the middleman was prohibited from making deductions for damages from his workers, because it is very small to them, whereas to the worker it means a good deal. When it comes off wages of 10s. or 12s. a week, or even £1, then 2s. or 3s. is a big loss.

5997. Do you see any reason for making it impossible for the wholesale house to make deductions from the middleman ? The middleman contracts to do the work, and if he sends it back damaged, would you prohibit the wholesale house from making any deduction for damage from what they pay him ?—Yes, certainly, and I will give you my reason. My reason is that it tends to reduce the wages. I will mention the firm of Z. 2. The middleman has to buy the silk for button holes from the firm at a much higher price than that for which it can be bought outside. On one occasion a middleman bought silk somewhere else, of course at a cheaper price and button-holed some coats. The firm found this out, recognising it was not their silk. The coats were sent back, the holes had to be ripped out and new ones put in with their silk, with no recompense whatever for that. The middleman being compelled to do it, he naturally cannot pay anything like a decent wage to any worker who works for him.

5998. The middleman was at fault in that case, was he not ?—It was a fault, but it was rather an excusable one. Say he was making at 1s. 9d. per jacket, or as low as 1s. 2d., he could not make very much profit on it, and he tried to make a few pence more by buying cheaper silk. When it was found out that he got the silk outside he had to rip out the holes and put in new ones with silk bought from the firm. Certainly if there were no deductions made from the middleman, the deductions from the workers would be less. In fact, we think that by organisation we would be able to command a better wage for the workers, because the work is so cheaply done now that if an attempt was made to make the price lower it would be absolutely impossible for any person engaged on ordinary work—I do not say a good worker, but for the majority—to make a living. I find the average earnings of our members, taking all with very few exceptions, is about 15s. on the average throughout the year, and there is not room for any deductions or fines for materials or for anything. The exceptions to which I referred would certainly not be 25 per cent.—there would be, say, about 15 per cent., who earn more.

5999. In that case of the overcoat which was sent back four times for alterations, I gathered from what you said that those alterations were not due to any fault of the man who made the coat, but rather to the caprice, possibly, of the customer ?—It might be both. I would not say it was not the fault of the worker, the man who made the coat. But it was the duty of the middleman, who does not have anything else to do, to look after the work he gets and see that it is right, and if he had looked after that properly perhaps it would not have happened. But the burden fell on the worker entirely in that case. We very often find that in such cases the middleman gets paid for alterations by the warehouse, but does not pay the worker. We have positive proof of that. X. 3 gave notice to one of our members that his services would not be required. I was instructed to see X. 3 to get him to keep on our member. He then got to know the union I represent was taking up the interests of the workers and he stopped the majority of the fines. That proves that it is possible to do away with those fines. And it is not simply a question of fines, but of men being made to work for nothing.

By the Chairman.

6000. Have you ever worked in Glasgow ?—Yes; I come from Glasgow, but I have been connected with this union for the last nine months.

TWENTY-FOURTH DAY.

Tuesday, 27th November, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Mrs. H. J. TENNANT.
Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

WILLIAM HENRY DREW, of Bradford, was called; and Examined.

Mr. W. H. Drew
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By the Chairman.

6001. What is your official position in your trade?—I hold three or four different positions in the Trade Union world. I am the Secretary of the Bradford Trades Council, President of the Weavers' and Textile Workers' Association, and a Trustee of the Wool-combers' Association.

6002. All in Bradford?—Yes.

6003. What is the membership of the largest association with which you are connected?— The membership of the unions in the Bradford Trades Council is about 26,000.

6004. In what class of business are members employed?—In various trades, ranging from engineering to spinning. The Trades Council is composed of about eighty societies, representing the entire trade of the city. The Council comprises, for instance, the whole of the engineering trades, the building trades, and the textile trades. The latter predominate.

6005. During the course of your official work in connection with these various unions and societies, have you had to consider the question of fines and deductions from wages?—I scarcely understand what you mean by "consider." My experience has brought me much into contact with fines and deductions of all kinds from the spinner up to the shop assistant.

6006. What is the business to which you were yourself trained?—Weaving.

6007. I now wish to ask you what is your experience with regard to fines and deductions?—I have been on the Executive of the Bradford Trades Council since 1888 and its official for about ten years. The Trades Council undertakes legal work and various work of a social character for the whole of the trades concerned. Therefore, without egotism I might say my experience has been such that I might almost speak for the whole of the trades of the city. We have got now what is almost a poor man's lawyer connected with the Trades Council. We have had considerable experience in the matter of fines.

6008. Before you go into details, let me ask you this, do you remember the passing of the Statute of 1896?—I do, quite well.

6009. Have you any contrast in your mind between the period before the passing of that Act and the subsequent period. I mean do you think that the Act has made a difference?—I think the Act of 1896 was a gross mistake. It legalised fines, and they are now easier to impose than was the case anterior to that Act.

6010. Will you explain that in more detail?—In the old days, although there was no schedule published, an employer was very chary of inflicting fines, because of the ease with which bother could be made about it, but now the employer hides himself behind a schedule—that is what I mean.

6011. To take an instance, doubtless you know of cases where there are long schedules of possible deductions and fines?—I do.

6012–13. Such schedules, we understand, are issued mostly by shops?—I am not prepared to say it is mostly by shops. For instance the case of certain mills near Bradford Y 3 might be mentioned. I have no desire or intention to cast any personal reflections in quoting in such a case. At these mills the system of fines is complicated; there is an extensive schedule for every department, and there may be twenty or thirty departments.

6014. Do you know the schedules used?—Yes.

6015. Were there not similar schedules prior to the Act of 1896?—I think not; not in my experience.

6016. You think that the Act of 1896 has, as it were, shown employers a way in which to fine as a system under cover of the law?—That is my view; indeed, I think it may be said that I foreshadowed such a result. Many of my friends differed from me, but I always thought it would work out so. Prior to 1896 we contended that it was illegal to fine; but now employers impose exactions which bear no just proportion at all to the damage done or to the discipline sought to be enforced.

6017. That is a general question to which we will return when we want your opinion as to the remedies. But we can first go into some details with regard to the existing system. In the first place, with regard to fines in relation to the worsted trade, is there a system of what you would call disciplinary fines?—Yes, there is; a system of fining which is used for the purposes of discipline.

6018. Can you give us some instances of the heads of discipline?—I assume you have no desire to go into the whole of the disciplinary fines connected with the worsted industry from the wool combing upwards.

6019. We will take the evidence in the way you think best and most useful; giving as far as necessary the details to which you alluded?—Well, take the question of time-keeping in ordinary shops—and by that I mean outside the worsted industry—the system of clock registration has grown considerably of late years; but in a large mill, except for skilled artizans of the adult class, clocks cannot be employed. Therefore the system which prevails is that if a woman or young girl comes late, yet within five minutes of the proper time, she is permitted to enter, but there is deducted from her wages either 1d. or 2d. according to the schedule set up. This bears no just proportion to the wages of the persons concerned.

6020. What class of business does that refer to?—To spinning and weaving in all its branches. Spinning departments are divided into various heads.

6021. Is that piece work?—It is day work. Spinning is day work, but weaving is piece work.

6022. What is the average wage earned by a woman?—The average wage of the half timer is 3s. 6d. per week. A woman spinner would probably average 8s. 6d.

6023. Then the full-timer?—There is very little difference between a full-timer and an adult woman. A full-timer is budding into womanhood.

6024. I understood you to say that many of the fines imposed are out of all just proportion to the wages?—That is so. Take the case of the half-timer fined 1d. for being five minutes late at a wage of 3s. 6d. per week. If you apply that to a woman earning 10s. per week as a three-side minder even then it is out of all proportion to the wages paid. It is at the rate of 1s. an hour and in some cases the penalty is at the rate of 2s. an hour.

6025. You don't leave out of view, do you, that a workman or workwoman coming late may necessitate a machine standing idle for a certain time ?—I grant that. We see it, and we know that it does sometimes necessitate a machine standing, but on the other hand the habitual late-comer can be best punished by being sent to find other employment. In our opinion fines for the purpose of discipline of that character are wrong because they are not really the corrective desired. An employer always has his remedy in discharging a woman or child who is late, and that alternative is to be preferred.

6026. Of course in the cases you are indicating the idea may not be only the maintenance of discipline but also to reimburse the employer for the loss which the absence of a workwoman or the standing idle of a machine would involve ?—I also grant that, but I should contend, and I think it can be borne out, that even under such considerations the amount deducted is often excessive. I don't suppose any employer in the world would argue that the profit from a spinner was 1s. per hour or in the case of a 2d. fine was 2s. an hour.

6027. But even supposing there was a certain amount of loss, your view, as I understand, would be that for both workpeople and employers, and also for the sake of the work, it would be a better system to rely upon discipline in the ordinary sense with dismissal in incorrigible cases ?—Yes, without any question. No workman or workwoman, not even a wastrel, desires to be late. They dislike the indignity of having to creep through the late gate, and that in itself is often a sufficient corrective.

6028. Doubtless you would recommend if the fines were abolished that records should be kept and good supervision exercised with regard to all these workers ?—I should have no objection to that.

6029. That would be a part of the information upon which employers could proceed if they wanted to dismiss or to warn workpeople ?—That is so.

6030. Do you think with regard to both workpeople and employers that discipline in the proper sense, apart from fines, would secure as good work?—Yes, without question.

6031. Do you know any works where fines have been abolished ?—There are several places where there are no fines.

6032. With what result ?—With the best of results.

6033. Such as ?—Regular attendance, and much more content all about the place.

6034. Can you give us any instances of that ?—Yes, Y. 10.

6035. What business is that ?—He is one of the largest spinners in Bradford, and there is the firm of Z. 10. and the firm of A. 11.

6036. What are they ?—Spinners.

6037. You have given us evidence with regard to disciplinary fines. Now are there any fines for damages on account of spoilt goods ?—Whilst upon that point may I say that only last week I learned of a case in two branches of the Woolcombers' Syndicate where a system of fining, and an excessive system, is being applied to men, for more than 33 per cent. is taken off the wages of the men for being late, and in these instances no loss occurs to the employers because the workers who are on the premises share the work and the machine is kept running. I am told with regard to the two places I have in my mind that if a man comes late he is locked out. He may go in at breakfast time, but he has lost two hours for which three hours are charged, although meantime the machine has been kept running by the other workers inside, so that there is a fine which amounts to 33 per cent. with no loss to the employer. I only discovered that case about a week since, but I am told that the practice is growing.

6038. Do you know whether that is done under the provision as to posting up notices ?—No. I am told that there is no schedule at all in these instances. Perhaps I ought to add in defence of the local factory inspector that these cases had not been reported to him as soon as was possible and no doubt he will look into the matter; but I am told that there is no schedule of fines published. I may also say that one of the greatest difficulties we have is in recovering from the employers receipts for deductions made. I know that to refuse them is a breach of the law, but the fact remains that these deductions are made and no receipts given.

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6039. Is there any other point or case you wish to mention, dealing with the matter in your own way ?—Quite recently in the case of a syndicate firm fines have been inflicted on warp dyers. I had a case reported to me in Bradford by an official of the National Society of Dyers and Finishers, commonly known as the Warp Dyers' Association, and although the case occurred in Lancashire, yet it has reference to the trade which is also carried on in Bradford. The case is that of a man who was fined the whole cost of a warp, namely about £3, because of an accident which no one in the world could have foreseen. The warp broke entirely in two, it became matted, but the place where the men work is so filled with steam that it is almost impossible to see what is going on. All at once the machine stopped and it was found that the warp had broken and the workman had to pay its value at so much per week.

6040. How much was the amount ?—I think about £3.

6041. Can you give the name of that firm ?—Yes, I believe so.

6042. Have you any doubt of the authenticity of the case ?—None whatever. The firm is in Pendleton (Z 3). I have not the slightest hesitation in saying that the information given me was bona fide. I have not the name of the firm at hand this moment, but I will supply it if necessary.

6043. We shall be glad if you will be kind enough to supply it, and now you can go on to any other point ?—I don't know that I can say much more upon that matter; but there is one point I would like to raise. Here I am prepared to give the name of the firm although it is exceedingly difficult to prove one's statements. There is the gravest possible suspicion that in the case of a firm (A 4) who employ a number of children taken direct from the workhouse; the wages of these children are detained for their keep, which is a very serious deduction, and has, I think, an important bearing on the Truck Act.

6044. For their keep where ?—The firm has a matron or matrons, or should I say a mother in charge who looks after the children.

6045. On the premises ?—Not on the mill premises, but in the houses about the village, and the whole of their wages, I am told, is kept back and retained for the food and clothing of these children. That is a matter your Committee might well enquire into, but it is difficult for us to get details from the children concerned. My information, however, seems so well grounded in honesty of purpose that I feel compelled to mention the matter.

6046. Now there is one subject of deduction that I want you to give us more details about, namely, deductions for damaged goods. You have told us of the case of a broken warp. Can you give us any other cases of deductions under the head of loss and damage ?—Endless cases in their application to weaving.

6047. You might give us some instances of the kind of deduction ?—I have in my mind a case at Keighley where a weaver working on short time was fined 4s. 6d.

6048. Out of a wage of ?—The wages earned that week were 3s. 6d. The extra shilling was taken from the second week's wages.

6049. What was the fine for ?—What is termed "broken picks." She was fined 6d. per pick; the piece contained nine broken picks.

6050. Will you explain that to me ?—You know the operation of weaving. The shuttle passes through and leaves in its wake a thread of weft. In this case the weaver was made responsible for the weft breaking. Sometimes the weft, in passing through, will break in the middle. The end which is hanging on to the shuttle catches as the warp closes, and then it keeps on pulling. There may be a place left where the weft has not filled up; that is called a broken pick.

6051. There were nine instances at 6d. each ?—That is so. The price of the piece was 3s. 6d. to her. She had 3s. 6d. for weaving it, so that she was really fined 1s. in excess of the wages she received for her piece wage.

6052. Have you any instances of fine in the way of damage ?—A weaver is made responsible for every defect, for bad weft, for bad warp, for bad overlooking and for

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bad tools, considering pickers, picking sticks and picking strap as tools.

6053. Suppose fines were abolished or made impossible, do you think the tendency would be, not only to a better supervision over the trade, but to better raw material with which to work?—I scarcely catch the drift of your question.

6054. The drift of my question is this. Some of your instances which you have given have been with regard to the breakage of raw material, the weft for instance?—In weaving that is generally the case; in fact, wholly the case.

6055. Now follow my question. If fines in respect of occurrences like that were abolished, do you think the tendency would be not only towards greater supervision of the workers themselves, but towards a better raw material being supplied to them to avoid such occurrences?—I am afraid it would have no effect on the supply of material; that it would bring more excellent supervision we have no doubt, none whatever.

6056. In the cases which you have given, such as the breaking of the weft, is that necessarily due to carelessness, or is it possibly unavoidable?—The breaking of weft and warp is in the main the result of bad material. The weft is too softly spun; the warp has perhaps not taken colour well, and has been re-dyed, and the result is that the chemicals, acting upon the cotton and the worsted, have made it rotten.

6057. Have you any other instances of damages being extracted by way of fine or deduction?—A weaver is fined for broken ends, or ends down. I am bound to say that weavers are no more angelic than anybody else, and sometimes are careless, and probably could catch their ends before they are woven down so far, but even when that takes place the sum exacted bears no due proportion to the wages paid. For instance, I have known girls to be fined a shilling for an end which has been woven down a foot; on the other hand, I have known them fined 2d. for the same thing. Neither of the fines bears any proportion to the wages paid, because a burler would soon sew in a foot of end, and a burler's wage at best is not above 12s. a week.

6058. In all those cases have the precautions prescribed by the Act of 1896 been taken with regard to the publication of the list of deductions?—In weaving, yes. Our only difficulty is the enforcement of the receipt for the money taken, and as I say, that is honoured in the breach considerably more than in the observance. But so far as weaving is concerned, where deductions are made, I know of no case where I should like to say that the schedule is not put up.

6059. So that these are not cases of individual caprice, but systematic cases according to the schedule posted up in the works?—That applies to weaving all through. There is a systematic practice, and it is rarely a matter of caprice at all.

6060. Have you any of those schedules in your possession?—No. It is utterly impossible to get at them.

6061. Why?—Well, they will not supply them to us; there is no question about that; and the weaver who is bold enough to copy one would find herself in Queer Street. We know of their existence, but as to their exact details we have absolutely no knowledge. So far as the West Riding of Yorkshire is concerned, I do not think you will find that in any case to have been supplied to any weaver officially.

6062. I understand there is another branch of evidence which you are willing to tender, namely as to the ready-made clothing trade?—Yes. My knowledge of the ready-made clothing trade, so far as men's clothing is concerned, comes from an intimate knowledge of the men in an attempt to organise the Jewish workers of the city. From Halifax to Skipton the system of out-working in connection with the Jewish clothing trade is growing, and in Bradford it is growing very rapidly. The fines which are inflicted upon men cannot be said to be very great, but the deductions that are taken from them in many instances are very heavy indeed.

6063. That is still left in the air: I would like some instances in order to make your evidence more vivid?—May I turn back to spinning for a moment, because I want here to give two instances of deductions. There has grown up within the last few years a system of compelling spinners to pay for breakages. A child breaks a bobbin—I will leave out the why and the wherefore; sometimes they are silly enough to throw the bobbins at each other; I will confess that at once—and as much as 4d. has been deducted from a spinner for a single bobbin. The price of bobbins ranges from 3s. to 3s. 6d. per gross. In burling, which is mainly done on commission——

6064. What do you mean by that?—An employer finds himself overburdened with a number of pieces which require mending, and he sends them out to a fogger, a middleman, or a woman (in many instances women are commission burlers) who take on the work at so much per hundred pieces. These women compel the purchase of needles from themselves, and we have known girls pay as high as 4d. per needle for needles which could be bought at 1½d. per dozen.

6065. Since you have mentioned those instances, is it your opinion that those charges for needles and bobbins should be part of the general expenses of the business?—That is so. The supply of bobbins is a fixed charge upon any manufacturer.

6066. And in the case of the wilful destruction of bobbins or anything else, that would be a case for discipline to be visited with punishment, such as dismissal?—Yes; with every desire to be lenient, if I were an employer I should have no hesitation in discharging a girl or boy who threw a bobbin about the spinning room, the danger is so great. But in the main, that is how the bobbins find themselves on the floor. A bobbin is thrown across the room from one to the other, and if the person at whom it is thrown does not pick it up to throw it back again, it is stupidly allowed to remain there, it is broken, and the child is fined.

6067. Now we will come to the ready-made clothing trade, if you please?—Whatever fines exist in the Jewish trade—I am not speaking now from experience—depend upon the caprice of the manager. For instance, I have heard the men state that so high as a shilling has been deducted for a badly made button-hole, or a badly pressed seam, and I have heard of the same thing being done and the man let off with 2d.

6068. When you say that that is imposed by caprice, do you mean there is no schedule?—There is no schedule.

6069. Nor any precautions such as those which the Act of 1896 prescribes?—None whatever. And I am not sure whether we can enforce the publication of a schedule because they are not protected persons.

6070. You mean because they are out-workers?—They are adult men.

6071. Where do these people who have to suffer these deductions work?—I am now not speaking of men who work in the workshops connected with firms.

6072. That is the tailoring; have you any other instances?—With regard to women, the fines for bad work do occur, but not with any great degree of frequency. What we want to complain most of is of the deductions which are made. The system of a man employing say six or eight or ten girls, or three or four girls in a house, has led to this, that deductions are made weekly for gas and preparation of food all the year round, that is, food-warming, which in the main is the boiling of water. These deductions are made all the year round, 1d. per week for gas, 1d. per week for the warming of food.

6073. Are these out-workers?—No; these are girls who work in part of the ordinary cottage of the man who takes work from a firm. The back door of my house was opposite the front door of a Jewish sweater I have no hesitation in using the term. Generally, he had six girls at work. There were three rooms, one downstairs and two upstairs. The girls were deducted 1d. for gas all the year round, the gas always being used in the summer for heating pressing irons, and 1d. for food-warming, and in winter they were expected to pay 1d. towards heating the rooms, the fires in the meantime being made to serve the purpose of heating their iron. We could never understand why a girl was not made to pay for heating irons; but as a matter of fact, what takes place is, that 1d. per week is deducted for gas, and 1d. for hot water all the year round, and 1d. for fires in the winter.

6074. What are the wages earned by these female workers ?—I should say on an average perhaps 8s. 6d. per week, taking one week with another. The amount taken for gas, supposing it was a legal charge, is monstrous, because the room is generally lit with one burner. Now the ordinary cottage property owner charges 6d. per week in addition to his rent, for gas, and the ordinary cottage occupier relies upon the return of some of that 6d. at the end of the half year. I have known people draw as much as 2d. a week back in the ordinary cottage, and it occurs to us that inasmuch as no more gas can be used, and the room where these people work is used by the cottager and his family, and of course the gas also, the price, even supposing it was legal to charge anything at all, of 1d. a week multiplied by six is sadly in excess of a fair amount.

6075. Then you have information about skirt and blouse making ?—Yes. Here the fines are an abomination.

6076. Are men or women employed ?—Women. Whatever damages are done, if damages they may be called, are easily rectified. The girls can spoil nothing of themselves because it is so mechanical, and if the stitching has to be pulled out and re-done, they do it in their own time. Yet the girls are fined as much as 6d. per garment for garments which they do not get 2d. each for making. But there is a more serious charge which we want to make, and I say this in all seriousness—it is the deductions which are made for illicit refreshments, that is for beer supplied to them whilst working during the day, and when e gaged on overtime. That is a statement which has been challenged, but it is as correct to say it as it is to say anything in this world. The matter has been discussed in the public Press, and I believe that everybody who has two-penny-worth of respect for the city of Bradford will acknowledge that up to the time (quite recently) that the public discussion took place, beer was supplied to women on the premises and deductions were made for it.

6077. From the wages ?—From the wages.

6078. Have you any notion of the amounts ?—It is an exceedingly difficult thing to say what amount was taken. We sent a girl to one of these places where we knew beer was supplied. Unfortunately, she was too long-tongued or too warm-hearted, I do not know which, and before she had been there many days, I am afraid she gave herself away, and although the beer was supplied in her presence we never found the amount of money that was taken for it.

6079. How do you mean "she gave herself away" ?—They knew she was there for the purpose.

6080. Of spying ?—Yes. Although the beer was supplied to the girls, this girl had nothing taken from her wages for what was supplied.

6081. You are quite sure the beer was not given gratuitously ?—Well, the character of the persons concerned would preclude that. The Christian Social Union is making inquiries into the extent of the practice, but that it exists is beyond doubt.

6082. Now with regard to these deductions for all that class of stuff, beer included, are these, in that business, made into a schedule, or is there just a charge made without any written contract ?—I think the fines for damaged goods are scheduled. Necessarily, the others are not.

6083. Now there is a branch of evidence which you want to give as to deductions other than fines. Take the ready-made clothing trade; there is a charge made for fire for heating irons, is there not ?—No. Deductions are made for gas—that is, other than fines—and for the boiling of water, and for fire during winter.

6084. And for materials supplied ?—Yes.

6085. And for gas ?—Yes. In the Jewish trade it has been reported to us that as high as 4d., per dozen is charged for machine needles.

6086. What is the price of these ?—I should say 1½d.

6087. The next is with regard to the ready-made blouse and skirt trade; there are deductions there for materials spoilt ?—That is so.

6088. And at a higher rate, sometimes ?—As I have already pointed out they are considerably in excess of the prices paid.

6089. Also for thread and needles and for the beer which you have referred to. With regard to the whole of this system, may I ask you what is your opinion, founded upon your experience of fines and deductions ?—For disciplinary purposes dismissal is the remedy. For bad work, the employer has his remedy in the Courts, just as he applies his remedy to a girl who leaves. For instance, a fortnight ago, one of our members left at the end of her contract to better her condition. She had finished her contract and on the books of her employer there was 5s. 1d. due to herself. When she asked for her 5s. 1d. the employer immediately set up a counter claim for 16s., that being, he said, the loss he had sustained based upon the wages she had earned whilst in his employ. We should probably have got her 5s. 1d., but because he had put up a notice compelling even piece workers to give a week's notice prior to leaving, he would have got his 16s. Now our contention is that if a girl wilfully damages goods the employer should recover from her as he compels us to recover from him. Otherwise it is unfair.

6090. I see your point about fines. Now with regard to deductions what does your experience point to ? Do you think these deductions should be made from wages ?—I do not.

6091. Would you leave that again to the course of proper discipline ?—I cannot for the life of me see why a person should be made to pay part of the fixed charges of an employer, and therefore it seems to me that that is a matter which so far as we are concerned is beyond dispute, and we have no remedy for it.

6092. Would you give the same answer with regard to deductions for spoilt goods ?—Yes.

6093. The result of your evidence, I gather, is that you think it is an unsound principle to permit fines, or deductions either ?—That is so.

6094. Would the class you represent favour the total abolition of these by law ?—Yes, we favour the total abolition of fines by law.

6095. And deductions ?—And deductions. If a person wilfully spoils material, so far as we are concerned as an association, I should say we should have no objection to the person concerned being taken into Court and being made to pay, leaving it of course to the Court to determine whether the damage was wilfully done or not.

6096. The next thing I want to ask you is this: in giving your evidence in favour of the abolition by law of fines and deductions, do you think you represent the prevailing opinion of the classes composing the union to which you refer ?—I am sure of it.

6097. Now with regard to the result, do you think that the result would be injurious to the particular trade concerned ?—I do not.

6098. Or do you think it would be injurious to proper discipline ?—I do not. I think it would be to the advantage of the trade inasmuch as necessity would compel more excellent supervision.

By Mrs. Tennant.

6099. I want to ask you one or two questions upon matters of detail before I reach the question of principle. You gave us several instances of fines which are now illegal, and you place them in the present; what action do you take when a fine is reported to you such as the fine of 4s. 6d. for a damaged piece upon which the wages earned amounted only to 3s. 6d. ?—What action can we take.

6100. You report that to the factory inspector ?—That is so.

6101. Are you made aware of the result of his action if it does not happen to appear in the papers ?—No.

6102. As a matter of fact, is that an occurrence which happened recently ? Has it recently been reported to the factory inspector ? I am referring to the 4s. 6d. case ?—No; that is an old standing one. I gave that as the worst in my experience.

6103. You referred to charges for needles made by commission burlers, and said they were something like 4d. or 4½d. for a needle which was worth very much less; is that a modern occurrence ?—Yes. Within the last five years. Commission burling has grown; it has grown considerably since your leaving your official work.

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6104. Do you know what action it has been possible to take on that ?—So far as we are concerned whenever it applies to our girls we generally get the matter remedied through a letter. But the girl on the other hand finds herself in the street. We generally write and say that such a thing has taken place and it is illegal, and we expect the fine to be returned. It generally is returned, but on the other hand, the girls find herself in the street.

6105. You also, I understand, take the course of referring matters to the inspector of factories ?—That is so.

6106. I suppose sometimes you see the result of his action in the Press in the form of a prosecution ?—I cannot call to mind a single case where a prosecution has taken place for deductions or fines. I tried all last week to find some evidence of prosecutions for that, and could not.

6107. Is it within your knowledge that you have received complaints either from a weaving shed or a workshop of certain fines; that you have complained to the factory inspector; and that the practice has been stopped without a prosecution ?—Oh yes, that is so. We have compelled the publication of a schedule in scores of instances, of ourselves. We have written to say, "We have no desire to make a bother, but you are fining. On a given date you took from a certain young person a given sum. That is illegal. No receipt was given. No schedule of fines is up. The law says you must do so-and-so." After this rebuke or reminder it is done. I have every reason to suppose that the factory inspector has taken the same action, and schedules have been published.

6108. But in addition to the publication of the schedule, has he secured the cessation of certain practices which you have reported to him ?—I do not see that I can speak authoriatively on that point. What is sure is this, that we have so much confidence in our local factory inspector to believe that when cases are reported to him he takes action thereon, and then it necessarily follows, it seems to us, that the thing is put legally right. Although I am not prepared to say whether fines do or do not cease, my own opinion leads me to suppose they still go on.

6109. At any rate you have had no repetition of a complaint after the first complaint has been referred to the factory inspector ?—That is so.

6110. Although the Trades Council and the different Unions in the Trades Council dislike the Act of 1896, you have tried to do your best with it ?—Yes. Much as we were opposed to it, we have tried to make it as effective as possible always, realising that a schedule was to be preferred to the capricious conduct of a taker-in or an overlooker of any character. Method is always better than chaos at any rate.

6111. You gave the Committee several instances of firms who conduct their business without the aid of fining ? —Yes.

6112. And you have told us they have good discipline. Do you know what steps they take to secure that discipline ?—I do not know that they take any other steps than to put the matter straight if it is reported to them, and if the matter is too gross the offender is sent about his business.

6113. They rely upon the excellence of their supervision ?—That is so. For instance, Y 10 would no more submit to an illegal exaction being inflcted upon any of his child workers than he would attempt to fly, that I am sure of.

6114. Have you heard any complaints from people employed in those firms as to the hardship of being dismissed rather than fined ?—I am afraid I am bound to say that dismissal is a thing which the operatives themselves shrink from. When I say that I am expressing the opinion of members of our society, I have not the slightest doubt in saying that they only accept that theory because they are told, and I believe have been educated up to believe, that it is best for them. I mean the girls, left to themselves, would submit to the fines. The difficulty, or perhaps the dislike, of finding new work makes them put up with a great many things.

6115. A dislike to what ?—To finding fresh employment.

6116. I suppose for that very reason partly you advocate dismissal rather than fining because it is a more powerful deterrent ?—Yes; in that way it acts as a most powerful deterrent. The girls' dislike to finding new work or new employment is very great indeed, and if they know they will have to go, it keeps them very much straighter than they would otherwise be.

6117. Do you know how those firms who have done without fining manage to secure efficient work and manage to deal with their damaged work ? Have you ever known a case brought into court by the employers ?—I do not know that I should like to say that I can recall a case where an employer has brought someone into court for damaged work.

6118. As far as you know, they have secured efficiency by the aid of good supervision ?—That is so. And beyond that, good supervision brings another effect; it collects to the place the very best of operatives, it brings to the mill the very best of operatives. There are no finer set of spinners in the world than at A. 11 and Y. 10, where I should say ill-treatment is absolutely unknown.

6119. You said you did not think that the abolition of fines would secure the provision of better raw material; do you think it is not possible to improve the raw material in the worsted trade ?—With the craze for cheapness, no. It is the root of many of the evils which exist in the sweating trade and which exist all the way round with regard to bad work; this insane desire for cheaper things to-morrow than to-day is at the root of the whole evil.

6120. On the other hand, if the power of recouping himself by fines were withdrawn from the employer, do you not think it would make him search for some other method of recouping himself ? Might it not pay him to improve his material if the particular power which he now has were withdrawn ?—I doubt very much whether it is possible for anything to compel an employer to give better material in the sense that you mean. I doubt whether it is possible. I mean that the unlimited competition which exists compels an employer to spin as cheaply as ever he can, to spin with the lowest possible priced stuff that he can. Even with regard to anthrax it is admitted the low priced wools contain the greatest quantity of germs, and yet the rage to get hold of this class of stuff is exceedingly great.

6121. Would you say he does not suffer much injury now when his work is damaged—that the class of work is of a low grade and therefore a high standard is not expected ?—I do not think he suffers any injury.

6122. There is no real necessity for him to recoup himself ?—No. The cloth mills up so quickly, it fills up, and where a broken pick has taken place, it is quite easy to pull out the broken portion and let the other mill up. And the same can be said of end sewing in. It is a bad practice, I admit, but it is quite common for a weaver to pull out the extra end and then scratch it up. No one detects it. Of course it weakens the cloth to the extent that the end is scarce, but it is done.

6123. You advocate the abolition of fines as a form of punishment, do you include in that the abolition of suspension ? Do you consider that to be another form of fining ?—I should prefer suspension as a preliminary—it is what we call "stooling"—and if that does not act, then of course, discharge.

6124. You would like to limit the power of the employer to one suspension, as a cautionary measure ?—No, I think that would be a matter which the employer's own experience would teach him. I do not think the law ought to step in and say that he shall or shall not suspend. I think that is a matter which will right itself.

6125. You see no difficulty in allowing the alternative. You do not anticipate, for example, any difficulty with an employer to whom you say, "You cannot fine this girl 6d. for having been late, but you can stop her working in the morning"?—I see no difficulty in an employer saying to a girl who habitually comes late, "Now go home for a week; you have played for your own pleasure or your own carelessness; now go home for mine. Go home for a week." I see no difficulty in that, and I think it would be an excellent remedy as against fining. Then of course if the carelessness goes on there is the other alternative of discharge.

6126. You have given an extreme case in naming a week. There are a great many employers to whom it might not be convenient to stop a worker for a week, but it might be

convenient to stop her for the morning ?—And therefore experience would determine what he would do. That is exactly what I meant when I spoke of that. It is a matter upon which his own experience will teach him what is best. If a day would serve his purpose, he would not send her home for a week, and if a week would serve his purpose, well and good. But in some parts of the worsted trade there would be danger in that. We are hoping to prevent it, but a practice is growing up of compelling the girls who are present to do the work of the absentee. For instance, it is quite common in the wool combing sheds for two men, or two women sometimes, to do the work of the absent third. At one time, they used to be paid for doing it; they used to divide the wages between them; but now the girls have to do it for nothing. I quite see that suspension would multiply that practice, but after all I think that that would find its corrective.

6127. You are anxious of course to improve the position of the worker; do you consider the worker's position would be improved, if instead of losing 2d. for being five minutes late, she lost perhaps 6d. or more through being stopped for the whole morning ?—I think it would be a preferable way, because it would tend to put the girl into such a position of shame that she would not go through the process more than she could help. The question of suspension as against deductions is a point which we have never considered, and therefore I am giving my own opinion in that matter.

By Sir Frederick Cawley.

6128. In cases of lateness in the morning you give it as your opinion that it is preferable to have a system of suspension rather than of fines ?—Personally, I should say yes—suspension in preference to discharge.

6129. You do admit that for coming in late in the morning habitually some punishment is allowable ?—I do not admit it.

6130. Is that your opinion ?—My opinion is that the remedy for carelessness is discharge, but in preference to that suspension might be tried with advantage.

6131. I am dealing now with the question of coming late in the morning ?—I am speaking of the same thing.

6132. You do not think that dismissal ought to be resorted to in all cases ?—In the case of an habitual late comer, I would unhesitatingly say that if I were an employer of labour, I would take that course, and I am speaking from experience.

6133. And that course is taken when fines and suspensions do not have the required effect ?—I should hardly say that.

6134. Are you distinctly of opinion that no sort of minor punishment for being late is required ?—I say that no system of punishment is justifiable.

6135. Do you consider that no system of minor punishment for being late in the morning is required ?—I am afraid I do not catch the true inwardness of your question.

6136. There is no inwardness. I am not trying to catch you ?—Oh no; I do not desire to insinuate that.

6137. You rather favour doing away with everything except dismissal, which you cannot interfere with ?—That is my position.

6138. Your position is that you do not want any disciplinary measures to be in existence in a factory at all. You cannot interfere with dismissal ?—I am afraid you are putting my case too strongly. Discipline must necessarily take place in a factory. Without it the place would be topsy turvey. But I say that the best discipline is dismissal, because it is the greatest punishment which can be inflicted.

6139. Is not that rather what I am trying to get at—your opinion is that no minor disciplinary measures whatever need be taken in a factory, and that dismissal should be the only punishment for any offence in a factory ?—I say that dismissal is far to be preferred.

6140. I only want to get at what you really think. You are against all fines ?—I am, and against all deductions.

6141. Therefore I want to know what measures you think a master could take ?—An habitual wrongdoer should be discharged.

6142. It comes to what I say, does it not, that you are of opinion that nothing in the shape of minor disciplinary measures should be taken ?—No.

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6143. And the only resource to the employer should be dismissal ? Is not that the net result of your evidence?—Possibly that is the exact position, but I want to differentiate between those who are habitual wrongdoers and those who are not habitually such.

6144. I think you will admit that in most cases the question of coming late in the morning is at the will of the operative ?—Oh no.

6145. They can be early if they like ?—Oh no; I do not admit it. Take a child-bearing woman who has a young family. I know what I speak of from my own knowledge. My wife went to the mill when she had four children, and took three out every morning.

6146. Is not that rather an extreme case ?—Oh no, it is not by any means.

6147. We will exclude that for the moment. Take the ordinary girl, or the ordinary man, if you like, who comes late in the morning: is not that at his free will ?—No. Go back again to the position I have laid down. A child may be fretful and ill all night, and a workman's house is so small that that upsets the whole arrangement; it keeps the whole family restless the whole night, and they fall asleep and sleep soundly at four o'clock. That is not an act of their own.

6148. Do they not in most cases have a knocker-up ?—Well, knockers-up are nearly knocked out, if I may put it in that crude way. There was a time when we used to have any amount of knocker-ups, but I am afraid they do not prevail now. People rely more upon alarm clocks now, but you get used to them. The knocker-up was the most effective method of wakening people, I am bound to say, but it was so poorly paid an occupation that they do not take it on now. I am firmly of opinion that ninety-nine per cent. of the cases of late coming arise from circumstances over which the workers have no control. Everything points to it. A girl or a man or a woman cannot afford to have their wages docked, they are so small.

6149. But has it not come within your experience that those people who live nearest the factory, and have no excuse for being late, are often the very worst ?—I do not admit it. It is against my experience.

6150. You spoke of a man being locked out in the wool combers' trade for two hours ?—Yes.

6151. That means he was suspended for two hours ?—He was locked out, and three hours were taken off his wages.

6152. I suppose that is an exceptional case, that three hours should be taken for two: have you ever known another case ?—Oh yes, it is quite common to take time and a quarter off, even in skilled occupations.

6153. This is a case of suspension—he was suspended two hours. Would you consider it a grievance for a man who habitually came late to be stopped two hours, provided nothing was taken off except the two hours ?—I should say the two hours was sufficient punishment.

6154. You do not think that would be any great hardship upon him ?—I should not like to say that of a man who has to stop out two hours from his work.

6155. That is not the point. Supposing he is habitually late, and one day the manager says, "You have been habitually late and I will stop you two hours this morning; you can come again after breakfast," would you consider that a hardship, or would you consider he ought to be dismissed instead ?—I think he ought to be dismissed.

6156. Do you not think it would be rather hard on that man and that it would be difficult for him to get another situation with the stigma against him that he could not be punctual ?—Men are made better and steadier because they suffer.

6157. Is not that rather against your theory of no punishment ?—You are speaking of isolated punishments and I am speaking of general.

6158. Is not your last remark against your theory that no punishment in a factory other than dismissal should be allowed ?—I do not think so. At any rate it is not intended to be, and I do not think it is.

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6159. In this case where you say the man was locked out, how much grace was allowed? Five minutes, or three minutes?—None.

6160. He was locked out for two hours and charged three hours because he was not there exactly to time?—That is so.

6161. Can you give us the name of the factory?—B 4. It is a branch of the wool combing.

6162. You mentioned a case where they were fined the whole cost of the warp through breakage; I suppose you have never heard of anything similar to that? This was in the warp dyeing?—No; I think I said that is the only case I know of, but it is common in weaving. It is quite common for the whole piece wage to be taken from a girl. In some cases the piece is handed to the weaver with the remark: "Here it is; it is finished now; you can make the best of it."

6163. In the case of weaving, you said it is generally the fault of the bad material and not the fault of the bad work: is that your opinion?—Yes.

6164 What does the bad material consist of?—Bad weft bad warp, bad dressing. A weaver has to patch up all the faults of those who have gone before her. The dresser may have dressed the warp badly, and the weaver has to patch up all these bad faults. If a slack end comes up and runs in and she does not see it, she may go on weaving for hours.

6165. Are not these yarns inspected before they are given to the weavers? As I understand, the master weaver, the manufacturer, buys them from the spinner?—Yes, but sometimes he makes it himself.

6166. He does not take these yarns if they are wrong. Does he not inspect them when they come in from the spinner?—The warp itself is brought on to the premises of the manufacturers, and his own men dress it. It is brought in in a great hank; it may contain 8,000 ends and it is split up into single ends.

6167. The manufacturer dresses his own yarns?—Yes; he divides the warp which is in a great big coil and spreads it over sixty or seventy inches. That is the work of the dresser. If there is what is called a slack end and it runs in, sometimes the weaver does not see it. The warp dresser may find a slack end himself and cross it, and then it weaves badly all along for the weaver, and she is blamed for it.

6168. How would you suggest that we could distinguish between whether it was the fault of the bad yarn or whether it was the fault of the weaver?—It is quite easy for the employer to determine, only the unfortunate part of the business is that he determines that the weaver must make the damage good. It is quite easy for him to determine where the fault lies.

6169. Do you mean that the employer gets over the fact that it is bad yarn, which perhaps is bought cheaper, by making the weaver pay?—I am afraid that is my opinion, and come to after years of experience.

6170. You gave Y. 10, Z. 10, and A. 11 as firms which have abolished fines for being late; do they suspend?—I think not.

6171. Do you assert that these three firms which you have given have no sort of penalty for late-coming in the morning?—To my knowledge, no,

6172. To your knowledge, they have no penalty at all?—No. I might have asked the head of Z.-10 yesterday—it never occurred to me—whether they had such things as disciplinary fines for late comers. When the gates are closed a late-comer is outside and she does not get paid; she does not get in till breakfast tme.

6173. Is not that suspension?—We do not consider it suspension. What we mean by suspension is when a girl is deliberately sent home.

6174. But is not the effect the same of being locked out and kept in the street or being sent home?—I am not wishing you to conceive that I would say that an employer must open his gates at any hour of the day to let a person in. By no means. I say if six o'clock is the time stated then the girl ought to be there at six. If, perchance, she misses it, I do not think she ought to be fined because she is not there.

6175. I quite understand the position now. If a girl is late, you consider it is quite fair to shut her out till breakfast time?—Without any doubt.

6176. I should rather call that suspending her till breakfast time. It is merely a matter of terms. You spoke about bad ends in the weaving, and said that a girl ought not to be mulcted in a fine because of her bad work, because by scratching the thing up the fault could be concealed: is that it?—No.

6177. That is how I took it. I should like your explanation?—I said that in low classed goods, when finished, damages were not easy to detect, and I instanced a case where the girls themselves in order to get out of the difficulty that they would find themselves in by having an end out took out the other end. I do not justify that by any means, but I say it is done. I said that it is bound to weaken the character of the cloth.

6178. I want to know what inference you wish to draw from that, because after all it is concealing a fault? Do you draw the inference that if it is her fault she ought not to be blamed, because when the piece has gone through further processes it is not easily detected?—I do not admit that the first end down was her fault, but I do say that taking out the second is her fault, and it is her shame. I only instance that to show how difficult it would be to determine in the finished piece the defects to which I have referred.

6179. Is not the piece examined after she has done with it, before it is finished?—Yes, of course it is examined, and it is easy to see then. The piece is examined by a piece-looker in its half-finished state.

6180. Ought she to be blamed for that?—If she takes out a second end, yes, without any doubt.

6181. I wish to know what bearing the fact that it can be easily concealed has upon the matter?—I only showed how easy it is to conceal defects in low-class cloths.

6182. I quite understand, but I do not quite know the bearing that part of your evidence has, that these matters can be easily concealed?—The question under discussion was what relation these defects had to the value of the cloth. My answer was that when the cloth is of a low character, such as is made from poor material, when the goods are finished the defects themselves are not so easily discernible as in a high-class cloth, and I instanced how easy it was to hide defects in the case to which you refer.

6183. But still you admit that with the defects there the stuff is not so good as it otherwise would be?—I admit that there is a defect and the character of the cloth is weakened, but the weakness is so infinitesimally small as to have no effect whatever. If it was done in a countless number of instances all through the piece, of course it would destroy the piece.

6184. The pieces would be imperfect, whether they could be more or less concealed or not. But anyhow, I will not go on with that. You say that the remedy is in the courts: I do not quite understand how you think they could get a remedy in the courts?—Let me give you an instance. A girl can wilfully make what is called a trap. It is an exceedingly rare occurrence, indeed I should say I have never known it take place. But I can conceive that a weaver could deliberately make a trap by putting two shuttles in a loom; they meet in the middle of a piece and out comes a whole bunch of ends.

6185. Would it not be possible for an employer, if he could only enforce his fines by the court, to say to a girl, "Now, this is your fault, and if you do not pay, I shall take it into court"?—I have no objection to his doing it if you are going to have fines.

6186. Would it not come to the same thing? Would not the threat of taking it into court have the same effect as what they do now?—If you mean that an employer should have the right of taking all cases of fines into court, I am with you.

6187. I rather gathered that that was your remedy?—What we want to prevent is an employer being his own judge, jury, and assessor.

6188. My point is that the threat of taking it into court would really have the same effect if the girl was afraid of dismissal?—I say again, so far as we are concerned, if an employer desires to take a case into court by all means

let him do it. If you must have deductions, we say that is the best way, so far as weavers are concerned, to have deductions made.

6189. On the question of the supply of beer, you have no evidence on that ? I understand that you did send a spy into the workshop, but it was not effective ?—That is so. There is only the evidence of the statements made.

6190. And you really have no evidence which will bear examination ?—No, and I make the statement here in the hope that examination may be made. I have no desire to lay that down as a dictum from me, but I do make the statement just as I make the statement with regard to colour work.

6191. It is pure hearsay ?—Hearsay direct from the girls concerned.

6192. The instance which you have given us are the worst you can find, of course ?—Not by any means. I have given you the worst, and I have given you the least worst.—I was going to say the best, but there is no best.

6193. In the case of spoilt work, and other instances which you have given us, they are amongst the worst cases which you have ?—No ; I have tried to be fair. I have stated that the case of the 4s. 6d. fine was the worst I have known.

6194. You gave us a case with regard to the warp—£3 for dyeing—that is unique. You know of no other case ? —That is so.

6195. That and the other case you have given us are bad cases, I suppose ?—Not necessarily bad from your standpoint ; bad from mine, but ordinary cases.

6196. Bad from the worker's point of view ?—Bad from the worker's point of view.

6197. All these cases which you have given us extend over a series of years ?—Yes.

6198. They are not every day cases ?—They are of every day occurrence, if that is what you mean.

6199. Two of them you have given as unique ?—I have simply cited examples.

6200. Two you have specifically stated are unique cases—the case of the 4s. 6d. ?—That is an unique one.

6201. And the case of £3 for dyeing is unique ?—Yes, that is unique. The other is as common as it is possible to be.

6202. Which one ?—Fining for broken pieces is as common as anything.

6203. You gave us one case in which 4s. 6d. was charged for a piece for the work on which the girl only got 3s. 6d. : that was unique ?—Unique in its extent, not otherwise. Unique because it was in excess of the piece wage. It is rare for a girl to be fined the whole of the piece wage.

6204. They are the worst you have ever known ?—Yes, that is so.

6205. All these cases you have given us extend over a series of years ?—I want to make this quite clear. My experience extends for eighteen years. Fines are of hourly occurrence—I was going to say of momentary occurrence. It necessarily follows, such is the extent of fining, that they are of hourly occurrence throughout the whole district. So it must not be understood that two or three instances I have given are the only instances which have taken place in my experience, say since 1888.

By Mr. Delevingne.

6206. You said you saw no objection to an employer taking the question of deductions and fines into court and having them settled there ?—That is so.

6207. Have you considered the possibility of having them determined by some body jointly representing both the employer and the employed as an alternative to taking matters of that kind into court ?—No, I have not.

6208. In some trades we are told a board or joint committee exists which determines any question of damage to any piece of work, as to what the actual loss is and what the worker ought to pay, if anything ?—I am speaking now for myself ; my own opinion is that we should attempt to resist any legislation of that character because we hold that no operative wilfully does damage, and unless an operative does damage wilfully, he ought not to be held responsible for it.

6209. That applies equally to what you said about taking fines and deductions into court ?—Yes. You will remember I said that that was my own opinion, but I think it is shared by some others besides myself. The reason for the statement is this—the employer would have taken from him the power to become his own assessor to begin with.

6210. That would happen under this alternative ?—I grant that, but the difficulty of taking it into court and the odium which would rest upon an employer who took it into court would prevent cases going there.

6211. Yours is merely a nominal protection then for the employer ?—That is so. I do not desire it at all. I say an employer is protected by his power to dismiss.

6212. Supposing that all deductions for damaged work were abolished as such, and employers could devise a method by which different prices would be fixed for different qualities of work, what would you say to that ? For example, a piece of cloth which was brought in with a great many broken ends would be assessed and paid for at a different price under the contract ?—That is already done in the schedule.

6213. That is a deduction for actual damage, but supposing that it were made illegal to have a schedule of deductions for damage, would it be possible for employers to grade the work and to fix different prices beforehand with the worker by contract for different grades of work ? —Of course it would be possible, but it is admitting the principle of the right to fine, which we do not admit.

6214. I grant it is the same thing in effect, but it is in quite a different form ?—It would be possible, of course. I cannot conceive anything to be beyond the wit of man.

6215. You said that in many cases the mistakes made by the workers resulting in damage were quite easy to rectify, and were in fact often rectified by girls in their own time ?—Yes.

6216. Does that apply to piece-workers ?—Yes.

6217. It does not apply to time-workers ?—No.

6218. You gave us some evidence about out-workers in the clothing trade in Bradford ?—Yes, in the West Riding District from Halifax to Skipton.

6219. Would that include Leeds ?—No ; I know very little about Leeds.

6220. Do you know the Particulars Section of the Factory Act has been extended to the wholesale tailoring trade and the clothing trade ?—The Particulars Clause only applies to the furnishing of particulars.

6221. I only wanted to ask you if you knew whether it was observed by the Jewish employers and Jewish sub-contractors ?—I am afraid it is not.

6222. Can you say definitely, Yes or No ?—I think I can say definitely so far as Bradford is concerned that it is not applied, that is to say, the particulars clause of the Factory Act is not applied to the out-workers of Bradford.

6223. It is applied by an Order of the Secretary of State ?—It is not carried out.

6224. You mentioned one or two cases where the whole cost of a damaged piece of cloth was deducted, and the piece of cloth handed to the worker ?—Yes.

6225. That is illegal under the present Act ?—Yes.

6226. Are you aware of any cases where that point has been successfully taken in Bradford ?—No. I do not know that the girls rebel, as a matter of fact. It sometimes pays a girl to take the piece of cloth. She gets it at what we call "fent" prices, and sells it. It may be illegal. The fact of deducting rent from wages is illegal, but it does not prevent the employer from doing it.

6227. I only wanted to know if cases had been taken on that point by the factory inspector ?—I do not know of any.

6228. Do you know whether it has been brought to his knowledge ?—I do not know that it has. It is possible I may have reported to Mr. Shinner or Mr. Seal, but I do not call that to mind.

6229. In some other places successful proceedings have been taken against employers for that. You said in

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reply to Mrs. Tennant that you had brought a number of cases to the notice of the factory inspector ?—Yes.

6230. And so far as you knew and believe he always dealt with them and the practice was stopped ?—In my opinion we have one of the most conscientious factory inspectors it is possible to have. He does his work whenever a case is reported to him. Sometimes I am afraid I put a lot of unnecessary work upon him, but if a case is reported to Mr. Seal he makes a point of inquiring into it. Sometimes the facts reported to us are found not to exist when the matter is examined. I only want to show his conscientiousness.

6231. I gather from your evidence that a very extensive practice of fining and making deductions prevails at the present time ?—That is so, an exceedingly extensive one.

6232. It is not quite easy to reconcile the inspector's activity with the extent of the practice ?—It is to us.

6233. May I ask how ?—If you were confronted with two evils, each of them requiring particular attention, you would take the greater. That is just our position.

6234. The inspector has not sufficient time ?—By no means. As a matter of fact we hold that we could keep two lady inspectors going for Yorkshire in addition to other two male inspectors.

6235. For the West Riding ?—Yes.

6236. You said that the details of these schedules of fines and deductions were not known to you ?—That is so.

6237. And that a weaver would not often be bold enough to make a copy of them ?—That is so.

6238. You are aware that under Section 6 of the Act the employer at the time of making the contract with the workman is required to give a copy of the contract or the notice to the workman ?—I know that it is not done.

6239. That is what I want to get from you. That is the law, but it is not observed ?—Oh no ; that part of the law, I should say, has never been observed. I have never known the attention of a girl being drawn even to the schedule. The schedule is there, but I have never known the attention of a new girl being drawn to it.

6240. Much less a copy given to her ?—Much less a copy given to her.

6241. Has any attempt been made to enforce the law ? —I am bound to say I did not know we had such powers.

6242. Perhaps you might look at Section 6 ?—I will.

6243. With regard to the instance you gave of the employers boarding children out in the village, and keeping all their wages in return for board and lodging, I should like some further information ?—The statement made to me is that they occupy cottages, and employ two or three matrons—or they may only employ one—to look after the children. The wages are kept for the keep of the children just as a mother would take the wages from her own child, only the operative does not touch the wage at all.

6244. That strikes me as being illegal. Are you going to bring it to the notice of the factory inspector ?—I am not so sure that that has not been done. Our difficulty is to tell what has followed. It has been raised so often publicly that I am almost afraid that the attention of the Home Office has been drawn to it.

6245. To this particular case ?—Yes. It is the only case I know of up that valley. The same thing is said to take place in Halifax, and up there.

6246. It is quite new to me, and it is rather an interesting case. It seems to me to be illegal ?—I mention it in the hope that some attention may be drawn to it, and that it may either be found to be correct, and stopped, or that it may be found incorrect and therefore we shall not need to repeat the statement.

6247. Is it a long-standing case or a recent one ?—To my knowledge, the allegation has been made for two years.

6248. You said before the Act of 1896 all fines were illegal ; may I ask exactly what you meant by that ?—I do not think I can make it plainer.

6249. You are aware that in the case of *Redgrave* v. *Kelly* the High Court decided that fines were not an infringement of the earlier Truck Acts and that it was to remedy that that the Act of 1896 was brought in, and to bring them under some sort of control ?—What was the date of the case ?

6250. 1889 ?—I have never heard it quoted before.

By the Chairman.

6252. There are one or two questions of detail and of principle I wish to ask you. The question of detail is this. You gave your evidence of the breakage of threads of weft ; did I gather from you that in the making up of the web ultimately that broken thread may not be detected either by the maker up or by the purchaser ?—I will try and explain.

6253. In the milling, I mean ?—The broken thread runs in this way (*demonstrating*). This is empty. If these two pieces are taken out each side there is an empty space. When it goes through the process of finishing it merges up. The pattern may be broken, but the pattern in low-class goods is a very immaterial thing. It mills up, if you like ; it shrinks, and therefore it is not detectable.

6254. Is there any appreciable loss at all on the purchase price of the article ?—None whatever.

6255. The fine is exacted as a matter of discipline ?—That is so.

6256. Then, coming to the general questions, in the first place, you have been asked about giving hearsay evidence ; of course we cannot have all these hundreds or thousands of operatives here, but so far as your evidence has been given, is it to the best of your knowledge an accurate representation of facts, and do you yourself thoroughly believe that evidence ?—I thoroughly believe every statement that I have made, and the statements which I have made have been given on the statements made to us by people in whom we have perfect trust.

6257. So that we may accept it as authentic in that sense ?—That is so.

6258. My last question is also a general one : I gather you adopt the system of making reports to the inspector when you think it needful ?—That is so.

6259. Supposing the inspector prosecutes, that is a public fact of which you are aware ?—Not always, unless it is reported in the Press. I am afraid a large percentage of Factory Act cases are not reported.

6260. Suppose he does not prosecute, have you any official means of obtaining information as to what has been the upshot of your complaint ?—No.

6261. Would it be an advantage to the operatives if you could gain that information ?—A very great advantage. We have asked for it for years.

6262. If the law could be amended in that particular, you think it would be good all round ?—That is so. If the Home Office could see its way to supply us with details of prosecutions, or details of cases which have come to us, if only for the purpose of assisting, it would be of great advantage to us.

6263. I will put this to you, that you complain on a specific point and you never know what happens with regard to it ?—That is so.

6264. But suppose you knew that your complaint on that point had been followed by a communication from the inspector to the employer, and that the practice had been stopped, you could use that in your organisation as a useful precedent, and as a lever with other employers ?—Without any question.

TWENTY-FIFTH DAY.

Wednesday, November 28th, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Mrs. H. J. TENNANT.
Sir FREDERICK CAWLEY Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. D. J. SHACKLETON, M.P., was called; and Examined.

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By the Chairman.

6265. Will you please state your position as a witness coming before this Committee—the organisations you represent, their numbers, and so on?—The organisation I represent is known by the name of the Northern Counties Amalgamated Weavers' Association, and it has a membership of about 100,000. There may be 500 or 600 more, but that is about the figure. Inside that organisation there are thirty-five separate societies ranging in numbers from 100 members up to as high as 14,000 members, but the total number in the amalgamation is, as I have said, 100,000.

6266. In giving your evidence to-day do you represent substantially the judgment of all these organisations?—Yes. I will tell you how we arrive at their decision. The separate organisations have each a committee of management. I may explain that each society has its own system of working. They are not amalgamated for any purpose which controls them except in regard to certain benefits with reference to strikes. Everything else in their management and their rules and regulations are all of their own making, and they are separately governed. Each society has a committee ranging from ten in the smaller bodies to as high as twenty-four in the larger bodies. These committees are composed exclusively of persons now working inside cotton mills as weavers. They are almost all of them fathers of families having their families working in the mills, and they represent therefore in the most direct way possible the operatives employed.

6267. Does the organisation represent any classes of female labour?—Yes, the same persons represent the women workers. About 65 per cent. will be female labour, and in two districts we have female members of the committees, but in all cases the committees represent the whole mass of the organised workpeople. We asked these people to take this matter into consideration twelve months ago, and the matter was adjourned for three months in order to give them full opportunity of consulting their members, which they did in many cases at members' meetings. The whole case was placed before them and then a council meeting of the whole of the representatives of these workpeople was held. The representatives numbered ninety-six from the thirty-five districts, and the reports we received from each district were such as to lead to the unanimous resolution we came to approving of the policy of the total abolition of fines in factories.

6268. Have you conveniently at hand any writing to show the form in which the question was submitted to these bodies?—I have nothing in writing here, but the form would be this. A resolution was passed by our council which numbers ninety-six members stating the actual position of the matter which we wanted them to discuss. That resolution would be sent to the members, or brought before meetings of members, and the subject would be discussed in that way.

6269. Was there a skeleton resolution submitted in favour of abolition of fines?—Simply a statement in regard to it, but eventually at the council meeting a resolution was adopted unanimously in favour of the principle of the total abolition of fines. We don't need to give our members detailed statements in consulting them because they all understand the subject quite as well as I do from the point of view of the individual worker.

6270. The point is, did you give them a lead on the subject or simply submit both sides of the question to them?—We could not give our people much lead because they know the subject quite as well as we do, and if we gave them any lead that they did not agree with they would soon tell us. They have practical knowledge of the subject. They have weekly contact with it through their various committees.

6271. Then the result was actual unanimity?—Yes, in our branch.

6272. Unanimity in favour of the total abolition of fines and deductions?—Yes, that is so.

6273. Of course you know the Act of 1896?—Yes.

6274. Under the earlier sections of that Act fines and deductions are permitted under certain stipulated conditions about giving full specification in detail and about the amounts being fair and reasonable, and so on. Were the weavers represented by your association exempted from that Act?—Yes.

6275. Would you explain to the Committee how that occurred?—At the time we had the Bill before us we felt, judging from the contents of the measure, that it would be a retrograde step so far as we were concerned. Our policy then and now is, in our opinion, much better than the system of posting up fines, because if you have a fine posted, say, to the amount of 6d. for some particular fault we feared we should lose the right which we had always claimed of examining whether the fault was that of the weaver or not. The man's representative or perhaps the secretary of the district went down and looked at the fault and if it was found that the weaver was not to blame we should refuse to admit the liability. We felt that if a system began in our district by which a schedule of fines was placed in the warehouse or office or weaving shed the fact that we worked under them might be regarded as an implied contract under which we might lose our right to insist that every fine might be made a question of examination and proof.

6276. You have stated the attitude you took up prior to that legislation, and now I call your attention to Section 9 of the Act which authorises the Secretary of State to grant exemptions from its provisions?—Yes.

6277. Did the Secretary of State, following the opinion of your societies, make an exemption order?—Yes. I believe I may say that we were the cause of that clause being put in the Bill. It was inserted at our suggestion or at least we had some influence in the matter.

6278. You claimed exemption upon grounds which you hold are as valid to-day as an argument for the total abolition of fines?—Yes. We say that our present system, which is the same as we had then, is far preferable to a schedule list of fines.

6279. It is fair I should put this to you; we have had a considerable body of evidence from inspectors and from people engaged in various industries on the subject of fines and deductions. Some of that evidence favours total

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abolition. Now, so far as your own opinion and experience go, would you favour total abolition?—Yes, certainly in our trade, but I would not like to express an opinion as to any trade about which I have not full knowledge. We are supported in our view by the fact that in the next preceding process to ours, namely, that of spinning, the workers are entirely exempt from fines by force of organisation.

6280. I think we should all like you to explain that more fully?—I only mention it as a matter of fact without pledging myself as to how it was brought about. The facts are that in the spinning trade the union does not allow any such deductions. My colleague, Mr. Gill, who is connected with that department, recently told me that the operatives know that if they are not doing their duty they are subject to dismissal. I am speaking of the practice generally although there may be some isolated exceptions.

6281. I understood you to say that that is by reason of organisation among the workpeople and the result is that employers concede the non-imposition of fines?—Yes. It is made a condition by the union that if any of the men are fined it may cause a dispute which may lead to a stoppage of the mill.

6282. Does the case you mention cover a large number of operatives?—There are about 20,300 full spinners in the trade, and there are 41,000 piercers and creelers receiving less wages.

6283. I gather then that with the 100,000 represented by yourself and the 61,300 spinners your total works up to about 160,000 or 160,000 persons engaged in the textile industry?—That is in only two branches.

6284. Does that number represent the absence of fines and deductions?—No. Fines are not absent amongst us weavers now, but the spinners have exemption from them.

6285. Then the situation I gather from you with regard to the weaving business is that you favoured total abolition before this Act was passed, and that you got the Secretary of State's exemption in order to facilitate abolition, but that you have not yet secured it entirely?—Our point is that we prefer our present system to the scheduling of fines under the Act. If we have got to choose between total abolition and the Act, we should prefer total abolition, and we prefer it to our present system.

6286. It is your present system I want to get at. How does it work in fact? What is your experience? Although you are exempted from the Truck Act and although you object to fines and deductions on principle and would prefer total abolition, how are you, as a trade, in fact, affected by the system?—Fines are deducted by certain employers for alleged faults.

6287. Then there are fines?—Yes, in our work more or less but not very great, but the operative has the choice of coming to us about it and in such cases we go to the mill. All of us are practical weavers and we know as much about the cloth as the employer or the weaver. After examining the cloth and hearing the evidence we decide who is to blame.

6288. Can you give us a concrete example?—Yes, take a piece of cloth which the employer says shows a fault; it may be a few ends woven down longer than he thinks reasonable. I should carefully examine the cloth and should ask the weaver as to the reason for these ends. If she satisfies me that the material supplied was faulty and caused the odd threads I might come to the conclusion that the weaver had done her level best and that whilst the cloth was not perfect the fact that the material was faulty would be an excuse for her as she had to make a good job as possible out of the materials supplied. In such a case I might say that I thought she was not liable and should resist the fine. The employer might then offer a compromise and might say, "I will let her off for 2d. instead of 6d." If it was a case where the girl was not responsible I might say that we were prepared to fight it, and would go into court for a judge to decide whether the fine was reasonable.

6289. Would you excuse me putting a difficulty which arises in my mind about that? I quite understand how such a thing occurred under the Act of 1896, because you could cite a clause that the fine was not fair or reasonable, but what is your datum or standard when, being exempted, you go to court to make a complaint of these deductions?—First of all it has been held in court by decisions in our district that fines for disciplinary purposes are not illegal. If we resist a fine the employer often puts in a claim for damages which he alleges to have been caused by the weaver and we have to prove that the damage is not due to the worker's negligence. The employer pays the money into court sometimes and then claims a set-off.

6290. You will excuse me going off the line of your evidence but you will see the reason for it afterwards. Under Section 1 of the Act of 1896, Sub-section (c), what has got to be established even under the statute from which you are exempted, is that the fine is in respect some act or omission likely to cause damage or loss interruption or hindrance to business, and that the amount of the fine is fair and reasonable, having regard to all the circumstances of the case. Now, so far as I understand your narrative that is substantially the very thing that you have to contend with the masters in the cases you have instanced. You have to maintain the same battle as would be maintained even under the Statute of 1896, namely that there is no loss or damage, or that it is owing to bad material or that the fine is not fair and reasonable in amount, being out of proportion to the wages earned, so that you are left, even although excluded from the Act of 1896, in the same embarrassing position as people under that Statute, namely having to establish certain things—is not that so?—To some extent it is so, but we believe the fact of employers knowing that we can take action in every case is preferable to having the list of fines facing the operatives every time they come into the place. Every case is decided on its merits. In the case of scheduled fines the employers' federation might try to make them uniform.

6291. In fact you look on the Statute as a statutory facility for the imposition of fines?—Yes, that is our view.

6292. Fines and deductions made easy by Statute?—Yes. As treasurer of the Women's Trades Union League I have from time to time had reports given to me, which I cannot personally vouch for, because I am there entirely dependent on what others have told me, that there prevails in their trades in this respect conditions which would never be allowed in our trades either under a schedule of fines or otherwise as we should have the mill stopped rather than pay some of the excessive fines.

6293. Perhaps on the broad question of abolition, which you favour, you would now give the Committee briefly your reasons for your view?—Under our present system we know that there is quite a number of petty fines and some of the persons who inflict these fines have admitted that they are expected to produce a certain return in fines during the week. When such a person can show a good list of fines it is no detriment to him in the eyes of his employer, but it leads to much petty fining. Take the case of a cloth-looker who examines the cloth that we produce. The work people are rather apt to tremble when a new man of that sort comes on and is anxious to show his power by an excessive number of petty fines. There are some mills now where fines are dispensed with without any complaint. If a dismissal takes place the operative in question often admits the fault. It is only in rare instances that we have complaints about discharges on account of bad work. Some of the places where fines are not imposed are amongst the best mills in the trade where really good work is demanded.

6294. Can you name any?—I would not like to give names, but there are two in my town where fines are not imposed, and I have never had any complaints from these two mills on account of discharges arising from bad work.

6295. Your evidence has referred more particularly to petty fines which are really disciplinary, but there is another class of fines in respect to damaged work. Having these in view, would you still advocate total abolition of fines?—Yes. On this ground, that if the weavers knew that if they wilfully spoil work it would mean discharge, that would make them more careful, especially the younger people, some of whom may have 3d. stopped out of their pay without telling their parents about it at the end of the week. It is perhaps only in cases where

parents are working in the same mill that such fines become known to the parents. I have no fear of the result so far as total abolition is concerned. It has never led to wholesale discharges in the spinning trade or in those mills in our own trade where fines are not imposed.

6296. Now take these things in their order: first petty or purely disciplinary fines. What is your opinion with regard to the maintenance of discipline if fines were totally abolished?—I assume you mean by disciplinary fines cases where a worker is fined 2d. for being three minutes late or 4d. for being ten minutes late, and so on. In my opinion if a notice was put up that workers who came late three times within a certain specified period would be discharged that would have more effect than a 2d. or 3d. fine. There is often a dispute as to whether the workers were late or not, which suggests what is known to us as the system of time cribbing. There is sometimes serious grumbling because the engines happen to be on early, perhaps five minutes before the time, and the weaver who comes punctually is therefore assumed to be late. I have myself worked at a mill where in this way I put in forty minutes a day overtime. I was always supposed to be late if I turned up anything near the time, and have had only fifty minutes instead of an hour for dinner. I am glad to say such cases are getting fewer in proportion to the number of mills, and that is perhaps due to the increased number of fines in the police courts for time cribbing. It is very obnoxious to men to be fined for being late when they are not late, and I think no employer would attempt to discharge any workman who really came in time.

6297. You think that the abolition of fines would lead to a juster administration even of discipline?—Yes, I do.

6298. In such a case as you suggest of dismissal upon the third offence within such a given period as perhaps a month, the system might be considered to have a subsidiary advantage in that for the first and second offence you have threats held over the workman which may terminate in dismissal. Do you think on the whole that that system would be a better mode of discipline?—I do. It exists in the spinning mills, where no fines are inflicted.

6299. Do you think amongst the large class of operatives that such a system would in practice be preferred?—I do.

6300. Do you think that both employers and workpeople would, on the whole, benefit by it?—I don't think any employers would lose by it from a disciplinary point of view.

6301. With regard to the second head of your evidence as to fines for spoilt work, of course the question of fines for damaged work is also a branch of discipline?—Yes, it is discipline in a sense, and there may be real damage. In every mill there are some faults.

6302. Do you favour abolition there?—Exactly.

6303. What would be the effect upon the work? Do you think on the whole the worker would learn to be more careful?—Yes.

6304. And the output upon the whole would be better?—I do not think it makes any difference to the output. It does not, so far as my experience goes.

6305. There is a third class of fines which I must put to you, or rather deductions—deductions made in respect of power supplied?—We have not any.

6306. In respect of light?—No.

6307. In respect of heat?—No.

6308. In respect of needles?—No.

6309. In respect of overalls?—No. The only deduction we have, which is by arrangement, is this. We have what is known as gold thread. It is rather a valuable material, and you can quite see that if there were no charge made for it there might be waste. So we have an arrangement by which the weaver pays 3d. for each bobbin of gold thread, or 6d., according to the value, and then for each foot put into the cloth, the weaver has an addition to the price; so we balance it. There are fifty yards on a bobbin, and we have so much per foot; I think it is ·02d. per foot put on to the weaver's wages for every foot he puts in the piece where the bobbins are 3d. each. It is only a reduction in form. The wages are no less as a result; they get it back. It is only done to present waste, and we agree to that.

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6310. That is done by arrangement between the union on the one hand and the employers on the other?—Yes.

6311. Is that the only instance of deduction for material which you know of?—We have another kind of deduction which we have contested, and recently I put it before the employers and they passed a resolution recommending their people not to continue it. There was an old-standing deduction for closet cleaning. We have protested against that, and have said that the employers ought to see the closets are kept clean without deducting for it.

6312. You think that should be part of the charge of the factory?—I think so. In 88 per cent. of the mills in Darwen, where I happen to be secretary of their organisation, as well as being President of the Amalgamated Society, they either deduct so much per month or collect it from the operatives. We have sought to have that stopped altogether; at least, we have said we will not have it deducted, and the employers have agreed to recommend their people not to deduct. We have another class of deductions which has also been recommend d to be stopped, namely, deductions for hot water for breakfast and dinner purposes. The employers boil the water and the weavers fetch it, or send their assistants for it, and 1d. per week is charged, and in some cases they deduct it from the wages. The employers have agreed not to do that, but the weavers pay for it. On the Saturday morning when they get their wages they pay 1d. to the person who attends to the boiler. They are the only cases of deduction, and we have had them stopped.

6313. There is one point I should like to have your opinion on. Under the Act of 1896 you are aware that the greatest difficulty is put in the way of establishing affirmatively a contravention of the Statute?—Yes.

6314. And in your own trade, which is exempted, I gather that there are difficulties of a similar kind?—They are not so numerous as you might think, because a test case on the question of a fine settles hundreds which might follow. If we have a test case on a particular issue between a firm and ourselves, as the union representing the operatives, that test case settles whether it is a reasonable thing or not, and that same employer would not try the same thing on afterwards if it were found not reasonable, and the employers in the district, knowing the result of the case in court, and getting to know the facts, being themselves in an organisation, will not try the same thing on. So that there are not so many court cases as you would think; there are very few.

6315. Both parties are on the watch, so to speak?—Yes.

6316. And that is one thing which in practice you think the law should make an end of?—Yes, I may say that the fines with us are not very numerous. We have had complaints from the weavers with regard to fines, and I have gone to the mills to enquire myself. It is only in the last three months that an unauthorised strike took place on account of fines; that is to say, they came out without our consent, and had to go back at once; we did not consider them as *bona fide* entitled to our support, and they had to go back. Between their going back and our people taking it in hand properly, I went and made enquiries into the fines in that place. There would be somewhere near ninety operatives there, earning on an average 24s. or 25s. per week each. The whole of the fines for one week amounted to 6d., another, 1s., and the highest for the three weeks complained about I think was about 2s. 3d., out of which one weaver alone accounted for 9d. The whole trouble in that mill had arisen from one weaver having been fined three times. They ran away with the idea that heavy fining was taking place because one weaver said she had been fined three times. The highest was 2s. 3d. out of a wage bill of ninety times 25s., a mere bagatelle. Still the employer did promise that he would not be quite so severe as he had been. A new cloth had been put in and he had been anxious to make it perfect. As a matter of fact, the firm gave up making the cloth rather than have trouble. The weavers were not used to that cloth and it was unfair to ask them to suddenly change from a rough trade to a fine trade. The weavers have to be trained before they can get from one to the other and cannot be

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expected to make good material when they have not been brought up to that particular kind.

6317. The friction which resulted from the imposition of fines seems to be out of all proportion to the actual amount of the fines?—That is so.

6318. Does that assist your mind in coming to the conclusion that it would be better to do away with fines?—Yes. We feel this, that what does occur is well worth doing away with, and the friction it causes is absolutely unnecessary. We feel it more for the children and younger people who have nobody to defend them.

6319. Will you kindly address your mind to this; suppose there were no fines, a system of temporary suspensions might be instituted; instead of being fined half-a-crown, a man or a girl would go off work for three days. I give that as an instance. In some trades there seems to be an inclination to prefer a system of temporary suspensions to a system of fines; what is the view of yourself and those you represent upon that subject?—If the suspension system became burdensome we should take the same action with regard to that as we do with regard to fines. If a weaver came to me and said he had been suspended for three days or a week on account of a fault, I should go at once to see the cause of the suspension and if I found the action was most unreasonable, if the fault were not such as to warrant causing a loss of 12s. 6d. or 25s. or 28s. to the weaver, we should say, "This must be stopped," and if we could not agree, then it would be a question of dispute. The employer might be faced with the total stoppage of his mill. It would be a grievance in the ordinary trade way. If the weaver deserved it we should have to say so, but if it were unreasonable we should simply fight it.

6320. Would you be inclined to the total abolition of fines, in the first place?—Yes.

6321. And with regard to temporary suspensions, you would leave them to be settled by the ordinary methods?—Exactly. We should settle it in that way. If it were unreasonable it would have to be faced in the ordinary trade way.

6322. Do I gather that you would prefer the abolition of fines even though it should introduce, for the time being, a number of temporary suspensions?—I can say this quite frankly, that our people would set their face against temporary suspension as a system. There may be individual cases which we could not defend, just as there are in regard to fines, but as a system we should just fight that as hard as we ever fought fines, there is no doubt about that, because we can see that the result of that would be far more irksome to the operative.

6323. It would be difficult to prevent an evasion of the law I mean, we must look at it all round. There might be actual dismissal, and a sort of understanding that if a person came back in three days he would be taken on again?—But even in the case of actual dismissal what happens in the spinning trade is this; the Secretary of that particular society at once enquires into the dismissal and if it is unreasonable then action is taken just the same as in the case of fines.

6324. That would again be a matter of dispute which would have to fall under the arrangements made between the workmen and their union and the employers and their federation?—That is so. We do not think there is any need to go into law on these things; we generally settle them round a table.

By Sir Frederick Cawley.

6325. You mentioned spinning as the process preceding weaving; do you know what obtains in the subsequent process of bleaching and dyeing?—No, I have no knowledge. The bleachers of Bolton and district are connected with us for Parliamentary purposes, but I never heard them make a complaint on any of these subjects.

6326. You do not know whether they have a system of fines or not?—No; they are not really part of our organisation.

6327. Weavers are in great demand at present, are they not?—Yes.

6328. I mean if one is discharged it is not very much trouble for him to go immediately and get another shop?—It may be a serious matter. They may get discharged from a place at 28s. and fall to 24s. There is always a certain amount of disgrace in connection with a discharge which you cannot get rid of.

6329. With regard to a weaver being late three times and being discharged there would not be much slur on his character if he got another place, and he might get a place which paid two or three shillings a week more?—It is just possible he might, but fining would not prevent him doing that. He could give his notice and serve seven days and go. If he wanted to change his place he could do it far more readily than by being fined or discharged.

6330. I am speaking of it as a deterrent for being late, or for some other offence which they wish the weaver to stop. As things are at present, I take it discharge is hardly a deterrent?—Oh, it is. You cannot step out of one mill into another. It cannot be done so readily as that.

6331. I thought they were in such demand that they had only to put their hands out to get another place?—It might mean a man having to travel a mile or two instead of walking across the street, which would be a serious matter to him. I do not think you can take it there is any relaxation in discipline. The cotton trade is noted for its discipline. There is very little lost time. The employers themselves boast that so far as lost time is concerned in their trade, especially on a Monday morning, it is reduced to a minimum. It is very rare indeed that weavers stop off their work on account of intoxicants or anything of that sort. There is very little lost time from that cause.

6332. I take it your organisation is so strong and so well looked after that you are practically in an equal position in dealing with the employers and their federation?—That is so.

6333. There is no power the employers have which you cannot combat?—I would not say that, but we look fairly well after ourselves; I will put it in that way. Their cash bag is deeper than ours; there is that difference.

6334. In the case of a person leaving a place, as she can get another, do you not think that leads to some little carelessness?—No, not when the young person knew that as a result of her carelessness she might have to go home and tell her mother she had lost her place. I think that is a serious thing for a young person to face. And I am certain it would not make any difference to adults—persons responsible for a home.

6335. The point is to get the best work out of the mill, which of course reflects again upon the operative. Do you think that the employer would be sure of turning out quite as good work if he was not able to exact a fine—I mean what would be called a just fine now, such as you would pass if you were called in as arbitrator?—I can only answer that by saying that the places where fines are not put in force are some of the best mills, where they have the best cloth, what we call home trade goods. It is well known that home trade goods have to be made far better than those which are sent abroad, which are generally of a rougher character, and more or less cheaper—not quite so much cotton, and a bit more something else.

6336. From the employer's point of view your opinion is that in regard to good work, and in regard to punctuality in the morning, it would not be any loss to the employer to do away with fines?—No, I do not think it would.

6337. In spite of the fact that almost any weaver now can go and get a fresh job as soon as he leaves a mill, you think that the threat of discharge would have the necessary result?—I think there is a misapprehension on that point. A weaver cannot change to a good shop any time he likes. The good shops are fairly well looked after now; that is to say, there is no scarcity of operatives in the best shops. The scarcity in that trade, like every other, comes at the bottom, where there is a lower wage. Everybody is trying to get to a better place, and a weaver working at a good shop would never be careless because he knew that if he lost it he could get a shop somewhere else.

6338. But from the employer's point of view do you not think it is a little hard when he is running his mill to have to resort to discharging his workpeople, which, as you know,

would mean a very serious inconvenience to him, if not a loss, when by a small system of fines he could perhaps get the necessary discipline ?—I do not think he has a right to fine. I think the point should be this: If a weaver is not giving satisfaction he ought to be told so and take the consequences just as in any other trade. In the great bulk of the organised trades, such as the iron trade and the stonemasons, there may be very small fines in those perhaps, but they do not admit any to me, and they can manage well without them; and I do not see why the cotton trade should be the only organised trade especially included in this system.

6339. You admit that the fines are not a very serious matter? You see to that?—So far as we are able. There may be pounds upon pounds which we never hear about. When a case does come to our knowledge we pay attention to it, and in cases where complaints have been made we have found the fines very small. There may be places where fines are heavier which we do not know about. I suppose you will get evidence of facts with regard to that in some cases.

By Mr. Walsh.

6340. You said that you were in favour of the total abolition of fines ?—Yes.

6341. Of course I paid some attention to your statement that you have 100,000 members ?—About that.

6342. Even with the best system of investigation and the most earnest officials, there are probably many cases which are not able to be visited ?—Yes; the weavers themselves might think that they were to blame, and therefore not tell us about it.

6343. Or if they did not think themselves to blame they might think the line of least resistance would be to say nothing about it and to go on ?—That is so.

6344. So that it is quite possible that many cases are not investigated, and are unrelieved, so to speak ?—I should think there are many

6345. There seems to be an idea—as to how far it is correct one cannot say—that discipline would be improved, and that damage, either actual or prospective, to the employer would be lessened by this system of fining; do you find that many of the faults which are alleged against the workmen are practically incident to the trade and are not matters over which the workers have effective control ?—Many of them are faults which will always happen and could not be prevented.

6346. Even under the most perfect human system ?—Yes. There are others which are caused by carelessness, Take a case like this. We are paid by the piece and there is a system of averages, driving the workers up to a certain perfection of quantity. In order not to get below the average in the mill a weaver would leave the whole four looms on while he went into the warehouse to take some weft. These looms would be going in his absence, and when he came back very serious damage might be done. The weaver might consider, "It would take me an hour to make that right; I will stand a 3d. fine rather than make it right." He will call the attention of the overseer to that and ask him whether he will allow that. That is a damage which the weaver, in a sense, is responsible for, because he left the looms going; but his motive was that he might not go below the average, in order that he might not lose five minutes, which loss might mean that he did not keep up his average at the week end. If a man goes out twice a day for that purpose, as he is required to do, in addition to doing so for purposes of nature, all those periods would make a serious difference in the fifty-five and a half hours. Therefore the looms are kept going and there are frequently faults. But the employer does not complain; in fact he expects it.

6347. So that the workmen most desirous of speeding their work and adding thereby in a sense to the profits of the mill would be the most liable to have those fines inflicted ?—Yes; that is to say those faults would happen and they would be responsible.

6348. The most eager man or woman would lay himself open to the possibility of that kind of thing ?—That is so.

6349. Do you find that many of these fines are at the caprice of the official? You said that sometimes a new broom came along, and that for three or four weeks there was very considerable trouble in the mill; should we take it from that that the offences are, so to speak, capricious, that is, are liable to exist entirely at the will of the official ?—I will put it in this way. The man is new and his instructions are to get out a certain quality, and for faults which the previous man has allowed to go by with a caution he will inflict a fine of 2d. or 3d., and the fines will jump up very considerably, therefore, simply by the fact of a new man coming in, and you will have the whole place upset. I cannot put it in any other way than that it is his idea of what things ought to be fined for, and the matter is left to him. Another cloth looker who may have had more experience would act in a different manner. He would say, "This is not satisfactory." He would talk to the weavers a little and caution them and get a better result than another person who inflicted a fine straight away. When I was a youth about sixteen I worked at a mill and was at that time on three looms. The employer sent for me with regard to a damage which I did not think I was to blame for. The machinery was old and it made an uneven weaving, what we call a crack; you could see thin places when you held it up to the light. It was the result of bad machinery, which was then being replaced. The employer said, "This is not satisfactory. I am not going to fine you, but if you do not mend it you will have to go." That had more effect upon me than stopping me 3d. would have had. I did not want to go home and tell my father I had been dismissed. In consequence I was more careful as long as that machinery was being used. An experienced cloth-looker would caution rather than fine, and train the young people to do better work without fining them. It is all a question of the individual.

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6350. Do you think that much of the fining depends upon the caprice of the official ?—I would not like to put it in that way. He has certain instructions from the manager or the employer.

6351. You said a man was sometimes looked upon as a good man if he made a big list of fines ?—There are cases of that kind.

6352. Would it be possible for that man to create new offences, so to speak ?—No, he would not create new offences, but he would fine where another person would caution. They would all be offences, but the penalty would be different.

6353. Do I take it that many of these offences would really be incident to the trade, inseparable from the industry, so to speak ?—Yes, many of them are.

6354. Do I understand that the best human discipline would not in many cases avoid this incidence ?—That is perfectly true. It is impossible to make what we call writing paper—an absolutely perfect cloth. There are little faults which are always understood in the trade.

6355. I do not wish to take you over much of the ground which the Chairman has taken you over. Do you think that a small penalty inflicted upon boys or girls who have parents has not really a very deterrent effect ?—I think the most serious deterrent to a child is his parents' knowledge that he is not doing well. If the parent does not know about it, I do not see what effect it can have.

6356. The prospect of dismissal would have a far greater deterrent effect ?—I think so. As a matter of fact, it was common when I was in the mill for the parent if he did not work there himself and if he had not any of his own relations there, to ask some person to look after him and report if he was not doing his duty. I have been reported more than once.

6357. I am glad to hear that fines do not exist to anything like the same extent in your industry as in other industries. Are you of the opinion that discipline is not really improved by this system of fines ?—We have never been without it, and I cannot say what the result would be if it were done away with, but, judging from the places that are without it, there would be just as much discipline. I can only judge by the actual facts as they are. There is no less discipline in spinning than in weaving, and there is no less discipline in weaving where there are no fines than where there are fines. There is no difference in fact.

6358. I suppose the employers do, from time to time, complain to you if there is any necessity for complaint ?—Generally.

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6359. Have they ever complained in these good mills where there are no fines, of any lack of discipline?—No; their remedy is discharge and they know it, and it has been quite sufficient.

6360. And there has been no complaint to you that discipline has been less because of the non-existence of fines?—No. I believe if fines were started there, I should have complaints.

6361. I suppose you are opposed to deductions even for the particular things which you have mentioned, such as the closet and hot water?—Yes. Where there is a service rendered, I think we should pay for it.

6362. Do I take it from you that the grievance which arises as the result of fines is great, and that the sense of injustice which is left behind in the workman is out of all proportion to the amount of the fine? Do I understand that they are labouring under a sense of injustice because they are sometimes fined for matters beyond their control?—The cases which come to us are distinctly of that character. There are hundreds of course, which do not come to us, which we know nothing about, but the cases which come simply come because the weaver does not think she ought to be held responsible.

6363. And you think the sense of injustice left in the work person's breast is out of all proportion to the fines?—Not in individual cases. If it is only 2d., if she does not think she ought to be held responsible, she feels the injustice; it is not the value of the 2d.?—

6364-5. That is what I say—the sense of injustice is much greater than the small fine levied?—Yes; I understand what you mean now. To fine 2d. for something when one has to work two hours for 2d. is an absurdity. You work two hours for nothing on a loom—that is the way the weaver looks at it. Twopence may be a small thing out of 25s., but it is two hours taken from him for a slight thing—that is the way they look at it. They boil it down to the actual thing as it appears to them—that they have worked two hours on that loom for nothing by having a fine of 2d. inflicted. We put it down roughly at 1d. a loom. It is more than that now, but it used to be 1d. a loom.

By Mr. Maddison.

6366. I wish to be quite clear about these suspensions. You are in favour of the total abolition by law of fines and deductions?—Yes.

6367. Would you say the same with regard to suspensions?—I want to give my reason why I say "by law." I believe it is possible to secure this in certain cases without law, but that would very likely mean a trade controversy which would be very costly and would be a serious matter for the trade. So we prefer to take legal action now in many things rather than always fight by a severe strike. That is the reason why I prefer it being by law, not that it makes any difference in principle. I prefer it by legal enactment rather than have the friction which arises from a strike. In regard to the other point, we should decidedly take objection to a system of suspension, but I do not say that we would not allow incidental cases to happen without protest. But we should object to the system.

6368. Why I mentioned law was not to raise a question as between law and freedom of action, but because here we have to deal with the law. It is evident from your last reply that you would not favour the total abolition of suspensions by law in all cases—to make them illegal?—What you mean is that the employer should have no remedy except discharge?

6369. Yes?—It would have to be left to the common-sense of the employer. I do not know that we could say that an employer should not have the right to suspend. They do it now. That would be a serious alteration of the law which I would not like to give a definite opinion upon.

6370. So that as a matter of fact, you are prepared to leave suspensions in the same position as you do discharges?—Yes.

6371. That is to say, a well-conducted union always leaves itself open to the question of discharge?—Yes.

6372. And if it is unfair, and you want to rectify it, as a last resource you would stop the mill?—Yes.

6373. Several witnesses have given us important evidence on this point, and I want to be clear upon it, that while you say so emphatically that fines should be made illegal, and also deductions, you do not go so far with suspensions?—I say as a union we should fight them, but I would not like to say that an employer should entirely lose the right of suspending.

6374. I have no technical knowledge of the trade, but you told us about a man who wanted to keep up his average, and I have had sufficient experience already to know what that means. He might let a defect go, and even tell the overlooker about it. Could a man by such a system make a monetary gain?—By leaving his machinery going?

6375. And letting the defect go?—No, I do not think so. The cloth-looker or manager, or whoever was responsible, would say, "If you let that go it will cost you so much." The worker would say, "Well, if you will only fine me 3d. for that, I would rather have that than the trouble of spending an hour on it to rectify it while all the other looms are stopped."

6376. It is a question of the balance of gain?—It all depends. You cannot tell. You would have to know the actual case as it arose.

6377. And the official in the mill is the person who actually imposes the fine?—90 per cent. or more than that are imposed by the cloth-looker. There are a few imposed by the manager for late coming.

6378. Where do the fines go to?—Into the employer's pocket, so far as the cotton trade is concerned.

6379. Is that the invariable rule?—He might say they are a set-off for damages, but in the first place they go into his pocket.

6380. Does he put them into a sick fund or a wayz-goose, or anything of that kind?—No, we have nothing of that kind at all. I may say there is one exception, namely, with reference to the closets; that money, I think, goes into the pocket of what we call the odd man about the place. But I suppose that when he is taken on he is told his wage is 16s. a week and that he may expect 5s. from the weavers for cleaning the closets.

6381. I was going to ask you the same thing with regard to the hot water man; you said it was paid to the man on the Saturday?—Or the woman.

6382. I suppose that goes to the man or woman?—Yes, that is for the time of the person attending to it every morning and noon and getting it ready. We have no objection to paying for hot water.

6383. But you do not want it deducted?—That is so; we do not want it deducted.

6384. Comparing a spinning mill with a weaving shed, how do they come out with regard to discipline, using that word in its widest sense?—I do not know any difference. The same engine runs both in many cases.

6385. You have a pretty wide knowledge?—Yes. The discipline is the same.

6386. I want to know whether the fines are more largely with the women than with the men?—Taking them as a whole, I think the fines are more frequent with young persons, both boys and girls.

6387. As between men and women, there is not much difference?—The women look after themselves quite as well as the men do; there is no doubt about that.

6388. What is your view with respect to deductions for hospitals, ordinary county borough hospitals, or whatever they may be?—We have none. We make collections.

6389. It is not stopped at the pay office?—No.

6390. I was interested in what you said with regard to that gold thread. I gather you did think there that the system in vogue tended to care of the material?—Yes; that is the only reason it is put on.

6391. There was a question raised by one of the inspectors of deductions for cleaning the looms and bringing in material; I believe that is done in some of your weaving sheds?—Yes.

6392. What is your view about that?—You do not mean on the question of cleaning itself, of the particular

work being done; you mean simply the question of deduction?

6393. Yes?—Because that is a matter we are not agreed upon between the two sides. But so far as the deduction is concerned, it is by arrangement, and if anything was done permanently in that matter, we should prefer that it did not come within the Truck Act, but that it should be done in the form of a deduction from the list. We have a list which gives the prices, say 24s. total wage, or say, 2s. 6d. per piece. If we come to any agreement at all eventually on that, we should have to make some allowance for it, and the way we should do would be this; we should say 2½ per cent. or 5 per cent. less. It would not be a deduction from the wage, but the piece would be calculated as being worth so much less. We should do it in that way just as we do anything else. Our list is made up of additions for certain things done and deductions for certain things not required. A weaver gets his price per piece for the work he does, and if this system of cleaning became arranged between the two sides we should arrange it so that the piece price and not the wage would be interfered with.

6394. I think I have gathered rightly from your evidence that your Union, by which I mean the Northern Counties Amalgamated Weavers Association, holds substantially the same opinions as you have expressed before us to-day?—They knew I was coming here to-day and they fully approved of this *précis* of my evidence.

6395. I gather that you are fully alive to the necessity of discipline and of good work, and that the evidence you have given, with regard to the total abolition of fines, took that fully into account?—Yes.

6396. And you think that discipline would be just as well maintained, and even better without fines?—Yes. We hold that it is so where the system is not in force.

By Mr. Delevingne.

6397. Referring to the deductions for closet cleaning and hot water, you stated you had arranged with the employers that no deductions should be made, but that the workers should pay at the end of the week?—No. What we did was this. We objected to them deducting the amount for closet cleaning, for instance, from the wages and we said that if they desired the work to be paid for the weavers should have the option of giving 1d. or 2d. as he liked, but that there should be no compulsion. A man goes round and collects it from the weavers. If they care to give him something, they do; and if they do not they do not.

6398. It is a kind of tip?—Yes. We think it should be done away with altogether. We think the employer should pay for that bit of labour as regards closet cleaning.

6399. With regard to hot water, you see no objection to payment being made?—That is so.

6400. You make a distinction between deductions from wages and payment being made to the employer?—Yes, for those outside things. They have nothing to do with work. They are really outside things altogether. The hot water is part of the workman's food preparation. If the employer did not provide it, he would have to go across to an old lady who keeps a big kettle on the fire, and pay her instead of the employer. When it was done in the mill, the employer gets so much better production, because there is no loss of time in going outside. That is the reason of it.

6401. We have had evidence that sometimes the charge for hot water is excessive?—Our uniform rate is 1d. a week, and you can have hot water twice a day. You can have a pint or a quart. There is nothing excessive about the charge so far as we are concerned.

6402. Supposing that it were considered right to bring these charges under regulation, you would see no objection to a regulation under which the employee made some payment?—We think it is a matter for arrangement between themselves and that the law should not interfere with it. I can go outside and get it if I want to. It is a matter for mutual arrangement entirely.

6403. We have had evidence that some employees are compelled to pay for hot water whether they have it or not?—That would not happen with us.

6404. You stated you had some cases of suspension at present?—Not in our trade. I know the system is in operation in certain iron works, but we have none in our trade that I know of. We may have an odd case, but they never come to us. I know now of young fellows, grown up men, who are silly enough to get over the line on Sunday night and do not turn up on Monday, or have left work and gone away to a football match, and the employer says, "Now you can stop away for the week end." The employee never comes to us in such a case, because it is his fault, and it is nothing we can interfere with. If a man left his work to go to a football match or anything like that, I should say it served him right, and he would have to face it himself.

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6405. Are there any disciplinary fines besides those for unpunctuality?—No; that is practically the only fine we have. Some of them have put a notice up—they are very rare—that if the employees are not there at a certain time they will fine them 2d. Some of them have said that if they sweep while the machinery is in motion or clean while the machinery is in motion, they would fine the employees—no definite sum fixed, but they would be liable to a fine. That has been done.

6406. That is occasional?—Yes; there is no regular system.

6407. In regard to the unpunctuality fines, is there any system in the cotton trade, when a worker is late, of shutting him out till breakfast time?—Yes, in a few cases. It used to be so when I was in the mill, but I have not heard of it much lately. If you were five minutes late, you were fined, but if you were not in at just turned the five minutes, they would lock the door for a quarter of an hour, till, say, a quarter past six, and if you were not in them, they would lock the door till half past six. The manager or overseer would go at stated times to open the door, and as you passed through your number was taken. If it was the first time, they might overlook it—"What is the reason? You are not usually late." "I forgot to wind the alarm up," or "The knocker-up did not come in time." It is an exceptional case, and it would be overlooked in that case. If he is a chap who is guilty of it frequently, he has to stand the racket of it.

6408. I meant a worker coming late being shut out for a couple of hours till breakfast time, and being prevented from earning his wages for that period?—That is very rare in the cotton trade. I do not know of any case in our town. It is done in the iron trade, but not with us. It is too serious a loss for the employer to have his machinery stopped all that time. If he can have it going at half past six, he will do so.

6409. Would you say they got the best class of workers at those places which you mentioned where they do without fines altogether?—Yes. The two mills in our town, which I have in my mind, practically do the home trade only; they may have an occasional order which is not home trade, but as a rule it is home trade and they must have the best class of workers.

6410. Would you say they can do without fines because they have the best class of workers, or that they get the best class of workers because they do without fines?—I believe it is because the firm find it is effective.

6411. They want a high class of operatives?—They must have the highest class. Of course, they have to put up with the learners. They have the same difficulty as any other firm; they have to train them. When a weaver goes from a rough place, he has to be trained. They have to show patience and put up with their faults. We have what we call firsts and seconds. The firsts go through and you do not expect to have any deductions in Manchester for them, but with regard to the seconds, you tell the buyer they are seconds. They may increase their seconds while they are training new men or women up to the standard of that mill as against the one they left.

6412. With regard to fines on children and young persons, are the children sometimes paid, not by the occupier of the factory, but by the child's immediate superior?—Yes. They are what we call tenters. They come in at any time after twelve years of age; many of them run to nearly thirteen before they come in now. For the first twelve months, they are tenting and learning, and eventually, when they get to about fourteen or fifteen, they get two looms. Previous to that point, they are paid by the weaver, 2s. 6d., or 2s. 9d., or 3s., according to the quality of the mill they are working at.

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6413. Have you ever heard of deductions being made from the children's wages by the weaver?—No; I have never heard of that. If there were, there would be a serious row between them and me.

By the Chairman.

6414. You have referred to your own town several times: that is Darwen?—Yes.

6415. There is one question which a member of the Committee wishes me to put to you, broadly: is there any feeling of injustice in the minds of the operatives with regard to the system of fines now in vogue?—Yes. The feeling of injustice amongst them arises from the fact, which I think I mentioned in one of my points, that an employer always has possession; he deducts the money and forces us to take legal action. We think that he has no more right to possession than anybody else, and if he has a damage, he has a legal process. It does not always follow that he will go to law. If he makes a claim it will have to be arranged between the weaver and his union, and if we cannot arrange it then he has to take legal process. But now, he always deducts the fine and forces us into court to recover. We think if he has a claim, if he is not satisfied with a discharge, he ought to take his legal remedy in the ordinary way.

6416. As matters stand, when an unjust charge is made, the burden of getting rid of it falls very heavily upon the operative?—Yes.

6417. As to the collections for hospitals, I understand they are not done by way of compulsion?—No.

6418. But by voluntary arrangement?—Yes.

6419. In the district to which you refer, are hospitals adequately supported?—Yes.

6420. By voluntary subscriptions?—Yes, once a quarter. In some districts it is more frequent. I think Burnley has it more frequently than once a quarter. It all depends on the area covered by the hospital. Our hospital is in Blackburn, so there is a big collection in Blackburn. If Blackburn were to find the whole of the subscriptions for that hospital, they might have to make them more frequently, but they can bring in Darwen to assist.

6421. There is one question upon which I am rather anxious to get your opinion. Of course, you represent here a large organisation, and evidently an organisation of highly-skilled labour; I want you to cast your mind on the position of the unorganised workers of the country. The evidence which you have given to us was in favour of the total abolition of fines and deductions; would that, in your opinion, be likely to benefit the unorganised workers also, those who have no effective voice or control with the employers, just as much as, if not more than, the organised ones?—I should think so, from this point of view. If they are less able to recover unfair fines, they are suffering more from the fining system, and an employer would hesitate to discharge when he would not hesitate to inflict a fine. Generally, I think the effect would be beneficial.

6422. If the law negatived the possibility of fining, you think that would be very helpful to unorganised labour?—I believe the total abolition of fining would put the unorganised labourers in a far better position than they are to-day, when they are unable to take definite action against excessive fines.

6423. I will point out to you that in the case of tests which your organisation has applied, those could only be undertaken where the organisation is a powerful one?—Yes.

6424. In the case of unorganised labour they must be content to suffer?—Exactly, and that is why I think the abolition would be more beneficial to them than it is to us. That is my view.

6425. That is what I was coming to. Now, another point: is it your opinion, looking to the case of unorganised labour, that whatever is done with regard to fines and deductions, ought if possible to be made applicable to cases of outworkers?—Oh yes.

6426 I suppose it is within the range of your information that some of the hardest cases in the country have arisen in connection with the poor outworkers?—Yes.

6427. And that up to now the law has denied them a remedy on account of technical defects in the Statute?—Yes.

6428. Although you are organised yourselves, I suppose your organisation would favour the extension of those legal remedies to the poor and helpless classes to whom I have referred?—Yes, I should favour that, because I believe the effect would be that the outworkers would then know definitely what they were going to earn. At present, their position really is that they never know what their week's wages will be until they have returned their work and have had it passed. The deductions which they have to suffer are very serious when you consider the amount of money they earn, and the uncertainty whether the work will be satisfactory or not.

6429. I thought it was only fair to put these points to you, although they are a little beyond your scope?—Thank you.

TWENTY-SIXTH DAY.

Tuesday, 4th December, 1906.

PRESENT.

The Right Hon. THOMAS SHAW K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. WILLIAM BARNES was called; and Examined.

Mr. W. Barnes.
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By the Chairman.

6430. Will you kindly tell us the Association which you represent?—The Northumberland and Durham Miners' Permanent Relief Fund.

6431. You have a note on your *précis* with regard to the Central Association for Dealing with Distress Caused by Mining Accidents: what do you say with regard to that?—That is an amalgamation of all the Permanent Relief Societies which are in existence. We have the Central Association, and we meet periodically. We have our annual conference every year. Our presence here to-day is the outcome of a meeting held on the 27th of last May, in London, and we unanimously protested against any alteration in the law relating to the Truck Act.

6432. Tell me first the membership of the Central Association?—I think it is about 330,000, and 313,000 were represented.

6433. What is the class of workers?—Principally miners and surface people.

6434. In England and Wales?—In England and Wales.

6435. By surface people, do you mean those engaged in colliery work?—Engaged in connection with the working of the collieries.

6436. The Central Association was formed in 1878?—Yes.

6437. I see from your *précis* that the societies have dealt with 1,090,995 disablement cases, and 12,209 fatal accidents, bringing upon the fund 8,399 widows and 15,491 children?—Yes.

6438. Is the magnitude of the operations of the societies in reality much greater than is indicated by those figures ?—Certainly. These are the figures of all the societies combined.

6439. Because some of the institutions had begun their work prior to 1878 ?—Yes. The society which I represent commenced in 1862. We were the first society.

6440. At the close of the year 1905, the societies jointly had on their funds 3,659 widows and 3,504 children, together with approximately 3,000 permanently disabled members ?—Yes.

6441. And during the same year, 1905, the societies had dealt with 52,902 new accident cases ?—Yes.

6442. Was that in the one year ?—Yes.

6443. At the same date, the great Northumberland and Durham Society had on the funds of the Superannuation Department no fewer than 4,591 aged men in receipt of old age allowances ?—That is so.

6444. Now we come to your position with regard to the Truck Acts. Your Association, of course, may be classed along with hospitals under the category of charitable organisations ?—Yes.

6445. What is the mode of operation in regard to the subscriptions to the Funds required for these charitable and benevolent purposes ?—Speaking for the Northumberland and Durham Society, at the present time they are subscribed in this way. When they commenced, the money used to be collected from the people in various ways, sometimes at meeting houses, sometimes at the pit head, or anywhere where they could catch the people to provide the funds to commence with.

6446. Who were the actual collectors of the money ?—The people appointed—the secretary and treasurer and committees of various branches. That continued at a slow rate of progress for many years, until we got an arrangement between the society and the owners, by which it was agreed that they would assist the society in their endeavours to try to get the men to contribute to the fund, and that, with that in view, they would allow their overman or cashier to deduct the money from the men at the colliery. As soon as that came into operation, the society went up by leaps and bounds in membership.

6447. Did the idea of that originate with the men ?—Yes.

6448. And then the owners agreed ?—Yes.

6449. About what year was it that occurred ?—Somewhere about 1878.

6450. Since that, has that system been continuously in operation ?—At that time it was not fully equipped, but it followed on till between 1880 and 1890 it was fully accomplished. At all places where the men worked they paid to the fund.

6451. I want to get some details about that from you. When a man in Northumberland and Durham under this system goes and asks for work, is the footing upon which he receives work that he must become a contributor to your fund ?—No.

6452. Is he left free to become a contributor or not ?—Yes. He commences work, and he goes on working, and when his pay comes round the money for the fund is deducted from him. If he is satisfied, that goes on ; if he is dissatisfied his money is returned.

6453. How does he intimate his dissatisfaction ?—By asking for his contribution to be returned.

6454. Have you known any such cases ?—Just one or two. It is a very rare thing.

6455. Let me put the ordinary case I was figuring, of a man out of employment going to a colliery and asking to be employed as a miner ; when he is taken on, is anything said to him as to his being expected to contribute to this Permanent Relief Fund ?—No ; there is no condition whatever.

6456. Are there any notices posted up at the pit head, or anywhere about the mine with regard to it ?—No.

6457. You remember the passing of the Workmen's Compensation Act ?—Yes.

6458. There was anxiety at that time as to what might be the fate of the societies ?—Yes.

6459. How did that anxiety arise ?—There was the fear that the provision made by the Act for compensation might have a damaging effect upon the permanent relief funds, and an attempt was made at an amalgamation so as to let the permanent relief funds pay the compensation, but no arrangement was come to and the things have gone on from that time as separate and distinct funds. We, as permanent relief societies, take no notice whatever of the compensation provided for by the Act.

6460. So that the working institution which you represent to-day has gone on ?—Yes, and gone on very rapidly, because it has shewn a great increase of members. Even since 1897 we have shewn a large increase of membership.

6461. What is the system adopted for the collection of these contributions ?—The system is this. They pay fortnightly, and in some cases weekly. When the pay comes round these deductions take place from the workman's note shewing that so-and-so has been deducted from his pay. Then at each colliery we have a secretary, treasurer and chairman, and four committee men ; if there are a dozen members we have six committee men, who are elected annually. They make out the quarterly balance sheet, and when the treasurer goes to the office, he has this book. (*Handing same to the Chairman.*)

6462. The treasurer goes with this book ?—To the cashier at the colliery. Then the cashier turns the money over to the treasurer and he signs a paper to say he has received so much.

6463. I see this book is headed, " An Account of the Total Amount of Contributions kept off by the Cashier or other Person at the Pit Office at So-and-so Colliery " ?—That is so.

6464. So the representatives of the workmen get a full statement from the colliery owner of everything which has been taken and each workman is named ?—Yes.

6465. In that way, your officials and committee are able to check the entire body of transactions ?—Yes. This is the balance sheet. (*Handing same to the Chairman.*) That confirms that little book each quarter to shew the contributions which were given. That book represents an entire colliery, with 2,600 members.

6466. Substantially may I take it that it comes to this, that for purposes of mutual convenience the employers act as the agents of the men in the collection of those sums from the wages, and as such agents, they give an account to the society ?—Yes.

6467. And making the payment to the society in this way from their wages, the workmen are relieved of the necessity of individual collection ?—Yes.

6468. Then they administer their funds by taking into account the gross receipts published to them by the colliery. Does that accurately describe your way of working ?—Yes.

6469. Coupled with that, may I put it that no workman is a compulsory member ?—That is so. In the first place, as I have already described, the money is kept off men in good faith. If they wish to have their money returned, it is returned. But, as I say, there have only been a few cases ; in our great society of 160,000 members, I do not recollect more than half a dozen in the last three or four years.

6470. I gather from your evidence that the associations between workmen and employers with regard to this matter have been of the most friendly description ?—Very friendly.

6471. As to the management of the moneys so ingathered, that of course is a matter entirely for the workmen themselves, acting through their officials and committee ?—Entirely.

6472. I must put this to you, in order to have it clearly before the mind of the Committee. Suppose you found a body of men at a colliery who declined to join the society, would they be as well received by the employers, do you think ?—Oh yes ; there is nothing of that in any way ; in fact, of late we have never had anything of that sort. We have men in now at the present time, principally underground, but also surface men, who do not care to join the society, and they are left alone. There may be a dozen men working in a place and there may be two out. There is no notice whatever taken of them in any way.

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6473. I think you said that by collecting the money in this way your membership had largely increased?—Oh yes.

6474. And of course the expense of collection has been reduced to nothing?—Oh no, not the expense of collection. According to our Rules we pay 1s. 2d. in the £ for the collection of this money.

6475. To the employers as your agents?—We pay to the cashier 6d. in the £ for these deductions, and we pay 8d. in the £ to the secretary and treasurer, between them. Then we pay the Committee small sums for attending the meetings. When the money was collected outside, it was a terrible expense.

6476. I want to get at the comparative statement?—It used to be very costly because we used to have meetings at several places, whereas, as you will see by that balance sheet, we can hold one meeting of 2,600 members. It really meant that prior to that arrangement we would have had to have had four or five different places for collecting, and that all meant extra expense.

6477. You have not mentioned the sums which are contributed. Do they bear a proportion to the wages earned?—A full member pays 5d. a week. For that, he is entitled to benefit from accident, non-fatal or fatal, and a contribution of 2½d. out of that 5d. goes to the Old Age Department. When a man attains the age of sixty and is permanently unfit to work he can have 5s. a week out of the contributions given to the Superannuation Department, which is a separate and distinct department.

6478. The other 2½d. goes to the Accident Fund?—Yes, Accident, Widows and Children.

6479. Is that 5d. a week irrespective of the amount earned by the workman?—Yes.

6480–81. It is a stated figure?—Yes; I may say it is an agreed figure. Up to 1903, it was only 4d. a week. Then we had a rise of 1d. in the week, which made it 5d. by consent of the workmen.

6482. Is this association under the Friendly Societies Act?—Yes.

6483. And its rules are approved by the department?—Yes.

6484. The statistics of its finance have to be submitted to the department?—Yes, every five years. We submit them annually, and we get the five years according to the Friendly Societies' Act.

6485. I see you draw a distinction here between a permanent relief society and other societies; you say the miner occupies an exceptional position?—Yes.

6486. Your view appears to be expressed thus: "The miner's contribution to his ordinary sick club may be collected at leisure, but in the case of his permanent relief society the case is different; the pitman frequently changes his place of employment, and consequently, it is of vital importance to him and his wife and family" that he should be a contributor, whatever part of the country he happens to be employed in?—Yes.

6487. Have the Associations which you represent so covered the ground that if a man leaves one district for another he still retains his connection with the Association undisturbed?—Yes; that is as far as our Society is concerned.

6488. The Northumberland and Durham Society?—Yes. If the members of our society, working in collieries in our area, go from one colliery to another, they continue their membership undisturbed.

6489. Now come to the case where a man leaves Northumberland and Durham and goes to Scotland; what do you do in that case?—He can continue his membership by sending his money to the general office. If he did not do that, as soon as he allowed a certain time to elapse, he would dis-member himself.

6490. Supposing a man had been a member for ten years, without making any claim on the fund, and then for family reasons, removed beyond the range of your society's operations, would any allowance be made to him for his ten years contribution?—He has the opportunity of retaining his membership. If he goes against the rules, he loses by it, but he has the chance of continuing. Once he is a member he can continue and go where he will in Great Britain.

6491. The forfeiture occurs if he breaks the rule by not contributing?—Yes.

6492. And that forfeiture is a matter of contract originally?—Yes. We have people in Scotland and different parts who have been on our side, and who wish to continue, from whom we receive contributions regularly every month.

6493. You said, "if in Great Britain": suppose he goes to Canada?—His membership would be considered forfeited.

6494. Forfeiture is incurred in that case?—Yes. We allow visits. Anybody can go on a visit, by making a condition with the committee.

6495. I think you say that the opinion of the men seems to be unanimous in favour of the system?—Practically unanimous.

6496. Do you find that immediately on entering the works they claim the benefit of becoming members?—They all become members as soon as they start work.

6497. I suppose that arises from the consciousness that their life is surrounded with peril?—Yes.

6498. In your opinion is it important that these facilities for becoming a member of such a Society, which are afforded by the present practice, should not be interfered with by law?—That is our idea. We think it would be very detrimental.

6499. You think it would result in much suffering?—It would revert us back to the old system, when the older men suffered so much to get a society constituted.

6500. If this system is stopped, your opinion is that a large amount of the beneficent work of the permanent relief societies will disappear?—Yes, it is our idea that it will. We are safer in keeping our members by deductions than we are without them.

6501. Have you any doubt that if the law forbad these deductions from wages the membership of the societies would go down?—Well, we would not be so assured of the membership if we had to revert back to the old system, because we have proved that it was not so good as the system we now have.

6502. And the expense of financing and collecting?—Would be decidedly more.

6503. They would increase?—Yes. If you had to get people to go from door to door, the collection of £10 would be a serious matter, whereas we only pay 5s. at the office for every £10 collected.

6504. The money would have to be collected in sums of 5d. each?—Yes.

6505. What would be the cost of collection?—We should very likely have to arrange a certain system. We used to pay about 1s. 4d. in the £ to collect money from door to door.

6506. At present you pay 1s. 2d.?—Yes.

6507. There is very little difference?—But these people who have the 8d. in the £ are considered to be very well paid, while the others would be very badly paid. I know the people who get it in the present way would not like to revert to the method of getting it by collecting it.

6508. I suppose your views are also authoritatively expressed in this letter which is addressed to the Committee from Tower Buildings, Wigan?—That was the statement sent to the Tower Buildings.

6509. We need not print the statement because we have been able to get it by word of mouth from you, but you will permit us to print the table which is appended to it if we think it advisable?—Quite so. There is one thing I should like to mention, which you did not put to me. We are called the Northumberland and Durham Miners' Permanent Relief Fund, but since the inauguration of those two counties, we have taken over Cleveland and Cumberland. It is only fair for you to know that.

6510. The membership is very small comparatively?—Yes. We have more from one colliery than we have from all Cumberland. We have in Cleveland 7,075; in Cumberland 2,687; in Northumberland, 37,657, and in Durham, 112,495, making a total of 159,914. These societies, West Cumberland and Cleveland, have been with us a good number of years now.

6511. And for all purposes of management, we may consider them active branches of the Northumberland and Durham Society ?—Yes.

6512. I suppose you would object to any system of deductions from wages, even for permanent benefit, unless the men themselves actually managed the contributions of the associations ?—Yes. We would not let a thing fall out of the management of the men, even if the membership went below 100; in all places it is entirely in the men's hands. There are places where overmen and deputies are on the committee, and they co-operate with the branches, but that is only in a few instances.

6513. Do the employers contribute to those funds, or is it from beginning to end a workman's association, the total contributions being given by the workmen, and the employers only interfering in that beneficial way you described, by acting as the convenient agents in the collection ?—Yes. We do not receive one penny from the employers now and have not done since the passing of the Workman's Compensation Act. It is entirely workmen's cont ibutions. At the commencement of the fund the employers paid 20 per cent. on the members' contributions.

6514. Substantially, this matter, although it assumes the form of deduction from wages, is an arranged matter of business between the workmen and the employers ?—Yes, and very much to the advantage of the workmen.

6515. I understand you are emphatically opposed to the law permitting that kind of business being interfered with ?—The Central Association is, yes.

By Sir Frederick Cawley.

6516. You say the employers allow their cashiers to deduct the money, and the cashier receives 6d. in the £ ?—Yes.

6517. That is 2½ per cent ?—Yes.

6518. Then you mentioned some other payments which were made. As I take it, that is the sole cost of your collection, 2½ per cent. on the fund ?—Oh no. There is 1s. 2d. in the £ paid. 6d. is what the cashier or overman, or whoever takes the money, gets. There is other 8d. paid to the secretary and treasurer of each branch.

6519. That is the point I wish to elucidate. Is that all in connection with collection or is it in connection with the administration of the fund ?—It is in connection with the administration of the fund—the money got at the office.

6520. It is not part of the collecting at all; the collecting is done by the cashier in the different works and then the money collected is handed on to these officials of your society who get 8d. in the £. ?—That is for doing the duty of secretary and transacting the business—paying the recipients and doing all the business in connection with the branch.

By the Chairman.

6521. The general management ?—The local management.

By Sir Frederick Cawley.

6522. The point I wish to get at is this: the sole cost of the actual collection of the money is only 2½ per cent. on the fund—6d. in the £ ?—For the collecting at the colliery ?

6523. For the collecting ?—Yes.

6524. And the money is handed to the Treasurer ?—Yes.

6525. In bulk ?—Yes.

6526. And therefore there is no further cost with regard to collection ?—No.

6527. What do you think would be the cost of collection if it were done, not in this way, but in the old way—from house to house—or in any other way you like?—I could not say, but it would be double what we pay now.

6528. You think it would be at least double ?—Yes. I know this; there are people who go round collecting who are allowed 7½ per cent. for the work. That is with regard to other matters which I know of, where collection is made, where they have not an opportunity of making the collection at the collieries. We could not get it done for less than 5 per cent., I think, if it had to be collected.

6529. You think it could be done for 5 per cent. ? You say other societies pay 7½ per cent ?—I have known matters of this sort where they have had to pay that. There is no doubt the percentage would vary a good deal. It must cost a great deal more to collect from door to door.

6530. I want to get your idea of the extra cost; do you think it would cost 5 per cent. more ?—We never got a good idea of what the collection would cost, because I know very well that at the beginning men did the work of collection more as a matter of trying to get the society established; the society being in low water they did it at very low cost. They were not paid at that time, even for the work done.

6531. I am only asking for your opinion. What do you think it would cost ? It now costs 6d. in the £ to collect your fund; can you tell me what you think it would cost if collected in the old way ?—I have an idea that it would cost double, or more.

6532. That mean it would cost 2½ per cent. more to collect in any other way than that which is now adopted ?—Yes. There is another point too, that we have more assurance of collecting the money by our present method than by the old method.

6533. And there is no chance of the collector going away with the money There is no chance of bad debts by the present method, if I may put it so ?—Oh, yes, there is, if a man gets the money and goes away with it.

6534. But if the money is handed by the employer's cashier to the society, as far as the collection of it goes, it is absolutely safe ?—It is safe till it gets into the treasurer's hands.

6535. If you had to employ collectors, you would have to have them insured, or else you might lose money sometimes, as we know is the case ?—We have them at the present time under a bond.

6536. But you have no collectors now ?—No, but we have those men who are responsible for the money—our treasurers—under a bond now, according to the amount of money which passes through their hands.

6537. What is the total amount of the funds collected ? About £150,000 last year.

6538. Which costs £3,750 a year by the present system to collect ?—Yes.

6539. So that if I am right in my calculation, the present system saves your association £3,750 a year and besides that, you have no risk of bad debts, and therefore the cost of insuring the collectors is practically done away with ?—Yes.

By Mr. Walsh.

6540. I understood you that these societies met in May last ?—That is so.

6541. And entered what was practically a unanimous protest against interference with the Truck Act ?—Yes—I want to be clear upon that—that is, so far as the Permanent relief fund is concerned. We did not consider anything else. The Central Association only deals with permanent relief funds.

6542. So that you do not carry it quite so far as your first statement on your *précis* might lead one to suppose: you did not enter a unanimous protest against interference with the Truck Act altogether ?—Decidedly not. All we want is the law to be left entirely as it is so far as permanent relief societies are concerned.

6543. So far as concerns deductions from wages in respect of contributions to permanent relief societies ?—Yes.

6544. With that proviso, your first statement stands ?—Yes. We do not complain about anything except what we are interested in, namely the permanent relief societies.

6545. You have spoken of collecting at the pit heads ?—Yes.

6546. And at the homes of the people ?—Yes, and meeting the men when they come out of the pit, at the colliery office, and so on.

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6547. And other various ways in which you could most effectively catch your hare, so to speak ?—Yes.

6548. Were the results very satisfactory under those circumstances ?—They were not.

6549. You started in 1862 ?—Yes.

6550. Up to 1868, which is a period of seven years, you obtained under those circumstances a membership of 12,500 ?—Yes.

6551. At the rate of 1,750 new members in a year, roughly speaking ?—Yes.

6552. Giving an average of thirty new members per week ?—Yes.

6553. You have, of course, enormous mining counties in Northumberland and Durham ?—Yes.

6554. With very large mining populations ?—Yes.

6555. Did that seem to imply that the people were very anxious to join the societies ?—Very anxious after they were fairly set on foot.

6556. Of course the canvass would be a continuous one ?—At first it was a continuous canvass.

6557. That was successful to the extent of thirty new members a week out of probably 120,000 miners ?—Certainly ; they kept coming on and coming on. I might say we got the greatest success when we got the arrangement with the owners with regard to the deductions.

6558. When you got the employers to make the deductions the figures went up by leaps and bounds ; in three years, from 1870 to 1873, you leaped up from 16,500 to 27,000 ?—Yes.

6559. And from 1873 to 1875 you leaped up very similarly—from 27,000 to 44,000 ?—Yes.

6560. Was the assistance of the employers entirely disinterested ?—They were disinterested in the assistance they gave to us. We got an arrangement with them to allow their cashiers to deduct the money. By that system, we got a good deal larger membership than we probably would have got in any other way.

6561. So that really from 1869 to 1875 the system was completely changed—from a system which had been one of voluntary contributions to one of passive deduction. Is that the case ?—It came like this. It still followed the voluntary principle but by a different method. The overmen were told, " Keep the money off the men, and if they demur, give them their money back." By that system a good many people came on the fund who did not care very much about it before, who did not care to object to being members. There was nothing to object to. They could have objected, and said they would not be members, but they did not do that.

6562. I suppose you know the work of the great friendly societies of the country ?—Yes. I know most about our own.

6563. You have been acquainted with large bodies of men ?—Yes.

6564. And the chances are you know a good deal, at least of the old friendly societies of the country, such as the Manchester Odd-Fellows, and many others ?—Yes.

6565. Do you think you have any superior claim as compared with societies such as those ? You are probably aware that those depend upon the voluntary payment of the members ?—That is quite true.

6566. That there is no system whereby they can deduct from the wages of the people the payments supposed to be requisite for such societies. There is no method whereby they can deduct the contributions from wages ?—I quite understand there is not.

6567. Therefore I put it to you, do you consider that you yourselves have any superior claim as compared with the great friendly societies of the country ?—My answer to that would be this. Our people are all in one class. The members of the other societies are a mixed class. That is why their collecting will be more successful than it would be with us. While all our people are together, and all in a combine, we feel that we have a sort of superior claim.

6568. Whom do you mean by " we " ?—I mean the people who are members of friendly societies are of various classes, all classes, whereas our men are all one class, miners.

6569. Do you think that that constitutes a special and superior claim ?—I would not like to say that it constitutes a superior claim. We seem to know our own class best. If the friendly societies such as you mentioned had the same system as we have, it might not be beneficial to them. Their method would be more costly to us, as you will be aware.

6570. Do you think that because your men are all of one class, that constitutes an argument why there should be deductions made from their wages towards the fund instead of the fund being dependent upon voluntary contributions ?—Our men are all together, and it is a great convenience.

6571. Do you think that constitutes a reason why the payment, instead of being a voluntary contribution, should be in the form of deductions from wages ?—It constitutes our reason. You must know that the friendly societies' method would be a very costly matter.

6572. We shall come to the cost later, or rather the Chairman has gone into that and I do not know that it is necessary for me to do so. Do you think that because a deduction has been made from wages, and because a specific and open complaint has not been made of that, that that is equivalent to the contributions being voluntarily made ?—I do.

6573. Because the men have not grumbled, you think it is voluntary ?—Yes ; if a man does grumble, he can get his money back.

6574. Therefore you think it is perfectly right that the deduction should be made, because he has an opportunity of grumbling afterwards and does not do so ?—I think it is perfectly right for a combination of men to allow their money to be deducted, with the option of saying that they will pay or will not pay.

6575. You have spoken of the origin of the fund ; you say, " It was considered that something should be done to relieve the distress caused by mining accidents, not only where more than one life was lost, but in every individual fatal accident " ?—Yes.

6576. That was the origin ?—Yes.

6577. Suppose those circumstances had not existed, would there have been any need for the fund ?—But they did exist.

6578. Supposing they had not existed, can you imagine any need for the fund ?—Yes, there is need for the fund. The provision is really needed.

6579. Suppose that the law of the land had in the meantime stepped in and done away with these causes, which amount to the origin of these things, would you not think that the primary cause of the existence of the societies would also be removed ?—It would have been a very serious matter for the people.

6580. Do you think the primary cause of the existence of the societies would be removed if the law stepped in and did away with the reasons for which the societies were started ?—The law should never be allowed to attempt to stop anybody from making progress.

6581. Let me put it in this way. Every fatal accident, at least in mining, is now met by the law of the land ?—Yes.

6582. Every individual case of disablement is met by the law of the land, with the exception of cases where there has been serious and wilful misconduct on the part of the workmen, which are very few indeed ?—Yes.

6583. Every single case of disablement is met by the law of the land ?—Yes.

6584. Do you consider that the special cause which brought these societies into existence has now been overridden by the law of the land ?—We were in advance of the law of the land at the time we commenced.

6585. Do you consider that the special cause which brought these societies into existence has been done away with by the law of the land ?—I think not.

6586. Will you tell us what special causes still exist ?—There is a good deal of special cause. There are a number of accidents which the Workmen's Compensation Act does not provide for. There are numerous accidents which we pay for under our rules which are not subjects for compensation.

6587. Will you tell us what special kind of accidents those are?—If a man happens to get his hand hurt, or a part of his body, we pay. They are cases we pay for according to our rules. Then whatever the misconduct may be, if it is brought in as an accident, we pay. There is nothing which occurs down the pit in the way of accident that we do not pay for, from the date of the accident, whether wilful or not.

6588. You think that in order to provide for those comparatively few occurrences it is necessary to make deductions from 150,000 members?—We have done that all along. Why should they not be allowed to make provision, even though there be compensation according to the law of the land? Whatever they may get from the compensation, is that sufficient to maintain a man? There cannot be anything wrong in a man providing something more, even supposing he gets 10s. a week from the compensation; there cannot be anything wrong in his getting 10s. from other sources.

6589. I am only referring to the statement you have submitted to us as to the reason for the founding of this fund. You say, "It was considered that something should be done to relieve the distress caused by mining accidents, not only where more than one life was lost, but in every individual fatal accident." I am asking you, assuming that to be the real intention of these societies, if that reason has not broadly been removed?—Certainly, it has been removed somewhat, but there were over 200 lives lost in a shaft accident at Hartley Colliery.

6590. That was forty-four years ago?—Yes. Not one of those were provided for in any way. There was no State provision for those people. The people themselves, by their voluntary subscriptions, led the way for anything that might happen in the future. Small accidents, where only a few people were injured, took place, and then in 1880 we had an explosion at Seaham Colliery, where 164 lives were lost. Out of those, 160 were members of our fund.

6591. Supposing the Workmen's Compensation Act, 1897 had been in existence at that time, and the State in its wisdom had seen the necessity for providing for that condition of things, would there have been any need for these relief societies?—You put to me that which has just come up to date?

6592. Yes. I wish to put this to you. You are laying before this Committee (very properly, of course, from your point of view) that a necessity still exists for continuing this condition of things, the main cause for which has been already removed by the law. Do you still submit that the condition of things which came into existence forty-four years ago should be continued, whatever may be the state of the law?—I do under the present circumstances, for the very reason that it gives the people a chance of making provision, a chance of exercising thrift.

6593. You speak here, I understand, not only on behalf of the Northumberland and Durham Societies, but on behalf of the other societies attached to the Central Association?—I speak for the Northumberland and Durham Society. If there is any question of a society outside our own, I should rather that those people who know more about it should answer those questions.

6594. Is there anybody here that can speak upon that?—I can answer any general question on that.

6595. Can you speak for Lancashire?—Yes, on that general point.

6596. On the general statement here you can speak for Lancashire?—Yes.

6597. I see the acting secretary for Lancashire, Mr. David Shaw, is mentioned here in the list of names?—Yes.

6598. You say here in the general statement, "Practically all of the members are enabled to continue their membership by means of the convenient, inexpensive and efficient method of the deduction of their contributions through the colliery office"?—Yes.

6599. That would imply that they are desirous of continuing it?—Yes.

6600. Now I want you to take your memory back to the Employers' Liability Act, 1880: do you remember anything of the Lancashire and Cheshire Miners' Relief Society before that year?—I cannot say I can.

6601. Are you aware that the employers in Lancashire and Cheshire forced the men to contract out of that Act and to enter this society, as a condition of employment?—I am not aware of it.

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6602. To that extent you cannot answer for Lancashire?—No. There is a gentleman here who may be able to do so.

6603. You may take it from me that the condition of the employment that the workmen must contract out of the provisions of the Employers' Liability Act and become members of the Lancashire and Cheshire Miners' Permanent Relief Society prevailed very largely. Do you think that is a method whereby voluntary contributions are made?—That is a matter that I would hardly care to go into. It is a matter I do not know of. From our own society, I could have said something on that matter.

6604. You are not in a position to speak for Lancashire?—No; I would not like to do that.

6605. Did the Northumberland and Durham colliers contract out of the Act of 1880?—No, they did not. In Cheshire there were a lot of owners who paid 20 per cent. contribution up to that time, who ceased paying it.

6606. So far as the Act was concerned, for good or for evil, it was open to the men?—There was no contracting out. I know that well, because I was in the mine at the time.

6607. Is there any means of gauging the solvency of these societies represented in this memorandum?—Every five years—we are in the last year now—we have an actuary to go through the accounts, under the Friendly Societies Act. That gives us an idea of our solvency. They give it in this way—how the society should stand, and how much money it should have to meet its liabilities. But we are a going concern, and all the societies are going concerns. They will say to us at the end of the year, "You are not solvent; you need so much to make you solvent." I know very well we need a good deal of money to make us solvent. We have £371,000 in our fund now, but we have a terrible liability. We have the liability of pensions for the aged.

6608. What did they actually say with regard to the solvency of your own society?—The last time the actuary went through our accounts he advised us to make an alteration, and the alteration was to put on ½d. per week, and to give no increased benefit. We went to our members with two propositions: one, to increase the contributions ½d. per week and to give no increased benefits, and second, to increase the contributions by 1d. per week, and, to give another 1s. per week to the old men. We used to give them 4s. per week prior to that. That more than met the liability for the time being; that is, it was more than we really needed to meet the liability. From that time we have saved from £25,000 to £30,000 a year. But there is a liability to meet that, because we are getting on at the rate of over 800 old men per annum. The last three years have averaged 810 men a year at 5s. a week whom we have had to provide for.

6609. You have put 1d. a week upon the contributions?—Yes.

6610. And have given 1s. a week extra to men over sixty years of age?—Yes.

6611. So that in-coming members are paying increased contributions because of the accrued liabilities of the past?—If they live long enough they will benefit by it.

6612. What does the actuary say with regard to your solvency? Does he say your society is solvent or invent, and if insolvent, to what extent?—He pointed out at the end of the last five years that we were about £29,000 to the bad. The increased contributions, as I have already told you, should in time work out, and we should become a solvent society. But we are a going concern.

6613. There are a good many going concerns. Do you know anything of the condition of the Lancashire and Cheshire Miners' Permanent Relief Society?—We meet very often on these matters, but I could not answer questions closely connected with that society.

6614. I do not wish to press you any further?—If I could answer you I would, but it is no use my making a statement when I do not know anything about it Anything in connection with our own society I am willing to give.

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By Mr. Maddison.

6615. What is the attitude of the Northumberland Miners' Union and the Durham Miners' Union toward permanent relief?—Very friendly.

6616. Are you a member of either of those bodies?—I am a member of the Durham Miners' Union, and have been ever since it was commenced.

6617. Would you say that the attitude of the Durham Miners' Union and of the Northumberland Miners' Union is expressed by your own statement here about permanent relief societies?—All the leading men have been on our committee and have worked with us—from Northumberland, Mr. Fenwick and Mr. Burt; and from Durham, Mr. Wilson, Mr. Johnson, and Mr. Taylor. Mr. Wilson is one of our present trustees.

6618. Your answer to my question is that the Durham and Northumberland Miners' Unions are in sympathy with, and support, the miners' relief societies?—Certainly.

6619. What is the attitude of the unions in other counties? I do not want Northumberland and Durham now. Take Lancashire and Yorkshire, or Cheshire, or Somersetshire. A general answer will do for me?—I would not care to give evidence as to the unions in those counties. These gentlemen present may be able to answer that

6620. It is a general question?—Anything in connection with permanent relief societies I can readily answer, but you ask a question with regard to the trades unions?

6621. You have given a very clear straightforward answer as to the attitude of the Durham and Northumberland Miners' Unions towards permanent relief. Now, I put the same question about the unions in other counties. What is your answer?—I would not care to answer it, because they may vary from the attitude of Durham and Northumberland.

6622. Do you think they do?—I do not think so; I cannot say they do.

6623. In a general way, would you think the miners' unions throughout the country are in favour of permanent relief societies?—Yes.

6624. That is to say, of deductions being made for permanent relief societies?—Yes. We have half of the membership of the unions in the permanent relief societies.

6625. You have made it quite plain that in Durham and Northumberland these relief societies are governed entirely by the men?—Yes.

6626. Is that true of the other counties?—I would not like to say exactly. They have different systems.

6627. You cannot give any general answer, even on behalf of the Central Association?—Only what is here. As far as that is concerned, I quite expect the unions are very forcible with regard to permanent relief funds?

6628. I was not talking of the unions; I was asking you whether in the other counties, outside Durham and Northumberland, these relief societies are governed by the men in the same way as they are in your counties?—Pretty much in that way, but they have more mixture with the owners.

6629. You mean the owners have more control?—Yes; there may be a mixture between the two, which I gather there is in some places.

6630. But you cannot really answer the question with regard to other counties?—No.

6631. Supposing in any county the contribution to the permanent relief societies was a condition of employment, would you still defend deductions?—I would not like to say that. That would be a different matter altogether. I would say at once it had no right to be a condition of employment. We never admitted that.

6632. If it were made a condition of employment, you would support its being made illegal?—Certainly.

6633. You told us that men can continue their subscriptions if living anywhere within the United Kingdom? Yes.

6634. Does that mean whatever occupation they may be following?—With the exception of that of a soldier or sailor. If they meet with an accident outside those occupations we pay. They can continue their membership unless they become a soldier or sailor, and get the same benefit as they would if they remained in the mine.

6635. For any accident in any calling except that of a soldier or sailor, they would receive the benefit?—Yes.

6636. There are a few men who do not contribute to the fund, even in your county?—Yes, surface men.

6637. Just a handful. Supposing anything happened to them, their families would not get any benefit?—No.

6638. Supposing it was a big explosion?—We have had one lately. There has been money collected from the trade, and they would receive that, but they would not receive directly from our fund.

6639. Mr Walsh has put to you some questions in order to see whether the permanent relief societies are really popular with the men, or whether these deductions, in an indirect way, mean compulsion. Your answer, I understand, is that the men are really genuinely in favour of joining those societies?—We never hear any dissatisfaction whatever.

6640. You were asked a question with regard to the effect of the Workmen's Compensation Act, and you declined—I do not think unnaturally—to state what would have happened if matters had been different. But what do you say in view of an enlarged Compensation Act which will, I understand, include beat hand?

By Mr. Walsh.

6641. That is one of the things which is being considered

By Mr. Maddison.

6642. The case you gave does not come under it, but in view of an enlarged Compensation Act, certainly covering a larger area of accidents, are you still of opinion that these relief societies are desirable?—Yes.

6643. Your reason for that is that you think the men do need an addition even to the most liberal law of compensation?—I do.

6644. Have you any other reason?—Yes. Here is a man working for, say, 30s., 35s., or £2 a week, who falls off work, he has compensation given to him from 12s. to 15s. a week. He may have a family, and that is not sufficient to maintain it.

6645. He can well do with an addition, and you think it worth while for him to pay for the addition?—Yes.

6646. And that is the view of the men?—Yes.

6647. With respect to the superior claim, in a sense, which you put forward, for your own society as against friendly societies, in connection with having the collection made by the cashier at the office, do you put that on the ground that as the fund is entirely confined to employees, you have some kind of claim upon the machinery of the office?—Yes.

6648. Have you any other reason but that?—We get the work done at half cost.

6649. But supposing at some big colliery a man preferred to join such a society as the Odd-Fellows, or the Foresters, would you have any objection to them getting the same advantages?—Not at all.

6650. You would raise no objection?—Not at all if they could agree. They would be welcome.

6651. With regard to cost, Sir Frederick Cawley worked it out that a saving of 2½ per cent. on the cost of collection amounted to £3,750; can you tell me what is the total cost which is taken from this £150,000 per annum?—About 10 per cent. or 12 per cent.

6652. Can you give me the figures?—They are not worked out in this statement.

6653. But clearly you do save by using the machinery of the office?—Yes.

6654. You have told us the actuary put you some £29,000 to the bad from the purely solvent point of view?—Yes.

6655. How does that compare with other friendly societies?—There are not many of them very much nearer than we are.

6656. Is it a fact that there is not a friendly society among the large societies which is actuarially solvent?—Yes; we hear they are all insolvent.

6657. From an actuarial point of view ?—Yes.

6658. It was not the opinion of your committee, after carefully considering the actuary's report, that you were more insolvent than the average, well-to-do friendly society ?—That is so.

By Mr. Delevingne.

6659. I think you said that in Northumberland and Durham practically every man employed in the mines was a member of your relief fund ?—Underground, yes.

6660. The total membership of all the amalgamated societies is a little over 300,000 ?—Yes.

6661. That is rather less than half of the total number of men employed in mines in the country ?—Yes; it will be decidedly less than the number employed. In Scotland there is no society at all.

6662. I was coming to that. The difference is partly explained by the fact that in some mining districts there is no relief fund at all ?—Yes.

6663. It is also partly explained by the fact that in some of the districts the relief fund is very much less popular than it is in Northumberland and Durham ?—That may be so.

6664. Can you give me a reason why the relief fund is more popular in Northumberland and Durham than in other districts ?—It was the first society. There was not any other society for many years after it commenced. It being the first society, and the other societies having grown from it, it is very popular; they seem to like it very well. As they knew it was the first established fund, it has been very popular ever since I knew it.

6665. Has any moral or social pressure been exercised by the miners on new comers ?—No. It has become so general now, that everybody expects they will be in the fund, and there is no call to bring any pressure to bear upon them.

6666. A man is not looked upon as a black sheep if he does not join the fund ?—No. It has never come under my observation that anybody has been victimised for not being a member of the fund. The cases where a man has not been a member have been very rare.

6667. I notice in this document which has been put before us a statement is made that members under fourteen years of age pay a certain amount, and members above fourteen years of age pay double that amount ?—From fourteen to sixteen they must be half members.

6668. Does a boy become a member at once when he goes into the pit ?—Yes.

6669. And he continues to be a member all through ?—Yes. He commences as a half member, but as such he must not go beyond eighteen years of age. When he attains the age of sixteen, if he chooses he can become a full member. If he does not become a full member then, he must become one at eighteen; that is, he can no longer be a half member. His contributions are doubled and his benefits are doubled.

6670–72. By that time, a boy has a certain interest in the fund ?—Yes.

6673. Has he any choice when he first goes to the pit ? Is he, practically speaking, a free agent ?—He is a free agent inasmuch as the money will be deducted from the first pay he gets, but if he chooses he can stop its being deducted.

6674. Is the boy really a free agent with regard to becoming a member of your society when he comes into the pit at thirteen years of age ?—Yes; his father is a member, and sees that his son becomes a member.

6675. That is my point—he practically is not a free agent; he becomes a member as part of an existing system ?—The father could object to his son being a member, but he knows he is a member; he knows he has that money deducted from him.

6676. I see there is no difference made in the amount of contribution paid by married and unmarried men ?—No.

6677. Everybody pays exactly the same amount ?—Over eighteen years of age they do, yes.

6678. Is that the case in all the miners' relief funds ?—Yes.

6679. Notwithstanding the fact that the benefits to married men are very much greater than they are to unmarried men ?—Quite true.

6680. Has any complaint been made ?—At death an unmarried man would receive £23 legacy; a married man would only receive £5 legacy.

By the Chairman.

6681. Whatever may be necessary with regard to the finances of your society, whether the contributions must be made greater or smaller, on the subject which is remitted to this Committee, namely, deductions from wages, I fancy your opinion and that of your colleagues would remain the same—you would approve of the management of its finances being left to the men themselves, and you would say that the present method of collection is a convenience of which you would not like the law to deprive you ?—That is our point—the point of the Central Association—that the law should not be disturbed.

6682. It does not matter to you, I suppose, in connection with this matter, that this society may have sprung up at a time when there was no legislative provision such as there is now, but, at all events, you see no prospect of its dying down in consequence of such provision now being made ?—No; it has gone on continually increasing year by year. We have gone on increasing at an average of 5,000 a year.

6683. With regard to the point which this Committee has in view, you favour the deductions under the present conditions being allowed by law whatever the basis may be upon which the society was founded ?—Yes. We have no desire that the law should be altered so far as the permanent relief societies are concerned.

6684. I am a little surprised that you have not given your testimony in a broader way with regard to the Central Association, because I started to get your evidence upon the footing that you represented the views of the Central Association. In answer to Mr. Walsh, Mr. Maddison, and Mr. Delevingne, you seem to have been very guarded ?—We had a secretary of the Central Association, but unfortunately he died in May of last year, and this has been a matter which we have had to take up hurriedly amongst ourselves.

6685. That is quite fair, and it is as well we elicited that ?—There is another point. We were under the impression that only one witness would be heard.

6686. That was the reason the members of the Committee wished to get the true breadth of your evidence. There is one point we are all anxious about. Are you able to testify that there is no force or compulsion, direct or indirect—mark you, indirect is as important to us as direct—upon men to join this association ?—There is none.

By Mr. Maddison.

6687. That is an all-important question, but we must still take it that Mr. Barnes is only speaking for Northumberland and Durham, and we must really get some answer with regard to the other counties from some one.

By the Chairman.

6688. I am very much impressed with that view. On behalf of the Committee, I will say that if other localities of the country are represented by gentlemen now present who have heard this evidence, and they are able to give us in a single word the experience with regard to the fund in other localities, we should value that information ?—That is what we expected; we expected that would be so.

6689. You can put in a witness from another county—Yorkshire, or anywhere you like ?—Yes.

Mr. GEORGE BOOTH, was called ; and Examined.

Mr. G. Booth.

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By the Chairman.

6690. What is the Society you represent ?—I represent the West Riding of Yorkshire Miners' Permanent Relief Society, of which I am the secretary.

6691. What is roughly speaking the membership of that ?—31,000.

6692. Engaged as miners underground, and some on the surface ?—A few on the surface.

6693. You have heard the evidence which has been given to us by Mr. Barnes ?—Yes.

6694. My question to you generally is, do you concur in that evidence ?—I do.

6695. Does that represent the views of the West Riding Miners' Union ?—In a general sense it does.

6696. There are two or three specific points that we are rather anxious about. Are you able to assure us that your Association is absolutely voluntary ?—Yes, in a sense.

6697. You must explain that ?—It is voluntary in this way. In some of the collieries where a permanent relief fund has been established a number of years they are all in the fund, and if a man goes there, he is supposed to become a member of the society, but if he objects, he can have his money back. The same applies to Mr. Barnes' society. Our society is based on the same kind of rules as Mr. Barnes' society.

6698. Do you manage the Funds substantially in the way that Mr. Barnes described ?—Yes.

6699. There is no contribution by the employers ?—No, with one exception ; there are one or two subscriptions from the royalty owners ; but they have no interest whatever in the society.

6700. With regard to the management, that remains with the workmen and the Committee ?—Yes, and a few honorary members.

6701. Do they take an active share in it ?—They are on the board of management.

6702. I mean so far as the actual arrangements are concerned ?—They are left with the men.

6703. I fancy the honorary members are more ornamental than active ?—Yes, just so.

6704. With regard to the attitude of the West Riding Society, is it in the same position as the Northumberland and Durham Association which Mr. Barnes represents ?—It is with regard to the head officials. You always find a little opposition from minor officials in all societies.

6705. I am speaking of the Society you represent. We want to know from you whether that part of the country, the workmen of which you represent, concurs in Mr. Barnes' evidence, and protests against an alteration of the law which would make deductions illegal ?—Yes.

6706. In the one particular which you give evidence about ?—Yes.

By Mr. Walsh.

6707. I do not want to carry it very much further. I have been in this business practically the whole of my life, and I know a good deal of the inception of our Lancashire Society. I think you will admit that our Lancashire secretary, Mr. George L. Campell, to whose death Mr. Barnes referred, was the mainspring, so to speak, he was the very centre and focus of your societies, he was a man of very great ability ?—He was.

6708. I would not like to press points upon a witness with regard to this matter unless he came from Lancashire and was really acquainted with the main facts. Are you connected with the Miners' Trades Union of Yorkshire ?—I am not.

6709. Therefore, you do not speak officially in any sense for that trades union ?—I do not.

6710. You may know their mind in a sense, but not as a member of their organisation ?—That is so.

By Mr. Maddison.

6711. Have you any general knowledge of other counties, or is your knowledge confined to Yorkshire ?—It is confined to Yorkshire.

6712. You could not give a general answer ?—I should not like to speak for other counties.

6713. If we cannot get a witness who can speak for the whole country, it is not much use asking a general question ?—I am on the consultative committee of the Central Association and we appointed a deputation of about fifteen to come to this Departmental Committee, but there was an objection raised.

By the Chairman.

6714. The views which as a deputation they were going to put forward were discussed, I suppose : can you not inform the Committee whether the views of that deputation were for or against deductions ?—For deductions, certainly.

6715. And against the law interfering with them ?—Just so.

6716. What area of country did that deputation cover ?—It covered Northumberland and Durham, Lancashire and Cheshire, the Midland Counties, the West Riding of Yorkshire, North Wales and South Wales.

6717. Was that deputation formed to come here to give evidence upon that subject in the sense in which you have given evidence ?—If called upon.

Mr. EVAN OWEN, was called ; and Examined.

Mr. E. Owen.

4 Dec. 1906.

By the Chairman.

6718. What Society do you represent ?—The Monmouthshire and South Wales Miners' Permanent Relief Society.

6719. You have heard the evidence of the two preceding witnesses ?—I have.

6720. Do you concur in it ?—Absolutely.

6721. What is the membership of the society which you represent ?—Perhaps I should save time by explaining. The Monmouthshire and South Wales Society was formed in 1881, the year in which the Employers' Liability Act came into operation. It was made the basis of an arrangement between employers and employed in lieu of that Act, and up to the passing of the Workmen's Compensation Act it was carried on in that way. So far as regards the attitude of the leaders of the miners is concerned, it has never been antagonistic to the permanent relief fund as such, but they have always objected very strongly to what is generally called (although we object to the term) contracting out. Consequently they have always been more or less in antagonism to the miners' provident fund as carried on in that way. But to the permanent fund as such, apart from the contracting out arrangement, they have always been friendly, and they are still friendly to it.

6722. The object of this Committee is to enquire as to the expediency of fines or deductions from wages. The point you are here upon is a deduction in respect of a benefit and sick fund ?—Yes.

6723. What is the view of your union with regard to that ?— By " union " I take it you mean the society ?

6724. Yes ?—We are distinctly of opinion that it would be very detrimental to the interest of the society if Parliament prohibited thecollection of these contributions.

6725. That collection takes place in the way described by Mr. Barnes ?—Precisely.

6726. What is the membership of this society ?—The membership of the Monmouthshire and South Wales Society has greatly diminished since the Workmen's Compensation Act has come into operation.

6727. We want things as they are ; what is it at the present time ?—About 12,000 or 15,000.

By Mr. Walsh.

6728. Did the coal owners in Monmouthshire and South Wales place before the men a condition of employment which necessitated contracting out at that time?—No. As a matter of fact, since the formation of the society there has not been a case at a single colliery in Monmouthshire and South Wales where all the workmen have been members of the permanent relief society. Some have been in and some have been out.

6729. What is your present membership?—From 12,000 to 15,000.

6730. Roughly speaking, 13,500?—Yes.

6731. What proportion does that bear to the underground mining population of the district?—I daresay there are 110,000 or 115,000.

6732. So that about one in eight is a member of your society?—Yes, practically.

6733. Would you say that that shows very great willingness to become voluntary members of the society?—The reason these workmen have left the society is that the employers have declined to collect money through the offices, and the society finds it would be too costly to carry on the operations.

6734. The Workmen's Compensation Act of 1897, and subsequent Acts, have removed a good deal of the incentive?—Yes, there is a good deal of force in what you say, but still I quite agree with Mr. Barnes that if the workmen wish to continue some system by which they can add to their benefits Parliament ought not to place any obstacle in the way.

6735. Do you occupy any position in the trades unions?—I did when working underground.

6736. But not now?—No.

6737. How long ago was that?—Twenty-five years ago

By Mr. Maddison.

6738. I have only one question. As it is such a small number it is hardly necessary to ask; but amongst the members of your society, can you tell this Committee plainly and straight that there is no pressure brought to bear upon men to join?—I can certainly.

By Mr. Delevingne.

6739. Why did the employers refuse to continue the collection of the contributions at their offices?—Because they found they could cover the risks cheaper under the Workmen's Compensation Act than they could by their payments to the society.

6740. But we understood that in Northumberland and Durham the system of collection was continued after the passing of the Workmen's Compensation Act?—There is no mutual arrangement there. There is no contracting out arrangement such as we have in South Wales. It is worked upon a different basis altogether.

6741. I understand the position of the fund in both countries is the same, only that in Northumberland and Durham, as a matter of grace and favour, the employers are continuing to deduct the contributions?—Yes, whereas in South Wales they declined. Hence the difference in the number of members.

6742. You do not give any reason for that?—I cannot.

By the Chairman.

6743. In South Wales do the masters contribute to the fund?—No, not since the passing of the Workmen's Compensation Act. Prior to that, they did; they contributed a fourth.

6744. So that the difficulty seems to be different from that usually anticipated; it is not that the workmen do not want the deductions in your case, but that they cannot persuade the employers to be the agents?—That is so

6745. And if it is managed upon the ordinary principle of out-door collection, it is too expensive to work satisfactorily?—It is.

Mr. FREDERICK GEEN, was called; and Examined.

By the Chairman.

6746. What part of the country do you represent?—North Staffordshire.

6747. What is your society?—The North Staffordshire Miners' Permanent Relief Society.

6748. You have heard the evidence of the preceding witnesses to-day?—Yes.

6749. Do you concur in it?—I do, generally.

6750. What is the membership of your society?—Approximately 20 per cent. of the mining population of North Staffordshire.

6751. Your relief fund is entirely of a voluntary kind?—Absolutely.

6752. Are the employers the collectors or agents in the same way as in Mr. Barnes' society?—At a few collieries. At others, where the employers do not collect, arrangements have been made, as far as it is possible to make them, for the collection of the contributions. But the cost of collecting is great—at least 12½ per cent. of the contributions.

6753. As compared with 5 per cent.?—Compared with 2½ per cent. And I am satisfied that it cannot be done at a less figure.

6754. Would your evidence go thus far, that if the law were to prohibit these deductions in such circumstances as Mr. Barnes described, you have no doubt it would be a blow at the existence of these societies, or at all events at the extent of their operations?—I have no doubt it would.

6755. And do you think that would be a calamitous thing?—I do.

6756. Very much against the interests of the workers?—Yes.

By Mr. Walsh.

6757. You say you have a membership of 20 per cent. of the mining population in North Staffordshire?—Yes.

6758. Can you give us off-hand what has been the fall in the figures since 1898 when the Workmen's Compensation Act came into force?—Yes; about three-eighths.

6759. Three-eighths of the members of that time have gone away?—Yes.

6760. Leaving five-eighths of the membership of eight years ago?—Yes.

6761. Do you occupy any official position in the North Staffordshire Miners' Union?—No, but perhaps I might be permitted to say that although I am not an official or a member of the Miners' Union, yet Mr. Enoch Edwards, the president of the Miners' Federation, is a trustee of my society, and the committee of management has upon it several of the leading officials of the Miners' Union.

6762. I ought to say that I am not in any way putting those questions with a view of making the slightest implication with regard to these gentlemen, many of whom are life long friends of my own?—I have said what I have in order to show there is no antagonism.

6763. I wished simply to find out the official position occupied by yourselves?—I quite understand.

By Mr. Maddison.

6764. With regard to this 20 per cent. of the miners

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who are members of your society, are they confined to two or three collieries, or spread about? Do the men of a certain colliery all belong to it, generally speaking and in other collieries none at all?—That is so.

6765. Do you tell the Committee that in those collieries where the permanent relief society is old established, the men are perfectly at liberty to join or to refrain from joining?—That is so.

6766. You would be against any compulsion?—Yes. I should like to say, as the question of the solvency of societies has been mentioned, that the one I represent is absolutely solvent, and has a surplus of £14,000.

TWENTY-SEVENTH DAY.

Wednesday, 5th December, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. BEN TURNER (of Batley), was called; and Examined.

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By the Chairman.

6767. Please tell us in the first place what is your representative character here to-day?—I am general President of the General Union of Weavers and Textile Workers.

6768. What part of the country does that union affect?—The West Riding of Yorkshire.

6769. And about what number of workers?—About 4,600.

6770. They are, I understand, weavers and textile workers entirely?—General factory workers, largely weavers.

6771. Are they men or women?—In the weaving department, they are about half and half, the other departments are solely men.

6772. How many women do you think there are amongst the total of 4,600?—About 1,000. I may here state that I happen to be district secretary of one of the sections of the association for the heavy woollen district, which includes Dewsbury, Batley, Morley, and Leeds.

6773. In the evidence you are going to give to-day, do you represent to the best of our judgment the opinion of both the General Union of Weavers, and also of the organisation to which you last referred?—That last organisation is part of the General Union, representing a district. I am general President of the Union.

6774. And you represent its opinions in the evidence you are about to deliver?—Yes, I think so fully, having been an official for about twenty years.

6775. You probably know that we are here to inquire into the subject of fines and deductions from wages, with regard to which I would like to put to you a general question. I suppose you remember the passing of the Act of 1896 because your experience goes back considerably anterior to that?—Yes.

6776. Has there been much change produced by that legislation in the practice of making fines and deductions?—Yes, some little change. I think there is less fining now than there was prior to that period.

6777. Then you think the Act of 1896 has brought fining under better conditions?—It has not brought fining under better conditions, but it has slightly reduced it.

6778. I gather from you that fining still goes on?—Yes.

6779. Please give us the categories, as it were, under which fines are imposed?—"Timing" in to work is a pretty regular custom now in most of the textile mills in the Huddersfield, Dewsbury and Leeds area. I am now speaking, of course, of the woollen and worsted cloth trades.

6780. Please give us some concrete illustrations as to what happens when a worker, male or female, goes to work late?—Yes, I can give you two or three examples. In the case of a worsted mill in Farsley the workpeople are fined for being late whether they are piece workers, as a large number of them are, or day workers.

6781. What is the scale or system of fining?—The scale of fines ranges from 1d. to 4d. according to how long the worker is late. They are allowed to be three minutes late, and then they are fined up to fifteen minutes.

6782. What relation does that fine bear to the wages earned?—That depends upon the individual operative. One operative may have 8s. per week, another 18s., and another perhaps 28s. a week.

6783. The amount of the fine is a fixed quantity?—Yes.

6784. You say that applies to piece workers also?—Yes, to both sorts.

6785. I will ask you a question or two as we go along with regard to each. You are, of course, aware that this habit of late coming is apt, to some extent, to disorganise the work of a department or a mill?—Yes.

6786. Do you approve of the continuance of these deductions or do you advocate their discontinuance?—I believe the deduction should be discontinued as it does not prevent late coming, and often inflicts injury upon individuals who are not habitual late comers.

6787. You say that whether there are fines or not the late coming may be continued. Have you any experience of places where fines have been abolished—fines for late coming?—Some firms do not fine at all for that, but others do, and the system sometimes makes it rather worse for the firms where they fine for late coming.

6788. You might give us an example of that?—At a mill in Batley they fine if more than three minute late and take half an hour off the worker. The worker is expected to go into the mill immediately the three minutes are up, but the half-hour is still deducted. That, however, does not pay the firm very well, insomuch as

the workers who are treated in that way, unless they happen to be piece workers, will not at once begin work, and that rather disorganises the place and checks production more than if the firm were more gracious and allowed a more liberal margin. When half an hour is taken off the workpeople, many of them refuse to work any part of that hour and they therefore loiter about inside the place to the detriment of its good management.

6789. Do you consider the fine or deduction for late-coming is purely disciplinary ?—Yes.

6790. Do you think that discipline has been secured by it or can discipline be secured by the ordinary means ?—I know many mills which are just as well disciplined where they have no Bundy clock or timing in process. It is, of course, a matter of habit with the workpeople or partly training, and partly influenced by respect for their own character or for the firms who employ them.

6791. I suppose the form of ordinary discipline is that if workpeople get into a chronic habit of late coming, they can be dismissed ?—Yes, that is the ordinary form of discipline.

6792. If the late coming is only occasional, they will be warned ?—Yes, where they are not timed in.

6793. Do you think that between the warning and the dismissal the effect will be as satisfactory as a fine ?—Yes, in my own mind I am certain of it. May I mention one place where the employers take 1½d. off for a quarter of an hour late, that is at the rate of 6d. per hour; but seven-tenths of the operatives there, whether on piece work or not, do not earn anything like 6d. per hour.

6794. How much would they earn ?—Perhaps from 2d. to 4d. per hour; therefore from that standpoint it seems unreasonable to take 1½d, off for a quarter of an hour late, when seven-tenths of the workpeople do not earn more than 1d. for a quarter of an hour, and some who are piece workers lose their production as well as the fine.

6795. I presume you are free to admit that in addition to the actual wage earned, there must be some fair consideration of the question of machinery standing idle and the like ?—Yes I am aware of that, but I do not see how the charge could be anything like 2d. per hour for the loss or possible loss of production in running power. I am not skilled in that department, but the proportion does not seem to me to be equitable. I may mention one or two more examples. Take the case of a cloth mill at Heckmondwike. Three minutes grace is allowed although the workpeople tell me it is often two minutes or even less. Then they have a ½d. taken off for five minutes late and 1d. for fifteen minutes. A large number of the girls engaged there have from 12s. to 14s. per week and therefore the wages do not run to anything like 4d. per hour, although the reduction is at that rate, or even a little more. At another yarn mill in the same district 2d. is taken off if any of the workpeople are five minutes late and get locked out. Some of the men only get 22s. per week and the taking of 2d. off for being five minutes late is a larger reduction than their wages would come to. At another mill in the same locality work is begun at 6.30 a.m., If the workpeople are not there at 6.36 2d. is taken off, and if they are not in at 6.45 they are locked out until breakfast time. The men or women who go in at 6.36 have 2d. taken off, and as a man told me on Friday night last, they many a time work from twenty to twenty-five minutes for nothing, besides having the 2d. deducted. That is a sample from the Spen Valley. At Morley, another textile centre, fines for late coming are very prevalent, which itself, I think, proves that the system does not stop late coming. At a mill in Yeadon they adopt the "penny hole" business, which means passing through the special wicket or gate where the timekeeper sits, who imposes a fine upon late comers.

6796. I think the cases you have given sufficiently illustrate the fines in connection with the timing in system, and now we are anxious to get any evidence you have as to exactions in the way of deductions in respect of other matters ?—I have here a few sample tickets from one firm which is a specimen of deductions made also by other firms for alleged bad work. It is in connection with the weaving department at one of the best leading firms in the town of Huddersfield, and the same thing applies to other firms in that town and the Colne Valley. These are sample receipts that workpeople who have had deductions made from their earnings have received from the firm as evidence of the fines or deductions inflicted.

6797. I observe that these fines in one case are 1s., in another case 1s. 6d., and in two other cases 2s. The 1s. fine is for "end out," the 1s. 6d. is for "ends out long;" and the first 2s. fine is for a "wrong bobbin." The second 2s. fine is for "end out on back floating." Do you wish to represent that these fines are objected to ?—They are.

6798. Take the case of the workman whose tickets you have put in, and who is fined, say, 2s.—what wage would be earn ?—Probably his wage would average from 24s. to 26s. per week when trade is fair.

6799. Is it in accordance with your experience that such a workman may sometimes be fined more than once a week ?—No, not more than once in a week. In the worsted cloth trade, they seldom get more than two pieces out per week and a man is not likely to be fined even every week.

6800. Do the workmen resent that charge ?—They do and some have left as a consequence of these deductions

6801. What do you say with regard to the deductions being right or wrong in themselves ?—They are absolutely wrong.

6802. Why ?—It is not possible for man or woman to be perfect, and if men and women are doing their best, and not wickedly, careless or ignorantly reckless in their work, it is human to err, and I do not think that fines and deductions of that character improve the worker or are the right way to deal with defects.

6803. Is it the opinion of yourself and those whom you represent that discipline could be sufficiently maintained without fines of this kind ?—Yes; several leading firms, the names of which I can give you, do not have such deductions. Whether they do it from the belief that people must make occasional mistakes or not, I would not say, but they have the other alternative of correcting people who make mistakes regularly, that is to dismiss them because they are not good enough, or competent enough, or efficient enough to do their work.

6804. So far as your experience goes is the result as good for the employer without fines as with them ?—I could not speak from the employer's standpoint on that. I know that our union prior to the passing of the last Truck Act in 1896 and for the last score years have religiously and deliberately opposed deductions for alleged bad work, as they consider that the employer or manager, or head of department, is both judge and jury, and that the work people, male and female, have little to say in such fines and deductions, and that many times a weaver would make a mistake or cause damage quite innocently, consistently with having due care for his work. I am a weaver by occupation, and I know that is so.

6805. So that it comes to be an unjustifiable exaction ?—I think so. May I explain that 2s. fine which you have before you ?

6806. Certainly ?—It is a question of wrong bobbins In the fancy worsted trade, such as your waistcoat is made of, and our coats and so on, there may be two thicknesses of yarn, but both of one colour, that is, there may be two bobbins of weft, one a 24 counts and the other a 36 counts. The only perceptible difference is in the thickness of the yarn. The loom may be in some dark corner of the place, or things may happen on a particular day which make it nearly impossible for the person to find out that he has got a wrong bobbin in the shuttles. Two baskets are beside him, one 36 blacks and the other 24 blacks—that is counts of yarn. It may be that he dropped one in by accident, not knowingly, or it may be that the weft given him by the person who delivers out the weft has gone to the wrong bin where the weft is kept, and that by accident he has been given a wrong bobbin from the wrong bin. The weaver is fined anyhow because it is said he ought to have seen it or to have felt that these two blacks were of different thickness. In that particular case before you the blacks were of different

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thickness, absolutely the same class of material except in thickness of yarn, and he did not know he had put the wrong bobbin in. The 2s. exaction, although the cost of the quarter yard of the piece may be 2s. or thereabouts, looks like a punishment to the man, as he was doing his best, and it was not done ignorantly, or carelessly, or wilfully.

6807. We have got as far as what you term "irritating exactions" in your *précis* ?—I can put the case in regard to alleged bad workmanship a bit stronger if you care to have it.

6808. All we want is clear illustrations of the existing system ?—At one of these mills which you have just had mentioned in connection with workmanship, it is very fine delicate workmanship, and if the yarn happens to be a shade faulty—not the weaver's fault, but the fault of the buyer of the wool and the spinner of the yarn —it is apt to get twisted together. In fastening or rolling the two ends together one end may pass over the other and make a streak down the cloth which the weaver will not see, and which is only detected when the piece comes to be finished or milled, or put under a window where the full light is thrown upon it for perching purposes. This weaver was fined 2s. for having an end rolled over like that. The healds themselves which the weaver has no control over, may be kept in longer than they should be for economy's sake. The weaver may have these defects, which are not his or her fault, but still they have got to suffer the deductions because they did not see the defect. In one case the ends were rolled nine yards, and the person was fined 2s. The menders had to correct the damage, but they are there to correct damages at mills, or at least they used to be, and I think they should be yet.

6809. Is there any other ?—Yes, there is another. There is one here of a very strange character in connection with the fettling department, not in connection with weaving. Fettling is part of the mill process ; in the cotton trade it would be the carding department. This is the scribbling department. In this case the overlooker, that is the foreman of the department, told the fettler to clean the condenser end whilst in motion. The man did so, and the thing he cleans the cards with, a kind of comb, something like what you scrape a horse with, fell into the end of the scribbler and bulged four rings. This man was fined 24s. That was a firm in Leeds. In this particular case he was obeying instructions. It was a simple accident which might easily arise.

6810. What wages did he have ?—26s. a week. That is only a fortnight since.

6811. Now I will ask you with regard to that, was there any list of fines up ?—No.

6812. Was there no written contract ?—No. It is not customary to fine fettlers. That is the first case I have heard for a long time.

6813. Was that reported to the inspector ?—I do not think it has been yet. I only got this information on Thursday last week.

6814. Of course if fines and deductions were, broadly, made illegal, cases of that sort could not occur ?—They could not.

6815. Do you think that would be just ?—I think it would not be unjust, because the other position is that the employer can always discharge the careless man or woman.

6816. So that the former part of your evidence applies to that too ?—Exactly. I have a case here where at a mill in Leeds a deduction of 3s. 6d. was made for one wrong bobbin. In the case of the cloth which you have mentioned the likelihood is that the price of their cloth will be double the price of the cloth at this particular mill, because the Huddersfield trade and the Leeds trade is, I should say, anywhere from 20 per cent. to 50 per cent. better value.

6817. And yet the fine there was 3s. 6d. ?—Yes, for one wrong bobbin ; and one person has been fined 10s. 6d. for three wrong bobbins in rotation.

6818. In one week ?—Yes, one part of one piece. There would be three wrong bobbins one after the other.

6819. Was that 10s. 6d. exacted ?—Yes, and paid. At a Bramley mill 2d. is deducted for a broken pick. A broken pick is when the shuttle goes through the warp without any weft in it ; or when the weft breaks of course it leaves a break across the piece. At all mills there are menders for the purpose of sewing in the thread to repair the defect of a broken pick. I do not think there is a weaver born that could weave a piece without a broken pick, unless the loom appliance and the weft fork were absolutely in perfect order all the time and the weft was always decent stuff. But the weaver has no control over the yarn or weft and sometimes the engine running will disturb the fineness of the weft fork, which indicates when the weft is breaking, and it may not always act. It is not the weaver's fault.

6820. Is it your opinion that these fines have to be borne by workmen in many instances in which the responsibility for the damage or loss does not rest with them at all ?—In scores of instances the weaver is not at all to blame for the defect or damage ; other causes effect the damage.

6821. There is a special part of your evidence as to lads who are fined in press shops which I would like you to tell us about ?—The press shop work in Yorkshire has largely, up to recent date, been men's labour on account of its being such very heavy work.

6822. What are press shops ?—They are where part of the finishing of cloth is done. This applies all the way through the woollen and cloth worsted trade. The pieces are put into a form of press, laid with a piece of thick paper, as thick as this blotting paper, or thicker, between each fold of cloth ; then it is put into a huge steam box and pressed down with iron plates between each fold over this press paper to keep the plate from damaging the cloth. Men have been accustomed to do this up to recent date. Some three or four years back the Germans and others brought out inventions, and for the cheaper cloths a pressing machine of a huge character was introduced. They, therefore, get men and lads to do this work. All the pressers have been on piecework up to now, and they have put the lads on piecework at Morley. Of course lads are lads all over the world and are liable not to do everything that is right or correct, and in this case to which I refer of course they made a mistake. An accident happened, and although they were on piecework they had to lose their time in getting the machine going, earned no money, and were fined 6d. in addition. Their wages are only 13s., 14s., and 15s. a week. In the press shops they are now instituting a system of fines in this direction. We contend that it takes men all their time to be as perfect as angels, and that lads cannot be.

6823. Then there are deductions for menders' wages ?—Yes, that is a serious grievance at some mills. When a piece is defective by reason of broken picks or ends out or floats (that is where the ends have got across or some snarl has taken place) the menders are supposed to remedy the defects, and are employed solely for that purpose. There are menders and burlers. The burlers and knotters take out the bits of thick pieces, smooth the surface, as you may term it, take away the bad knots, and prepare it ready for the mender to make the piece as nearly perfect as possible. Menders have been the skilled portion of the female workers in cloth mills and have been paid varying wages of a better character than any other section of operatives in textile mills.

6824. Up to how much ?—24s.—from 16s. up to 24s.—a week. Many of them are on piece, of course.

6825. Now will you explain to us what deductions are made for menders' wages ?—When a weaver has woven the piece it is sent to the mender, and the employer tells the mender, that he must do it in a certain number of hours. The time varies, and must vary, according to the class of piece ; one piece may take two hours to mend and another may take half a day because of the difference in the class of material and because it is a different sort of piece. Certain pieces are allowed so many hours to be mended in. If it takes more than that then the weaver has to pay the mender's increased wage. Supposing two hours are allowed and it takes four hours the weaver has to have a deduction from his or her wages to pay the mender's two hours' wages. The mender

may either be a slow person, a quick person, a careless person, or a poorly person. In any case the weaver has no control over the mender. Weavers have had to pay deductions towards menders' wages when they felt sure that the time allotted would have been ample for the mending to be done to their piece. I will take the case of nine yards, which you have on one of those tickets. That is 1s. 6d., I believe ?

6826. It is 1s.—"End out 9 yards" ?—I have one here of 2s. Anyhow, we will take the one at 1s. Menders are employed to mend pieces, and no weaver can weave a warp if the material is of the ordinary sort without some ends down—it may be an inch, it may be six inches, or it may be a yard. The weaver is supposed to see one before it is nine yards—I will admit that—but a shilling deduction for nine yards is out of proportion to what the mender's wages would be.

6827. You will excuse me, but I do not quite see how the system works. The mender is in the employment of the firm ?—Yes.

6828. And the mender has certain wages ?—Yes.

6829. Which are paid by the firm ?—Yes.

6830. A deduction is made from the weaver if the mender takes longer to mend the piece than the allotted average ?—Yes.

6831. Is that how it works out ?—Yes.

6832. Now I understand your view to be that the menders, being a separate class, should be settled with by their employers, and that whatever their wages or capacity may be that should be part of the on cost of the mill ?—That is so.

6833. And there should be no back reckoning with the weaver who has furnished the cloth ?—That is so.

6834. Is that the view of those you represent ?—Absolutely. May I just continue it a shade further.

6835. Certainly ?—At small mills it has now got into a worse position than that. At two mills in the Batley area they have dispensed with a number of their menders and make the weavers mend their pieces or pay the mender the whole cost of mending the piece. A firm which formerly had six menders has reduced the number down to two. That is a concrete case I am thinking of. When a weaver has finished her piece she has to mend it herself—broken picks or ends out or floats—and if she does not, she has to pay the mender employed by the firm the complete number of hours' wages that she has been mending that particular piece for her. That therefore has a double effect—causing menders not to be wanted, and reducing the weavers' wages either by the amount which is deducted for the mender's work or on account of their own increased work in mending the piece for which they are not paid.

6836. On the other hand, of course, the advantage of that is that there never can be an overcharge; they do the thing themselves, or just pay for the doing of it ? —But it is not many weavers who can mend their own pieces. It requires good eyesight and a trained steady hand to use the needle to put the threads in. Not all of them are competent, because many of them are young persons of fifteen and sixteen years of age, not staid enough to understand it.

6837. Suppose one person to be a good workman and another to be a bad workman, is there any rule of the employment that they must each be paid at the same rate of wage ?—In connection with weaving of course, it is piece work and rectifies itself in production. In the other case, where it is weekly wages, the employer or his foreman is wideawake enough to only have efficient work people, generally speaking.

6838. But there is a standard rate of wages ?—There is a general understanding with regard to wages. In Leeds there is a proper official standard; in Yeadon the same; in Colne Valley the same; and a common understanding, but not a fixed standard, in the Dewsbury woollen district.

6839. So that the alternative is not available of a bad workman who caused a great expense for mending being reduced in wages in consequence; the alternative truly is that if he is bad enough to be dismissed he must go ?—Yes.

6840. And that is the alternative you prefer ?—We say that is the only just alternative. The other method punishes the occasional accidents and misfortunes of decent people.

6841. I quite see your point. Then you have something to say with regard to cook-house charges ?—That is not very common, except in Morley. In Morley, of course, it has come into operation. The unfortunate thing is that there are not a great many textile mills which have cook-houses or dining-rooms. They are getting more common as we get more civilised.

6842. Of course it is a practical advantage to have them ?—It is an advantage to have a cook-house and to have a dining-room, and I should imagine that no mill ought to be allowed to be erected without some arrangement of that character. But that does not convey with it the idea that a deduction for anything of sort is that a proper thing.

6843. You think, in short, that that should be part of the general expense of working a mill ?—I do.

6844. You have a note here with regard to the activity which you think is needed by inspectors to examine fines and the cause of the fines and their reasonableness ? —Yes. There is a firm only two or three miles from the inspector's place which does not give a receipt. There are several of those cases. In fact, I should say that most of them do not give a receipt in our mills in the Dewsbury, Batley, Morley and Leeds district, as they should do.

6845. Do I understand that there are cases at present in considerable numbers in which fines or deductions are imposed without there being a written contract ?—That is so.

6846. Without there being anything posted up ?—That is so.

6847. And even without there being a receipt granted for the amount deducted ?—That is so.

6848. Why do not the inspectors examine those cases ? —For one thing there are not enough inspectors. If you take the district where I come from, of Huddersfield and Dewsbury—I come from Batley and our headquarters are in Huddersfield—there is one inspector and an assistant for all the multitude of factories and workshops in the Colne and the Holme Valleys and the Huddersfield district, the Spen Valley district, and the heavy woollen district, the great centre—the complete centre—as you may term it —of the woollen cloth trade.

6849. I gather from you that the precautions and provisions of the Act of 1896 have largely been unavailing ?—They have not been put into operation.

6850. And, short of total abolition, do you think that the statutory provisions would in future probably be evaded ?—I think some of our employers are old-fashioned enough to evade anything, nearly.

6851. I am afraid you use the word "old-fashioned" in a somewhat actionable sense ?—We are immune from any of those charges just now.

6852. This kind of consideration confirms your opinion that there should be a total abolition of fines ?—Without a doubt. May I put it in another way. It would pass the powers of any State Department to appoint a person or persons to judge upon the reasonableness or otherwise of some of the fines. Supposing I was a mechanic by occupation and became an inspector by appointment, I could not at all comprehend as to whether that fine of 2s., supposing it was allowed to be continued was a reasonable one or not; and of course as a weave. I could no more understand whether a fine was reasonable in amount in a blouse factory or some similar concern.

6853. Do I gather from your evidence that even supposing a recommendation were made that fines should be continued, but, before being legal, should be subject to approval by the inspectors, that would fail ?—Well, I think the employers would kill it themselves rather than have that.

6854. But I gathered from your evidence just now that the inspector might not have the qualifications to declare

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whether a thing was reasonable or not ?—I cannot see how they could. One inspector could not know about a number of trades and occupations. I have been a factory worker, a textile worker, since I was a lad of nine years of age, and I could not state whether a deduction in regard to the making of sealskin goods, plush goods, was reasonable or unreasonable, because my section of the trade has not been that of plushes or sealskins.

6855. There are two questions I have to ask you in conclusion. You have a reference here to fining weavers for light and heavy weights ?—This is largely in the Morley district, where the cloth sells from 7½d per yard to 1s. 4d. per yard.

6856. What is the material ?—Woollen cloth. They are very common, cheap cloths. The sale of these cloths is in two directions. The merchant buys them by weight per number of yards length of cloth ; they have a weight of so much per yard—16 oz. cloth, 24 oz. cloth, and 36 oz. cloth as the case may be. Some are heavy, some are moderately heavy, and some are of medium sort. The weaver has to bring out a piece so that it weighs say 120 lbs., being so many yards long. If it is 118 lbs. she is subject to a fine of 3d., 6d., and 1s., in various places. I have samples of fines here at Morley where they have been 3d., 6d., and 1s. for light ends. Then if they are too heavy, if they are 3 or 4 lbs. more than they are specified to be on the ticket, they are also fined for being too heavy. The employers' point is that in being too heavy the weaver has wasted so much of the yarn—that he has put more yarn into the piece than he requires. But the 2 or 4 lbs. one way or the other are absolutely wicked charges. They are most unreasonable, because a weaver has little control over the weight of a piece to that limit which is put there of 2 lbs. light or 4 lbs heavy. The thickness of the yarn which the weaver has to manipulate may cause a difference in weight, The spinner in spinning the yarn may make irregular counts, one or two or three more or less than there ought to be, altering the whole basis of the weavers' piece, and she has no control whatever—these are females—in that direction. Then again it may be done if the engine is going unsteady. It may cause her loom to go either quicker or slower, or more irregularly, and may even cause a disarrangement of the machinery which will interfere for the time being, for half a day, or a quarter of a day, whatever the time may be, with the weight of her piece. They have to be so many picks in per inch. She is paid by the number of picks per inch in the number of yards she weaves ; that is, a piece of 60 or 70 yards long with fifty picks per inch will be a good amount per string or per cent. or per warp. If she has fifty picks in she is keeping her contract, but it may bring her piece out either 2 lbs. too light or 4 lbs. too heavy according to the yarn she is using, over which she has no control.

6857. That is another illustration of what I understand you to say is a very frequent case, namely that the fine operates as a punishment upon a person who has really committed no offence ?—Yes.

6858. You have already given us your opinion as to the abolition of fines altogether ?—Yes.

6859. You think nothing short of that will work out satisfactorily on all sides ?—I do not see how it can. I do not see how you can have a degree of right or wrong in that business. If it is right to fine, then of course a multiplicity of fines must be allowed. And I think it is not right to fine. I do not think it helps to fine.

6860. Is it your opinion that if fines were abolished altogether, always assuming proper supervision of the mills, the abolition would not result in any outbreak in want of discipline or any waste of material, or loss or damage to the work ?—The case of a designer at a certain mill puts the matter very plainly. He was fining some of his workpeople, and one of them said to him, "Do you ever make mistakes yourself ? Do you never have bad seasons when your designs do not take on ?" The reply was, "Yes, we do." Then the workman asked, "Who fines you ?" The reply was, "Oh, that cannot be helped." The workman said, "We are in the same position." After that fines were stopped, and it is now one of the most perfect of mills as regards discipline.

6861. I am rather anxious to have my question answered as I put it to you, although I am obliged to you for giving me that illustration. Assuming proper supervision of the mills, is it your opinion that the abolition of fines would not result in any outbreak of want of discipline, or any waste of material, or loss or damage to the work ?—I think the fear of dismissal will cause just as good discipline as anything else.

6862. And result in as good work ?—Yes.

By Sir Frederick Cawley.

6863. In regard to coming late, I suppose the operatives can come in time if they like ? It is their own doing if they come late ?—It is their own doing in many cases. Occasionally it may be an accident to the tramway when they have to come long distances, or it may be that they have only been late occasionally.

6864. Those are very occasional matters. As a rule if they do not come in time it is through carelessness or through not having sufficient wish to do right. There are some who are habitually late I take it ?—There are some habitual late comers in every mill, unfortunately, and our point would be to fire them, as they say in America.

6865. To dismiss them ?—Absolutely.

6866. You do not suggest that the employers fine them for any other reason than because they think they preserve discipline better by so doing?—I can imagine that at some places the fines will more than pay the wages of the man in charge, but I should not suggest that because they made a profit by it that was the cause of the fining.

6867. I suppose you would admit that in nearly all case the fines are imposed because the employers think that, they can preserve better discipline thereby, and that their hands will be more likely to be punctual ?—I should suggest that is their own view of it.

6868. And your view is to the contrary ?—My view is that it does not help them at all.

6869. Then the result of your evidence is that whilst the employers think that they manage their places better by imposing fines for coming late in the morning, your opinion is that they could manage the places better without fines ?—My opinion is they could manage them quite as well if they would fire the habitual late comers but not punish the occasional late comers

6870. But is it any hardship to the habitual late comer that he should be fined ?—It is the other man I am looking at.

6871. But is it any hardship to those who usually come late ?—Not necessarily, because he is old-fashioned enough to get his time out. It is the other person I am bothered about.

6872. When a man can come at the proper time if he likes, and he does not do so, is it any hardship that he should be fined ?—I think it does not help discipline, and it is better to sack him.

6873. I suppose you will admit that the cases where a man could be in time, but is not, are the bulk of the cases ?—No, they are not.

6874. And not those cases where it is merely accident which prevents them ?—No, that is not the fact unfortunately. I have a case here, a place at Burstall, where the actual amount of time a person is late is added. That is to say, if they arrive at two minutes past six, which is running it very fine, that two minutes is recorded. If they are late to a total of twenty minutes, by the addition of the minutes which they are late each morning, they are deducted half-an-hour. I say that is an irritating exaction which does not tend towards good feeling inside the mill, and is a hardship to a person who comes once a quarter of an hour late and gets his half hour taken off.

6875. Your idea is that the greatest penalty of all should always be exacted, namely dismissal ?—Dismissal for habitual late comers, yes.

6876. And that no other punishment has any deterrent influence ?—There may be such punishment as suspension for a day or suspension for a week for the occasional late comers—those who have gone over the mark pretty often, but are not habitual late comers.

6877. You would not object to suspension ?—So far as disciplinary purposes are concerned, no.

6878. Although you would object to fines for disciplinary purposes you would not object to suspension as a matter of discipline ?—We cannot do it. That is a matter within the province of the employer day after day, if they care to use it, for anything, nearly. Legally they can do it.

6879. When instances of unjust deductions take place, has not your union any power ? Do not they ever come and report matters to you, and you investigate them ?—They do.

6880. Has not your trades union power to interview the employers or in some way to help the operatives to get the deduction lessened or withdrawn ?—We had a case at Honley about three months back, where the list of fines which the firm had hung up was absolutely out of all reason. The weavers met us, and we saw the firm, and the list was pulled down.

6881. You have given us several cases of what you consider to be unjust deductions in regard to supposed bad work; how long do those instances which you have given extend ?—All this evidence is this year's.

6882. You have instanced one mill. What proportion do the fines bear to the wages paid ? In other words, how much do the fines come to in any one week in that mill, and how much do the wages come to ?—I could not give you that. One firm in Leeds fined 15s. out of a 17s. 6d. piece, and 8s. 6d. out of a 17s. 6d. piece.

6883. Those are odd instances ?—Yes.

6884. I want to get at whether these things are so habitual as to make a large hole in the wages of an operative per week, per month, or per year ?—It would not make a large hole in an operative's wages except from this standpoint, that even 1d., 2d., or 1s. out of a factory worker's wage is a big hole, because the income is too small to have any deductions at all.

6885. I wish to get that down to a percentage. If you could tell us how much the operatives were earning per week, any particular class, and how much the fines from those operative's wages were per week, we could then tell what percentage the fines bear to the wages received ?—It would be almost impossible to do that. At the firm in Leeds to which I have referred, the average wages of the weavers will not be 10s. a week.

6886. You have given us an odd instance which may, for all we know, only happen once in six months: I want to know whether these things often happen ?—The fines there—the worsted mill in Leeds—are regular, and also at the other places I have mentioned. They are not regular upon each operative, but upon some of the operatives.

6887. You have given us one or two which look very bad cases where the amount of deduction has very nearly equalled the amount of the wages received; in those cases did they not report them to you or some other official of your union ? Could not they be looked into ?—Unfortunately, the worst cases are those where they are not in the union. That is often the case.

6888. If they were in your union and they came and reported one of these bad cases to you, would you not be able to go and see the employer and say, "We do not think this is right ?"—Yes.

6889. Could not you say, "Will you explain to us how it is these things happen ?"—A few days ago a woman had 4s. 10d. deducted from her wages; I went down to the firm, and got the money back. But some of the worst cases are where they are not in the union at all. Were they in the union we could go to some of the employers undoubtedly, and get some of the things rectified.

6890. Where they are in the union they would report to you, and you or some other official would go to the employer and see whether the deduction was just or not ?—Yes; we should do our best according to the law to get something back. There is a legal claim if the firm has the notice up, and so forth.

6891. With regard to the fines for being late, where do they go to ? Do they go into the pockets of the employers or do the employers put them into some fund which ultimately goes to the operatives ?—I do not think there are half a dozen firms which put them into any fund for any purpose; they go into the offices.

6892. Would your opinion be any different in regard to fines for being late if the law said that any fine for being late in the morning should not go into the employer's pocket ?—I should not think that would be a remedy. That would not satisfy us in any shape or form.

6893. I say if it all went back to the operatives in some way ?—The operative who is fined to-day may not be working in the same place in six months' time when something may happen for the benefit of the operatives; but the injustice is there, wherever the money goes to.

6894. If it *is* an injustice ?—Yes.

6895. The Chairman asked you a question which I think is very important, and I should like to have it confirmed if possible: would it answer the purpose if all fines were recorded and were open to the inspection of a factory inspector ?—They are supposed to be open to the factory inspector to-day.

6896. The fines which are posted up are, but I mean all fines which were actually made, either for being late, or for bad work, or suspensions, or any deductions of any sort whatever—would it answer the purpose if these were recorded in a book every week in every mill and were always open to the inspection of the factory inspectors ?—But the fines have got to be legal, according to a specified list, and have to be kept in a book now.

6897. I am speaking, not of the fines which can be made, but of every fine and deduction which is made ?—It has to be recorded now.

6898. But is it open to the factory inspector ?—Yes.

6899. Do the factory inspectors look at it ?—I do not they they can get round to half the mills in a year's time to do that work. But it is open to them; they do see them sometimes.

6900. And do they see what they are for ?—Yes, certain firms specify what they are for.

6901. Perhaps Mr. Delevingne, who knows more about it than I do, will ask you about that. There is one thing about menders' wages which is not quite clear to me. I take it that the time which is allowed to the mender is considered sufficient if the operative in the previous process has done his work sufficiently well ?—Taking this class of cloth, there are sixty weavers on it, and they get sixty pieces out per week; the employer knows how long it takes on an average to mend those pieces; he therefore fixes the time probably upon the average time which is taken to mend the pieces, and any time over that average is charged to the weavers.

6902. If the operative weaves a piece badly, it takes the mender more time than it ought to do, and therefore the master makes the operative pay for the time of the extra mending ?—That is so. May I say that bad healds, buying poor wool, having bad cards in the spinning department, would produce a poor material, and may all cause a weaver to have a worse piece than he would do with decent stuff. In those cases she is not responsible for the causes which make the piece take longer to mend.

6903. You consider that the master is making an automatically unfair supervision of the work ?—That is so.

6904. You said that one or two place do without fines ?—Yes, absolutely.

6905. Are those places better managed than those which have fines ?—They are quite as well managed, I should say; they have some of the best workpeople, and keep them.

6906. You spoke of one or two places as having abolished fines; do they turn out the best work ?—Both the best work and the best weavers in the district.

6907. And they are considered well managed places ?—Yes.

6908. They have not, I presume, had fines, and then given them up ?—They used to have fines for defective work.

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6909. And for coming late?—One firm has fines for coming late, but no fines for alleged bad material, and the employer told me that since they have abolished fines for alleged bad work they have done better than before.

6910. In the places which you mention as not having fines you did not mean to include the question of coming late?—No.

6911. But merely with regard to not having deductions for bad work?—Yes.

6912. Do you know of any place where there is no punishment for being late?—Yes; I know many a one.

6913. They do not fine for coming late?—No; they do not have Bundy clocks, or a timekeeper, or anything.

6914. Do you consider that good discipline?—The men stop there regularly and the firm does not sack them.

6915. Do you consider that good discipline?—Yes, I consider they get as regular attendance at those places as at other places, and as much command over the men as at other places, and there is less evasion of work. If you are going to take 2d. for a quarter of an hour's time off, or seven minutes' time off, the man is going to dodge you afterwards, and it spoils the morale of the concern; I am certain it does. I am certain that firms lose brass by it.

By Mr. Walsh.

6916. You spoke of broken picks in the early part of your evidence; are the fines very heavy for that class of incident?—To me as a weaver by trade it looks very heavy.

6917. What was the earlier fine which you mention for the broken pick?—2s. for a hole; 2d. for a broken pick.

6918. I understood you to say that the conditions in which a broken pick resulted were such that the work person had little or no effective control?—Many times no control; sometimes yes. May I put it in this way—there is shoddy coal and decent coal, and occasionally some shoddy coal gets in. So occasionally a broken pick may happen without the weaver knowing anything about it; it may just go through the warp, drop one-third of the width of the piece, and pick up again, break in the middle and catch again on the other side, and the weft fork does not act. It may be the fault of the running power or a defective fork or a fault of the tuner, or, of course, it may be the fault of the weaver. A deduction of 2d. is made.

6919. I understood you to put it that a multiplicity of conditions over most of which the worker had little or no control might occasion this incident?—That is so.

6920. And that in a sense only conditions approaching perfection would enable that class of incident to be altogether avoided?—I do not see how some of them could be avoided.

6921. Unless there were the most perfect conditions?—That is so.

6922. Of engine running?—And good materials.

6923. And almost perfect human beings?—Yes. "Sluffed" bobbins from the mulegate may do it, and the weaver has no control over that.

6924. Are we to understand it is because of those conditions that the sense of injustice operates so keenly in the minds of the workman?—Yes. If a weaver has broken picks regularly she is not fit to be a weaver, and her place is outside.

6925. Are we to understand that dismissal in the case of the weaver who had broken picks habitually would operate much more beneficially both for the workers as a whole and for the employers than the comparatively trifling fine of 2d. or so which is at present inflicted?—I am sure it would be better to dismiss them.

6926. Do we understand that all those conditions which are under their control would be more effectively brought under their control?—That is so.

6927. And that it would bring the worker to a higher state of discipline?—I think it is better than a 2d. fine.

6928. You do not have fines scheduled in many mills?—I think in some of the biggest mills they carried out the Act as religiously as they could, but many of the firms do not. Within the last fortnight an employer has put up the following, which he evidently thinks will do. "Should any damage be done to piece or material they will be subject to a fine for the same. Nov. 3rd." He thinks that is sufficient. I do not think it is, but he is doing it—that is the notice he has recently hung up.

6929. In regard to fining for light and heavy weights, as I undertsood you, the implication was that the conditions in which these light or heavy weights sometimes result are such that the weaver has absolutely no control over them?—He has not any earthly control.

6930. And you describe the fines as wicked charges?—Yes, they are more than unreasonable; they are wicked.

6931. You think in that case that a most perfect work person with the most careful supervision could not avoid such results?—Only by having a perfect amount of yarn, a perfect running, and a perfect loom could they have that piece of the exact weight. There is not a Christian born who could make it the correct weight.

6932. Most of those conditions are not under the control of the work person?—Not at all.

6933. You spoke of a deduction of 15s. 6d. from a 17s. 6d. length?—Yes.

6934. Does that mean that with regard to a length of piece which would bring 17s. 6d. to the work person as wages if it were perfect, a deduction of 15s. 6d. is made?—That is so, by a firm in Leeds.

6935. What length of time would it take the worker to earn that 17s. 6d.?—At this particular place about seven or eight days.

6936. So that, roughly speaking, 90 per cent. of the work person's possible earning power was taken away for that particular incident?—15s. 6d. out of 17s. 6d. Yes, about 90 per cent.

6937. Have you any idea as to what proportion that would bear to the actual or prospective loss that would be caused to the employer?—Some of these pieces made at that place would sell wholesale for not more than £3 to £5, because they are a cheap class of goods; therefore, I should think the employer, taking 15s. 6d. out of 17s. 6d., and selling the piece as a "band-end" or waster, would not lose anything, but might make a shade of profit.

6938. On the actual transaction you think it is possible a profit might be made?—Yes—not a loss anyhow, because there are jobbers who would buy it if it was not all holes, which it could not possibly be.

6939. There is an idea—how far it is correct I do not know—that fines are inflicted for either an actual or a prospective loss to the employer; are we to understand that in this case, so far as your knowledge would lead you to answer, not only would there be no loss inflicted, but that, on account of the fine from the work person's wages, an actual profit might result to the employer?—Of course, he would not say so because he would reckon he had lost so much profit.

6940. I am leaving out of consideration the question of commercial profit to the employer. At any rate, no positive loss would result, and there would be a probable profit on the transaction, leaving out of consideration the commercial profit?—Assuming it cost £2 19s. to produce the piece, and he sold it for £2 5s., and made a fine of 15s. 6d., the profit to him would be 1s. 6d. I will put it in that way.

By Mr. Maddison.

6941. With respect to fining for late coming, what would you say if instead of those fines the employer were to say that after three minutes, or whatever the time was which was fixed, the mill would not be open from half past six till seven? What would you say to that as a substitute for fines?—Do you mean as to whether that would be satisfactory from a disciplinary point of view?

6942. What would you say to that as a substitute for fines?—I think it would be very hard indeed in winter, for people who have come two or three miles, if they

closed the doors absolutely and kept them outside. It would be bad for the workpeople, and not good for the employer. One or two firms do that already—they keep them out till breakfast time or till seven o'clock. It causes some to go on the spree.

6943. Therefore you would say that such a system would be worse than fines ?—Yes, I think so.

6944. Would you also say that having regard to the many things which may happen to a man or a woman, fines would also be harsh ?—Yes.

6945. With respect to the Act of 1896, I rather gather from your evidence that your union has not used it very much: am I right ?—How do you mean ?

6946. I mean to say they have not called the attention of the inspectors to the matter or insisted upon the employers conforming to its provisions ?—That is quite true. We have not used it much.

6947. Why ?—Because we did not like it at the time; we did not seem to take to it. Like the Lancashire people, we wanted to be exempt from it at the time, and did not succeed.

6948. You took part in the same agitation as the weavers ?—Yes, as the cotton people.

6949. And although it became an Act of Parliament your union did not think it worth its while to try and use it ?—No; we have gone on what is possibly the obstinate policy of saying we would not have anything to do with it if we could help it, as we did not agree with it at the time.

6950. Do you think that has been a wise policy ?—I am not very certain that it has.

6951. I gather also that your view is that any Act which left fines in existence would break down ?—I think so; or rather it would not be satisfactory.

6952. Why do you say that ?—Because in all cases the employer must be both judge and jury and the employees would have very little to say as to what is just or unjust.

6953. That is to say it would be impossible in your view for inspectors to carry out even an improved code ?—I think so; from the point of view, first of want of intimate knowledge, and second, want of a proper number of inspectors.

6954. Therefore you come to the conclusion that nothing but the total abolition of fines will be satisfactory ?—That is so.

6955. In that connection you made it plain that you would not ask Parliament to make suspensions illegal ?—Oh, no; suspensions are legal now for many things.

6956. I say you would not ask Parliament to make them illegal ?—No.

6957. I think you said because it was a right reserved to employers which could hardly be interfered with ?—That is so.

6958. But could not you conceive of occasions when suspensions might be used in a very arbitrary way, even worse than fines are ?—Occasionally, yes, but not regularly.

6959. You think that it would be more serious both to the employer and the workpeople and that therefore it would not be so often resorted to as a small fine ?—That is so.

6960. You said that since 1896 fines have been less ?—Yes.

6961. But that the fines that were imposed have not been better ?—The quantity of fines is less for alleged bad material and bad workmanship. The fines for timing in are more than they were in 1896.

6962. Then you would rather say that the increase has been for the offence, if we may call it so, of being late ?—Yes.

6963. Now take an ordinary average mill; is there a large number of fines there ?—Not a large number. In a mill with 500 people I should say there will perhaps be thirty or forty fined each week.

6964. Out of 500 ?—Yes, for late coming.

6965. Apart from late coming the percentage would be very much less ?—At a mill with about 200 weavers I should imagine that not more than five or six would be fined each week.

6966. That is rather a big percentage of late arrivals, is it not ?—Well, there are six days in the week and the limit is very small—three minutes in some cases.

6967. Now with respect to bad work, of course I know that your weavers are all on piece work ?—Yes.

6968. But have you any day work where bad work can arise ?—Yes.

6969. What is your experience with regard to fines from day workers ?—There is not as much fining among day workers by a long way as there is amongst piece workers.

6970. But there are fines amongst day workers ?—Yes. I have a case here where two girl burlers of Sowerby Bridge earned 16s.—8s. each. They were fined 5s. each, and had to pay 1s. a week till they paid it off.

By the Chairman.

6971. For what ?—This is one of those strange things—for not making the piece better. A burler is supposed to make a piece better, to improve the piece, and because these girls did not do it well enough they were fined 10s. between them, 5s. each out of 16s. joint wages. That is three weeks since.

By Mr. Maddison.

6972. I think you gave us several bobbin cases, but I have it on my notes as "the bobbin case"; that is very interesting to those of us who are not experts; you made it plain as to the two bobbins, of the same colour but different thicknesses. I suppose that piece would really be damaged ?—It would.

6973. So that there would be a loss there to the employer ?—There would be a loss of the price of a quarter of a yard to the employer. They generally work them in quarter of a yard lots.

6974. Your contention, I gather, is that defects of that kind are really incidental to working ?—Until there is perfection they cannot have perfect pieces.

6975. But I suppose you will admit that in a mill there are damages and faults which are not due to the imperfection of human nature merely—I mean there is carelessness and that sort of thing ?—That is so. There are negligent weavers, negligent foreman, negligent managers.

6976. And if there were any great repetition of that you have made it plain that you would dismiss them ?—Absolutely.

6977. Supposing that this Committee did not go so far as to recommend the total abolition of fines, what would you say to an alteration of the law by which no employer could in one week impose a fine beyond, we will say, 5 per cent. of the wages ?—I could not believe in any system of fines and therefore I could not assume that.

6978. I think you are equal to seeing the possibility of Parliament not going the whole length and yet endeavouring to minimise the risk of excessive fining; what would you then say to such a proposal as that ?—I do not think that would be satisfactory. I think it would have to be more drastic than that—more complete than that. The employer should send to the inspector a list of each fine that he inflicts each week so that the inspector may have a record of what he is doing, so that it will be a guide to future inquiries in regard to legislation.

6979. But would you not say, especially in case of girls earning very small wages, that it would be some mitigation if we could be assured that in no factory a girl could be fined, we will say, more than 6d. or 4d., or whatever we fixed upon—some low amount ?—No, I could not see any wisdom in that, or any justness in that at all.

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6980. You think to allow a girl to be fined 3s. out of 10s., which we have had evidence of, would be no worse than to say that she should not be fined more than 3d.?—Logically you are correct in that position, but my point would be that girls and boys are not big enough to be fined. Adults are the only persons who ought to be fined, if anybody.

6981. But if they were fined ?—They had better be fined 3d. than 3s., certainly. But I do not see how you can fix your limit.

6982. I will not pursue it further. Now you said something about dining-rooms and conveniences of that kind ?—Yes.

6983. You do not include in your objection the supplying of hot water by some man told off by the firm, to whom you pay something for the hot water ?—I think it ought to be insisted upon in the Factory Acts that appliances and facilities for meals and the provision of the necessary hot water should be made by the firm free of cost. I think it is unjust to the employee to have to pay, as some of these people have to do, so much per week towards the cook and dining-room. In one case at Morley they have to pay 4½d. per week if they worked overtime and 3d. per week if they are not working overtime.

6984. You think that all factories ought to provide a cook ?—I think that all factories ought to provide appliances for getting the employees' meals ; that would include hot water of course.

6985. Suppose they employ a cook or make extra facilities, you would not object to paying for them, would you ?—If the employees were agreeable, no. But if persons do not have it they should not pay for it as they do at present There are two places I know where they have to pay whether they use it or not.

6986. What is your view with regard to deductions from wages for hospitals—I mean a regular accredited borough or county hospital, whatever it may be ?—My view is that no deductions should be made in the office unless there is complete unanimity amongst those who have the deductions made from them. It looks impossible to have unanimity. I think that is the only way, that those who have the deductions made shou'd be agreeab'e to its being done that way,

6987. Is it your experience that more money is got from the hospitals without these deductions from wages ?—Yes. Ours is voluntary. Our hospitals are supported by the workpeople. In most of our towns there are no compulsory deductions. Voluntary contributions are paid willingly and freely, and complimentary thanks are recorded each year to the mills and workshops for their support.

By Mr. Delevingne.

6988. A good deal of your evidence has gone to show that deductions are made for damage to work which is not due in any way to the fault of the worker, but due to a variety of circumstances outside the worker's control which may affect the quality of the work ?—That is so.

6989. But that nevertheless when any damage does occur the worker is frequently fined ?—Yes.

6990. I should like to direct your attention to Section 2 of the Act of 1896 which seems to limit the cases in which a deduction may be made by the employer to those cases in which the damage has been due to some act or omission on the part of the worker, and would not apparently include cases where the damage has been due to something quite oustide the worker's control ?—Could you tell me what the wording of that is ?

6991. "Provided that the deduction or payment to be made under the contract does not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman" ?—Of course that is not bothered with all at by the employer or the employee. I mean to say, the deductions are made irrespective of what the actual loss may be. I gave an instance of that in the case of the light weight at Morley.

6992. I understand from what you say that the provision in this section is in practice ignored ?—It is ignored.

6993. Have any steps been taken by yourself or by your union to test cases of that kind in the courts ?—I think I mentioned a moment ago that we have to some extent ignored the Act because we wanted to be kept out of it, like the Lancashire people.

6994. As a matter of fact, has the question whether such deductions are legal or not been tested in the courts ?—Not the amount of it—not the reasonableness of it or otherwise. The question of the cause of the damage has never been discussed at all.

6995. I mean the question whether in a case where damage is not due to the worker's fault the employer has any right to impose a fine ?—No. Apart from entering into negotiations with employers on behalf of our members we have done nothing ; we have never taken it into court.

6996. Is it easy in most cases to assign the damage to the right cause ? Is it easy to say whether a worker is to blame or whether the yarn is to blame, or the machine, or some other cause ?—The person who assigns the damage may be the person to blame, who puts it upon somebody else. That unfortunately may sometimes be the case. It may be the fault of the overlooker or of the tuner of the loom that the damage has arisen in some of these cases. In these cases of light and heavy weights it may be his fault solely in connection with the manipulation of the loom, of which he has complete control, and over which the weaver has no control whatever.

6997. All I want to know is, is it easy to say who is to blame for the damage ?—Generally speaking, yes.

6998. One question on those cases of wrong bobbins. In the case where 10s. 6d. was taken for three wrong bobbins, was the amount deducted equivalent to the whole value of the piece damaged ?—The weaver got 16s. The cloth per yard would be from 2s. 3d. to 2s. 8d. The outside would be 2s. 8d. The 10s. 6d. was for less than a yard of cloth.

6999. I am afraid I do not follow, but all I want to know is, was the worker made to bear the whole cost of the piece of damaged cloth ?—She had to pay the whole cost of that damaged portion, and more. Have I explained it clearly enough ?

7000. No. Will you explain it a little further ?—Three bobbins of wrong weft would cover in round figures half a yard of cloth. The cloth would be sold at from 2s. 3d. to 2s. 8d. a yard. The weaver was fined 10s. 6d. The whole cost of that cloth, even supposing it was three yards long, would not be half-a-guinea. Therefore, she was fined considerably more than the cloth was valued at for the portion she had damaged. But may I put it in this way in fairness to the employers as well, that sometimes if a piece is not a complete length, if they provide 56 yards or 48 yards, as the case may be, and it is damaged in the middle, a customer may not take that cloth, and therefore there may be more damage than there seems to be on the face of it ? Therefore I would not like to say the damage is more than the actual loss to the employer. Several circumstances might arise to cover that.

7001. You say that in one or two mills a practice is growing up of dispensing with some of the menders, and compelling the weavers either to mend their own cloth or else to pay the whole cost of the wage of the mender to whom it is given ?—That is so.

7002. You see, I suppose, that compelling a weaver to mend his own piece is not making a deduction ?—No ; that is so. It is only a reduction of wages.

7003. It becomes a wage question ?—Yes.

7004. And therefore not within the Truck Acts. Do you think that practice would be likely to be extended if all deductions for damaged work were abolished ?—If all deductions for damaged work were abolished, I do not think that practice would be extended except in the very cheapest cloth trades. I think they will have to have menders, because weavers are not trained to be menders, and it is only in these cases where they are trying it on or making them pay that causes them to do it at all—I mean where they are made to pay if they do not do it themselves. I do not think it would grow if fines were abolished. I think menders would still be wanted and still be kept up ; I think more so.

7005. Sir Frederick Cawley asked you whether it would not to some extent remedy the abuses you have mentioned if a register of all deductions for damaged work was required to be kept under the Truck Acts, and you said a register was required to be kept already. I think that was not quite correct, because the provision in the Act of 1896 only applies to disciplinary fines under Section 1 of the Act, and not to deductions for damaged work or deductions for materials under Sections 2 and 3 ?—Possibly you are correct on that particular point, but I thought it was—I am not very clear on the point—that all the deductions made had to be booked and had to be open for the inspection of the inspector; but as you say, it may be only disciplinary fines.

7006. You may take it that is so. May I put to you the question which Sir Frederick Cawley put to you: would it not help to put a stop to unfair and unreasonable deductions if they were all required to be recorded in a book, and that book was either open to the inspector when he called, or, possibly, if a copy of the book were required to be sent to the inspector from time to time ?—It might have more effect if it were compulsory that each fine recorded should be sent to the inspector. I do not see that it would serve a useful purpose for the book to be open to the inspection of the inspector when there are so few inspectors. But if the employers were compelled to send every week or every month, as the case may be, a list of fines recorded, that might have some effect and be some help, both in reducing fines and also in finding out how the fine system worked later on.

7007. There would be no difficulty on the part of the employer in giving sufficient particulars ?—No, I do not think so, because it is part of his bookkeeping already. It is part of the firm's bookkeeping already; supposing a person has a piece for which he is paid 26s., and 2s. 6d. is deducted, that has to be shown somewhere from the point of view of the employer, to show his turnover, his working and management expenses. Therefore he has the information in his possession.

7008. With regard to the fining of lads and girls, you said lads will be lads, and occasionally they do things which lead to damage. Of course you admit that some discipline must be maintained over those lads ?—That is so.

7009. What would be your method ? Would you advocate the dismissal of a lad for some freak which led to damage ?—I should have some method of reprimanding him. I should not go in strongly for the dismissal of lads unless it was a very bad case. I think there is a way of getting their parents to talk to them, which would make them better lads.

7010. You think there would be methods other than fining ?—Yes, I do not think it is fair to the lad to fine him. There is a bit of old human nature in him.

By the Chairman.

7011. On the point which Mr. Delevingne has put to you, I do not suppose that you favour this system of a weekly report of fines as a substitute for actual abolition ?—No; abolition first.

7012. If fines are kept up under any category approved by the law, then you would favour a weekly report ?—Weekly or monthly, or some short time report.

7013. Would one of the advantages of that at all events be that it would put the inspector on the scent, so to speak, of an ill-regulated factory ?—It would give the inspector the knowledge of what was being done, and he could, as you suggest, visit those that he thought were fining in an unreasonable and improper way.

7014. And indeed he could go further than a general survey of the mill; he could actually, if the names of the operatives were given in that report, interview them and obtain their version of the transaction and see how the thing stood ?—He would have much more control over the subject than he can have now.

7015. This is on the assumption that fines are continued, which you do not approve of ?—That is so.

7016. But even assuming they are continued, in the event of an inspector having formed his own opinion as to a fine being improper, would you make him the arbiter to say that it should be returned without any necessity of going to law ?—I am not certain upon that point as to what would be the best course to adopt. It looks just as bad to make the inspector the arbiter as it does at the present time to make the employer the arbiter.

7017. In both cases you lose the moral advantage of the publicity of a law report ?—Yes.

7018. I will not press you upon that. Generally speaking, is your evidence to the effect that there is more damage amongst piece workers than amongst day workers ?—I should not say there is, but there is more fining amongst piece workers than amongst day workers.

7019. Take the piece worker's case: I gather that even with regard to the piece worker your view is that there may be a series of errors in the processes which have led up to the ultimate fault which is discovered ?—Yes.

7020. And it is practically the fact that the fines fall upon the last workman concerned ?—It is the piece worker who is practically the burden bearer, generally.

7021. In that way, of course, to some extent that may account for the large number of fines among piece workers ?—That is so.

7022. They bear the burden of a good number of processes ?—Yes.

7023. Supposing the piece workers wanted to earn more money—you know the kind of natural ambition to earn more money on the piece—and accordingly slopped their work, or were careless in order to achieve a pecuniary advantage, do you think even in that case, taking all the considerations together, it would be a greater deterrent to bad work if there were the fear of dismissal ?—I think it would make them do less sloppy work if they had the fear of dismissal in front of them for doing it. I am sure it would be better to have the fear of dismissal than to have the fear of a fine, because where they do fine them it does not make them a bit better. They get off with the fine.

7024. It would be better with regard to the output of good work ?—Yes, both with regard to efficiency and quantity.

TWENTY-EIGHTH DAY.

Tuesday, 11th December, 1906.

PRESENT.

[The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. ROWLAND BARRAN, M.P., was called; and Examined.

Mr. R. Barran, M.P.

11 Dec. 1906.

By the Chairman.

7025. Kindly tell us, Mr. Barran, what is the name of your firm?—John Barran & Sons, Ltd.

7026. And its place of business is in Leeds?—Yes.

7027. How many workpeople do you employ of all grades and classes?—From 2,000 upwards.

7028. Are you yourself a partner in the business?—I am a director. The business has recently been converted into a limited liability company, but previously it was a private concern.

7029. Headed by your late father, Sir John Barran?—Yes, formerly. During the last years of the business as a private company, one of my brothers and myself were at the head of it.

7030. What proportion of the number of workers you have referred to are employed in the work of tailoring—the actual making up?—Probably about 150 to 200 in the cutting out, and the parts that appertain to it, and from 1,500 upwards as factory workers including the staff connected with the factory.

7031. Are they employed largely with sewing machines, or is it hand labour?—Roughly speaking, about half and half.

7032. I assume that a large part of the work is of a minute character requiring hand labour?—Yes.

7033. We have had some evidence given to this Committee referring incidentally to your firm, and it has been the desire of the Committee to have your views with regard to it. In the first place there was produced by one witness a list of fines scheduled by John Barran & Sons, Leeds. No date was given to the Committee with reference to that list of fines, and we now want, if possible, to get from you any details with regard to it?—I hand in our printed list. (*List handed in.*) That is a list compiled more than thirty years ago with a few subsequent alterations bringing it more up-to-date—for instance substituting electric light for gas. It is just about thirty years since I became connected with the business and the list was in existence at that time in practically the same condition. The firm to which I belong was the first to introduce the clothing trade into Leeds. The workers at that time were mill hands, and they were more or less, a rough lot, quite different from what is required in the work of a clothing factory. It was necessary to get an entirely different type of discipline from what there was in the woollen mills around. This code of rules and fines was arranged so as to bring about suitable discipline. It succeeded in doing so, and that has been the basis of the discipline adopted in all the other clothing factories in Leeds and the surrounding towns. It was at the time a little difficult to establish that discipline, but when once established it has been comparatively easy to maintain it, because the girls we employ practically maintain it themselves. We should find it impossible to have a work-hand of bad behaviour, or of doubtful character within our works. The hands themselves would not permit it.

7034. There was evidence given to us to the effect that the operatives you employ were composed of the best class of girls?—Yes, I believe that is so.

7035. Roughly speaking, this list of fines is under two categories; first, bad work, and second, coming late?—That is what in recent years it has come to. Practically most of that list has been inoperative for many years It has merely stood there as a code of regulations. In recent years doing bad work or coming late have been practically the only items in respect of which fines have actually been imposed. No doubt that list of fines looks rather irritating, and the only reply I can give to that is that during the thirty years I have been connected with the business, there has never been any friction with our workpeople on account of it. That, of course, means either that where fines have been inflicted the workpeople have assented to them as reasonable or that they have practically not been inflicted.

7036. Can you tell us whether, during the course of that time, there have been representations made by the workpeople against the code?—No.

7037. You do not recollect anything of that sort?—No.

7038. Do you happen to know whether the existence of the code and such enforcement of it as you have described has been the subject of reports to His Majesty's inspectors by way of complaint?—No. I believe that, at times, the attention of the inspector has been called to individual cases which have been brought before the partners or directors. I therefore think it would be inaccurate to say that such a thing has never occurred, but I believe the instances might be counted upon the fingers of one hand.

7039. I gather that although the list was compiled thirty years ago it still has continued at least before the eyes of the workers until now?—Oh yes.

7040. But I understand you to say that in recent years it has been reduced to the two categories of late coming or bad work?—Yes, that is so.

7041. With regard to bad work, have you found under that head that you can do as well without fines?—Yes, and I may mention that during the last fourteen months no fines whatever have been imposed. During the two previous years the fines were reduced first to £6 and then to £2.

7042. But for the last fourteen months they have been nil?—Quite so.

7043. With regard to the fines for bad work, was it difficult to estimate the amount of the fine, or was it regulated by the sheet that you have handed in?—It was not a fine in proportion to the damage.

7044. But by way of discipline?—Yes, a purely disciplinary fine.

7045. Have you had in your works any deductions from wages on account of damaged work?—That would come under a different category.

7046. Well, we can come to that later. The second head was fines for late coming. I suppose you do find from experience, don't you, that late coming has a certain disorganising effect upon the work?—Yes.

7047. I understand you started with a system of fines for late arrivals; but what do you do now in that matter?

—In the two years, 1902 and 1903, which were very busy years, the work-hands were earning good wages, and it was important to get them to the factory punctually. These were the heaviest years for fines on account of coming late, but the fines did not produce punctuality, as the girls were earning good wages and cared very little about the small fines. Finding that the fines did not secure the desired result, we tried another system. We closed the doors a quarter of an hour after the time at which work should begin morning and afternoon, and unless a work-hand had some reasonable excuse for coming late, she found the door closed for the morning, and lost her morning's work.

7048. That refers to piece workers?—Yes, that system produced the desired result, and secured greater punctuality than the fines ever did. If girls came from a distance by train and could not arrive punctually, they were given a written permit to enter a little later. That has answered the company's purpose better than the fines, and I think it is better for the work-hands themselves, than the old system of fines.

7049. Then the result of the alterations is that under the gradual abandonment of the system of fines th amount taken under that head in 1904 was £6 5s. 10½d., and in 1905, £2 8s. ½d. whereas in 1906 the fines are nil?—Yes.

7050. That applies to the 1,500 or 1,800 workers to whom you have referred?—Yes.

7051. Have these fines ever been taken by the firm into general account?—No.

7052. They seem to have been devoted towards the cost of trips?—Yes, entirely. A trip is given every year to the workpeople and the fines were placed to the credit of the trip fund.

7053. Who pays the other expenses of the trip?—The firm or company pay for the trip and it varies according to where we go. Over a period of ten years, the fines averaged about £18 a year, and the cost of the trip has averaged about £140 a year. I give here a list of the fines from 1897 to 1906 inclusive, and opposite to that list in parallel column, a note of the cost of the trips for these respective years. The list is as follows—

	Fines.				Cost of Trips.		
1897.—	£12	9	9		£127	17	0
1898.—	13	13	1		100	4	0
1899.—	16	0	2		112	1	2
1900.—	34	17	3		126	11	1
1901.—	21	2	3		151	16	8
1902.—	25	5	3		180	3	11
1903.—	29	14	4		214	7	3
1904.—	6	5	10½		119	1	7
1905.—	2	8	0½		157	16	11
1906.—	Nil				183	6	3
Total	181	16	0½	Total	1,475	5	10

7054. I understand that the evidence which has been given before us with reference incidentally to your firm, has been brought under your notice?—Yes.

7055. Will you look at Q. 5326. Have you any knowledge of this trades' union sending round to the factories, and the Secretary, Miss McArthur, giving out bills asking the girls to attend a meeting?—It has not come to my personal notice.

7056. You see a statement here that everyone of the girls' pay tickets had deductions upon it; the lowest was 3s. 9d., with 7d. off for fines and deductions; did that apply to your firm, and, if so, about what date?—That I cannot tell you. I could not trace anything of the kind. Of course 7d. for fines and deductions might easily occur.

7057. Has that occurred during the last few years?—It might have occurred at any time up to fourteen months ago.

7058. In Q. 5418 there is a suggestion that 22 per cent of the wages may be taken off in fines; what do you say with regard to that?—That might occur in an individual case, although the fines might have been very small. But you will see that an average of £18 a year in fines works out to about 7s. a week, which on a pay list which sometimes goes up to £1,000 a week, is a very different proportion to 22 per cent.

7059. That is to say, out of an extensive works you might take one case of hardship, and by bringing that to a percentage produce an apparently very startling effect?—You might have a girl who really ought to have been dismissed, an impossible hand, who was fined as much as 15d. in a week; probably she would have been dismissed the next week. Such a thing is quite possible.

7060. Under your system at present I gather that is what would occur?—At the present time, we should dismiss a girl like that. That is a very much more satisfactory method of dealing with such a girl, both for herself and for her fellow-workwomen.

7061. At Q. 5449 and following there are a whole series of questions and answers apparently applicable to this list of fines?—Yes.

7062. And it is to that that your evidence as to the gradual abandonment of fines applies?—Yes. Of course the abandonment of most of these dates many years back.

7063. So I gather. Might I put it at twenty years back?—Ten years back it was as low as £12 in the year. I would not like to say that any of them have been absolutely obsolete. I could not say which have been obsolete.

7064. Take Q. 5454, "In regard to using cottons instead of linen thread, might not that cause damage or loss to the garment," and then the suggestion is that 5½d. per reel is charged when 3½d. is the price outside; what is your practice with regard to the use of sewings?—We charge all sewings at net cost, as charged to us by the manufacturer, but we disregard the fluctuations of the market. At the present time, for instance, every reel of cotton which is sold, will necessarily at the present price of cotton (which, in the raw, is just double what it was a few years ago) be sold at a net loss; but at the present time every reel of silk probably will be sold at a slight profit. A few years ago the converse would be the case. We disregard fluctuations of the market. But that is really immaterial, because when the price per dozen which a certain garment is made at is worked out, the cost of sewings is added, and it is added at the same basis as the sewing is charged to the work hand. Supposing you are going to pay 5s. a dozen for certain garments and the cotton will cost 6d., you pay 5s. 6d., and you charge 6d. for the cotton. So that it is really immaterial what the price may be, because it is added in as near a proportion as possible, to the payment made to the girl. A schedule of all sewings with the prices is hung up in a prominent place in every workroom.

7065. And would reach at the end of the transaction the same net figure?—You reach the same net figure. It is not revised over a number of years, because it would merely be irritating.

7066. Is the character of your sewing essential?—Absolutely essential. Our goods go to all parts of the world—to all the Colonies, Australia, New Zealand, Canada and every part of the world—and unless the sewings were good the trade could not be kept together. They are almost as essential as the cloth. You might almost as well say to a girl, "Go out and buy a piece of blue serge," as to say, "Go out and buy a black sewing to sew it with."

7067. The suggestion which is made that the same quality of reel could be got for 3½d. as that which is charged 5½d. for has no relation to anything ever done by your firm?—No. It is inaccurate in fact, and it does not require further comment.

7068. Will you look at Q. 5465?—That might easily have occurred at any time previously to fourteen months ago, where a girl was fined 1s. out of a total earnings of 1s. 3d. It would be a very hard thing that a girl should be there a week for that, but of course a girl might obviously have been there, on her own account, only a day.

7069. It is said that that is five weeks ago. That is obviously inaccurate?—Yes. I take it that the answer to Q. 5465 is rather interesting because that is given as a definite example. But I see he says, "*I think* it was five weeks since."

7070. You see Q. 5466 where the witness says that no firm should compel a girl to go at eight and stop till six, when there is no work?—That has never prevailed in our factory. If there is no work the girls go out at the even hours. They may not go out at odd times, for this

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reason. When the girls go out they have to pass through the dining-room to get to the cloak room to get their cloaks ; there are many cloaks hanging up in the cloak room, and, of course, if you have many hands, you cannot allow the girls to go there without anyone in charge. Therefore, if there is no work, the girls go out at each of the hours—ten, eleven, twelve ; and three, four and five in the afternoon ; they cannot go out at odd times. If a girl is kept for our own convenience, for work of a special nature which may possibly come in later in the day, we pay her time wages although she is a piecework hand ; we pay her wages for the time she is kept at our own cost, because it is for our own convenience.

7071. Now you have given us evidence with regard to the way the fines are disposed of which covers a good deal of ground of our examination. If there are any suggestions in the evidence to the effect that these fines go into the firm's pockets in the sense of being a profit to them, that obviously does not apply to a firm like your own ?—That is so. The suggestion in answer to Q. 5528 that fines would amount to £300 or £400 in the year is rather interesting. The suggestion there is that the fines of our company amount to £300 or £400 a year. I have given you ten years, which will probably be the heaviest ten years, where the average is £18 a year. Of course you will gather how far that discredits the evidence which has been given. This book of fines has been available for many years, in all its details, to the factory inspector—not the totals only, but all the details as to what every fine has been imposed for have been laid open for the factory inspector to see on his rounds.

7072. The evidence as to that large sum, perhaps £300 or £400 a year, for fines, apparently does not refer to your firm ?—That is so.

7073. Do you know any firm where there is anything like that ?—No.

7074. Have you ever heard of such a case ?—I should regard it as belonging entirely to the realm of fiction.

7075. Or of ancient history, at any rate ?—No ; to pure, very interesting, fiction.

7076. Now we pass on to Q. 5658 ?—It is said that the girls come to us for pastime. Well, the number of hands varies from 1,500 to 1,700, perhaps a little less or more. The wage sheet often runs up to £1,000 a week. I think the idea that 1,700 girls come to us for pastime may be described as belonging to the realms of fiction.

7077. You see the evidence at Q. 5659, about the girls being compelled to go there at a certain time and not being allowed to leave before night except for meals ; what you have already told us as to your practice covers that ?—It covers that.

7078. Will you turn to Q. 5729 ? The witness under examination was asked by me to put in the documents, as you will see ?—Yes.

7079. And she put in a list of fines and deductions of your firm. " That is particularly interesting because that is a model factory ; they say that no girl can be employed who is not moral, and everything has to be very respectable." The evidence is recorded, and we must take it as we find it, but so far as the character of your girls is concerned, that is accurate ?—That is accurate.

7080. They are good girls ?—Yes.

7081. And well-behaved girls ?—Absolutely.

7082-7083. And come of a good stock, apparently ?—Yes ; their own discipline is excellent.

7084. And so far as this list of fines is concerned, it is the list originally compiled thirty years ago and is now, totally discarded ?—That is so.

7085. Now in Q. 5953 there is a suggestion that the employees are threatened that if they do not take a certain wage the work will be sent out to be done by a middleman. The witness says that there is a certain kind of work which the girls are not capable of doing at certain times. Do you employ middlemen in connection with your firm at all ?—Yes.

7086. Will you tell us how that system works ? Give us a description of it ?—There is a class of work which is of too heavy a nature for the English work girl to do. They are large garments—you might, for instance, take men's motor coats as an extreme case. These are done very largely by machinsts who are men. All the machinists who work in our factory are women. The male machinists are almost always Jews. They work in workshops where they have almost entirely men machinists. The smaller parts are done by women, who may be Jews or Christians, they are a good deal mixed up in the subsidiary factories That heavy class of work (which is better dealt with in that way, the Jews having been specially engaged in it in all times) is not really in competition with the work in the factory. The idea suggested here that work could be taken from the girls inside and done outside, or that work could be taken from outside and brought inside, is not accurate, because they are rather different types of work. That heavy work is mostly given out to middlemen who do it in smaller factories. In our case it is entirely done in factories. We have not had a single garment for a great many years which has gone into the homes of the people. We had at one time.

7087. In short, you have no outworkers in the ordinary sense of the word ?—No, absolutely none. We had some years ago, and some we took into the works ; any that we could not take into the works we pensioned. We had for some time a very large pension list. When we discontinued that, we pensioned off every hand that we could not take inside, for life. That is a good many years ago. All the work that is done for us now is therefore under the inspection of the factory inspector.

7088. I should put to you the list of fines and deductions which has been given to us ?—May I see that ? (*The list was handed to the Witness.*)

7089. At what date does it begin ?—This begins in 1902 and ends in 1904.

7090. I do not recollect how that was got, but substantially it appears to be correct, does it not ?—I do not know.

7091. It does not look a very large amount ?—This probably totals up to the figures I have given you. I cannot say whether it is correct or not without totalling it up, but, as I say, the fine book has been available to the factory inspector, and therefore available to anyone else.

7092. The other matter arising out of this which I wanted to ask you about was with regard to deductions ? —Deductions, of course, may be sewings.

7093. That is what we want to get at ?—That is another point.

7094. Will you tell us about that ? What is your system with regard to deductions ?—The deductions for sewings are taken at the same time as wages are paid. Whether they are two transactions, or one transaction I cannot actually say. I did not know that I was going to be asked that. But they are carried on at the same time. That is, supposing that a girl is paid 14s. 9d. in wages and the sewings amount to 9d. or 10½d., that amount would be deducted at the same time that the wages are paid.

7095. That is with regard to the thread which you were referring to ?—Yes, thread, silk, cotton.

7096. Now suppose that Parliament on our advice, or against our advice, imposed a statutory prohibition upon deductions ?—Upon *any* deductions ?

7097. Yes. I fancy you would strike a net wage which would bring out the same financial result ?—I really do not think that in our trade it would signify much. We should have to provide the sewings and pay a less wage. The only thing, of course, would be that there would be a slight tendency to wastefulness. But I do not think that that is so important as it was twenty or thirty years ago. I do not think it is an important item. One is bound to admit that the effect of the higher education of this class of girl has made the management of a factory an absolutely different thing from what it was thirty years ago. We should have no objection whatever to the absolute abolition or prohibition of fines. Provided that we could insist by some method upon having our own sewings used ; so that we did not fear the deterioration of our goods ; we should not object to any prohibition of deductions even for sewings. That is so far as my own trade is concerned.

7098. Then with regard to deductions for the cook and for benevolence I suppose they would work out in the same way ?—For the cook ?

7099. Yes ?—There is no deduction for the cook that I am aware of.

7100. It is said that there is. Will you just look at this, please ?—(*Document handed to Witness.*)—"C. cook ; B. benevolence ; F. fines." We have neither deduction for a cook nor for benevolence. We provide cooks, and we provide tea, and we cook the meals for the girls.

7101. Is there a charge made for that ?—A charge is made for the tea. The cooking is nominally done for nothing. The charge is made for the tea or cocoa There is the cost of the cooks, and, I believe, on the year there is possibly a slight balance either one way or the other on the kitchen. The girls declined to take the thing over as a club. We have rather urged them to do so—we should much prefer them to do so—but they have declined to take it over ; they say it is so satisfactory at present that they will not consider any alteration.

7102. Are they charged for it whether they take it or not ?—Oh no ; they buy it over the counter. They go and pay their penny, for which they get three pint mugs of tea. They buy it as they like. We provide a very good dining-room, and, whether a girl buys her tea or not, she can get her meal cooked free. If she likes, to buy a mug of tea or cocoa she can do so. They bring their meals in little earthenware dishes which are put into ovens and heated in that way. We do not deduct anything for benevolence. As a matter of fact, they do raise a very large sum, varying between £60 and £100 a year, for medical charities. Then they give an entertainment. This rather gives you an idea of the character of the work-hands. They give a dramatic performance, with songs and recitations, and fill a hall holding 800 people for two nights, and they raise a large sum which they use in buying tickets for convalescent homes for themselves. That is all done outside us. The whole of their benevolence is done entirely outside the firm, they merely ask us to come in and preside, but we have nothing to do with it. That is in the nature of a club.

7103. I will ask you a more general question. Suppose there was a system with regard to cooking established in a certain firm (which shall be nameless) whereby the work was carried on in this way: that every person employed was bound to pay, by a deduction from the wages, for the supply of hot water, or the cook's wages, irrespective of whether they took advantage of the facilities offered or not; would you approve or disapprove of that ?—Such a thing I should say should be prevented by law, distinctly.

7104. You can see that it limits the freedom of the workpeople ?—Undoubtedly.

7105. And besides, you think that upon the whole there can be excellent management without any devices of that kind ?—Yes. We should not in any way oppose the prohibition of fines.

7106. And there can be excellent management without deductions, in the sense which you have described ?—Yes. We should not oppose the prohibition of deductions. In regard to that, I only speak for my own firm. I cannot speak with regard to weaving, or with regard to the mills. The details vary so much. But in any firm in our trade, discipline can at the present time be kept up without fines.

By Mrs. Tennant.

7107. I understand that the list of fines which you hand in, as now hung up in your factory, is in fact the same as the list of fines which was handed to us by the witness whose evidence is under discussion ?—I cannot say.

7108. They do correspond exactly. The list is in the evidence which I gather has been submitted to you ?—I did not check them off, but I presume they agree.

7109. It shows there are twenty-one items, eighteen of which involve a fine. I have compared them, and there *are* twenty-one ?—I have no doubt they are the same. There are hundreds of these books in circulation and there is no object in giving any but the right one. It is posted up in every room and is at the beginning of every wage book or has been until recently. They are not now printed in new wage books. I believe as a matter of fact that a good many of the old wage books are about still—probably the majority of them.

7110. I see at the foot of this list a space for the signature of the worker which says that she agrees to be bound by the above rules ?—Yes. *Mr. R. Barran, M.P.* 11 Dec. 1906.

7111. Does she still sign that to-day ?—I should think so. I should think probably that is where her name is in the book. The name must be in the book somewhere.

7112. You do in fact really ask her to sign this ?—No ; we do not ask her to sign that to-day—not since the fines have been abolished. Up to fourteen months ago, she would undoubtedly have been asked to sign that.

7113. But yet I understand this list is hung up in the factory ?—Yes ; that list is hung up in the factory at the present time. As a matter of fact, it has never been taken down.

7114. Is it not apt to lead to a certain amount of misunderstanding that the list should be hung up, while you do not wish anybody to follow it ?—You see, we do wish that as a code of behaviour. But of course it should not be hung up. Fourteen months ago, when fines were abolished, the list should have been revised, and hung up without the fines upon it, obviously.

7115. It is reasonable for a witness to put in as a current list of fines what is actually on the wall of the factory ?—Yes, unless that witness is aware that they have been discontinued. If a witness professes to be in touch with the work-people, and knows that as a matter of fact some months ago—more than a year ago—all fines were discontinued, it is scarcely honest to put that in as a list of fines which are exacted to-day.

7116. But it looks as if there must be some mistake, because one of the witnesses, whom the Chairman mentioned, spoke of a fine which was imposed about five weeks ago, according to his impression. Even allowing for some mistake—say it was seven or eight weeks ago—it is yet current ?—He says he thinks it was about five weeks ago. If he had left out the words "I think," I should have said it was an untruth. The books are entirely open to anyone that this Committee may like to send down to make any enquiries they like. No fine has been exacted for fourteen months. That is a matter beyond all doubt. So that a statement of that kind is merely unimportant.

7117. Are you satisfied that a foreman could not have imposed a fine without your knowledge ?—Oh, absolutely.

7118. So that you are positive that the statement of a fine having imposed within the last fourteen months must be a mistake ?—Yes. Of course the thing is very easily proved because all the books can be produced. They cannot produce a book with a fine in it for fourteen months.

7119. Are the fines entered in the books ?—The fines are deducted by the clerk. No foreman has any power ; no foreman can impose a fine or do anything without putting it into a book. Those books are as accurately kept as ledgers. If a foreman himself imposed a fine and took it from a girl he would not only be dismissed, but he would be prosecuted. That would be a case of common theft.

7120. You do not think that a foreman, seeing the list up, actually hanging on the wall—perhaps a new foreman—would be misled by that and impose a fine according to the list ?—A new foreman scarcely exists. A man is not made a foreman until he has been in our employ for a long time.

7121. You do not think that it puts a foreman in a position of difficulty—that he may find it hard to reconcile the fact that he is not to impose a fine with the fact that instructions to impose it are hanging on the wall ?—If you are leading to the point that the list should have been revised and should have been taken down, I am absolutely with you.

7122. No ; I am not leading to that point ; I am taking the point that a foreman seeing the list there might, without your knowledge, have imposed a fine ?—No, it is impossible ; he has no power. No foreman ever did impose a fine. The only thing he can do is to enter a fine on the girl's book. No fine can be paid except through a book, which is as carefully kept as the ledger, and which can only be taken, not by the foreman but by the clerk at the end of the week The foreman has nothing to do with the payment ; the payment is taken by the clerk.

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7123. Do you include wrong sewings under bad work or under what head do you place them ?—Deliberately using wrong sewings ?

7124. I do not think the witness's statement suggested their deliberate use. It is "Any work-hand using wrong sewings such as cotton instead of linen thread" ?—That would be treated by a warning, and if persisted in deliberately or carelessly—it might be done deliberately of course, because it would be a great saving—that would be dishonesty. For a girl to use cotton instead of thread or silk persistently would be dishonest, and that of course would be treated by dismissal. To do it carelessly would be equally detrimental to the work and would eventually have to be treated by dismissal also.

7125. In the interval would there be a fine ?—No. Fines are absolutely discontinued.

7126. I want to ascertain whether you regard that as a case of damage to the work ?—No; we should regard that as a breach of discipline. No deduction would be made for that.

7127. I put the question because I do understand from you that you would consider that work was damaged by the inclusion of cotton instead of linen ?—Oh yes.

7128. So that it would be open to you to consider it as damaged work or as a breach of discipline ?—Quite so. It would be considered as a breach of discipline. No deduction would be made for it.

7129. I think you said you have had no representations from the workpeople themselves as to their dislike of the system of fining ? What brought you to the conclusion that it had better be abandoned ?—Practically the failure of fines to produce punctual attendance. We then tried the other system. Unpunctual attendance covered the great majority of the fines, and then it was not worth while to retain any. I think that in recent years a general feeling has been growing up that fines are ineffectual and rather irritating. I think there is that feeling.

7130. Now on another point evidence has been given as to the girls not being able to leave, even though there is no work for them, and you said that girls are sometimes kept for your own convenience ?—Yes.

7131. And that when they are so kept they stay at your expense ?—Yes.

7132. Can you explain what you mean by your own convenience ?—Supposing there was no work, or very little work, in the department in the morning, and the girl had finished her work and there was no probability of more work coming from the cutting room before noon, she would be allowed to go at ten, eleven, or twelve. Supposing a girl came at half-past eight to finish the job which she had the day before, and had finished it by half-past nine; she would say to the foreman," "Is there any more work ?" He would say, "Not before noon." Then at ten o'clock she could go. If she has finished at a quarter past nine she must stay there from a quarter past nine till ten o'clock; that is at the most three-quarters of an hour. At ten o'clock the door is opened, and those who have no work, or know that no work will come before the mid-day meal, are allowed to go. Suppose the foreman says, "I have got certain work coming in this afternoon at five o'clock, and it will take an hour to do, it will be finished by six o'clock. I want you to remain until five and finish this piece of work, because it must go away to-night," then he would say, "I will pay you at the rate of 1d. an hour;" (or 2d., 3d., 4d., 5d., an hour, as the case may be, whatever her work may be worth on the average, roughly)—"I want you to stay, and you shall have your afternoon's wage." That is a very exceptional thing. That does not apply to bulk goods; it applies to a small single article which some customer wants sent off that night.

7133. You consider that to be for the convenience of the firm ?—That is for the convenience of the firm. It is not a paying piece of work for anyone. It is a matter of convenience, and in order to oblige a customer, we pay a hand to stop and do it.

7134. In the illustration you give, the foreman says he expects the work to be done by six o'clock. Perhaps he says that at ten o'clock. Is there any reason why the girl should not come back at five o'clock ?—You cannot tell when it may come. The foreman says it will come during the afternoon. He cannot tell exactly when it will come.

7135. Would not an experienced foreman be able to calculate how long a certain piece of work would take ?—He could not tell when it would arrive.

7136. Could he not tell how long it would take to do ?—The question is when you will get it from the other part of the factory.

7137. Surely somebody in the factory knows how long that work will take, otherwise it would be impossible to conduct the work of a big factory ?—It is very difficult to conduct the work of a big factory.

7138. Would it be possible, if you cannot make a calculation ?—You make a calculation, but it may be falsified altogether. It is falsified every day. Every week you promise a hundred things which are never fulfilled.

7139. There is a statement by one witness that girls go to the factory for pastime; I agree that that is hardly an exact statement with regard to work in any factory, but on the other hand there is evidence directed towards proving that the girls employed in your factory are of rather a higher class than the girls who are actually dependent for their living upon their occupation ?—There are a great many daughters of the foremen engineers and higher paid artisans of that kind who come to our factory simply because they know the general tone that prevails there; they send them there with satisfaction. Of course that means they do a higher class of work, and it is very well paid. I believe that the work in our factory is paid for at a higher rate, for what it is, than in any clothing factory in the country Perhaps I ought not to say that it is paid more highly, but at any rate I will go so far as to say that it is on a level with the highest. Garment for garment, there is no factory in the country that pays a higher rate of wage for the work done than we do. The general tone of the work we do is also the best in the country.

7140. What do you regard as the average rate of wages ?—That is a very difficult thing to say, because we always have some hundreds of learners. A learner learns from another girl and she pays her a certain proportion of her first week or two's wages. Learners of course earn very small wages for many weeks. Then, when they reach a certain age they get married. Very few come back to work after they are married, very few indeed, because they are in a class of life where they do not need to work, as a rule, after marriage. Therefore, we have a very large proportion always filling up; we engage many hundreds of hands every year simply to replace those who marry. So that it would be a very difficult thing to say what the average might be.

7141. I can quite see that. Would the wages of 3s.9d. from which the fine of 7d. was deducted—I suppose more than fourteen months ago—have been the wages of a learner ? Must they have been the wages of a learner ?—Presumably. And the learner is one who would most likely be to be fined, obviously. When a girl has been there some time and has got beyond the learner's stage, she does not need fining.

7142. You would not consider that the mistake which she was likely to make as a learner would be really set off by the low wages which she was getting as a learner ?—I do not follow you.

7143. You do not expect a learner to be doing good work, and therefore you do not give her good wages: would you not consider that as a set off against a mistake which she made ?—She gets precisely the same wages. She is given a bundle which is marked at a certain price, and she is paid exactly the same price as the oldest hand in the place. The only thing is, she does not do it so quickly; that is why she gets a less wage.

7144. She is not allowed a certain number of mistakes ? It is not assumed that as a learner she must make a certain number of mistakes ?—These are more or less disciplinary. Oh yes, if a girl first of all used cotton instead of threads she would probably be allowed to do it half-a-dozen times before she would be fined for it.

7145. You cannot give an idea of the average, but would you say to what the wages run ?—They run up to 35s. or 40s. A very large number of them in busy times earn £1, and a great many hundreds earn over

15s. a week. If you were to take the full hands, you would often find that between 700 and 1,000 earn over 15s. a week.

7146. Out of the 2,000 ?—Out of 1,700. And you would find many learners who would be pretty low. I am speaking entirely offhand, without any figures, which is rather a dangerous thing to do.

7147. I understand you are speaking entirely from memory ?—It is not from memory ; it is rather a question of estimation, of impression.

By Mr. Walsh.

7148. You say that this list of fines was in existence about thirty years ago ?—Subject to variations, such as the electric light and things of that sort, which have been added, that was in existence thirty years ago.

7149. The schedule itself ?—The schedule itself.

7150. The firm came into existence more than thirty years ago ?—More than fifty years ago. I should think nearly sixty years ago. The list might go back fifty years, but I decline to speak for more than thirty years. That is as far as I go back in the history of the firm.

7151. How long is it since the idea developed that fines were really ineffectual ?—The fines with us have always been kept down at a minimum. We have always regarded them as an undesirable thing excepting the two that I mentioned. The matter has been considered at intervals. The question that has developed recently is the question of coming late. Now, if one is slack, if there is very little work, it does not matter whether they come late or not. If one is busy, one wants them to be punctual. But if one is busy they are earning good wages, and they do not care about a few fines at all. They are doing well, and they pay the fine readily. So that we came to the conclusion that when we were slack it did not signify, and when we were busy it did not answer.

7152. That is just exactly the point I was going to put to you. Are we to understand that in the slack season it would really be almost an injustice to fine the girls ?—We never fined them in the slack season.

7153. And in the busy season they would not really feel it ?—They did not feel it.

7154. So that the reason for the existence of fines practically disappears in both cases ?—Yes. I think it would have been a wise thing if the whole list had been swept away ten or fifteen years ago ; I do not hesitate to say so. And if it had been anything but a dead letter, if it had been active, if it had been annoying, we should have heard so much about it that we should undoubtedly have been practically influenced to sweep it away then. The fact that it has been very slight, that there has been very little annoyance, is the reason why it remained.

7155. Have you had a continuous period of pretty good business ? I am not speaking of your firm, but of your trade generally. Has the period been one of fairly continuous activity ?—There have been depressions, but it has been an increasing trade for a good many years.

7156. Because I notice that right away from 1897 down to 1903, seven complete years, the fines have been on the increase ?—That, of course, would mean an increase in the number of hands.

7157. I do not know ; I am not quite so sure about that. Looking at the cost of the annual trip, there seems to have been on one or two occasions a fall in the number of hands, while there has been a very heavy rise in the amount of the fines ?—The fines mean the busy years. £12 in 1897 probably means a slack year. The four years 1900, 1901, 1902, and 1903 mean four very busy years.

7158. The point I wish to elucidate is this. From 1903 to 1905 there is a tremendous fall—from £29 to £2 ; did the light dawn suddenly upon the employers ?—Oh, no ; I thought I had explained that. I am sorry I have not made myself clear. From 1903, after we had found that fines did not conduce to punctuality, we practically dropped fines.

7159. The decision was come to suddenly ?—The decision at the end of 1903 practically was to see whether we could do without fines altogether. 1903, for all practical purposes meant the end of fines. I stated to the Committee that no fines had been exacted for the last fourteen months. I might have stated that fines have been practically a dead letter since 1903, because the two remaining years, 1904 and 1905, are infinitesimal in regard to fines ; but they were not actually wiped off the books till 1905. But those two years do not represent the carrying out of the old system of fines. The end of fines was in 1903.

7160. I think you will see that from 1900, when you had £34, to 1902 when you had £25, and 1903 when you had £29, there seems to be rather an increase in that last year ?—They represented four busy years, when it was desirable to get the work hands there.

7161. But as a result, you found that the fines really did not bring the discipline you desired ?—It did not. You are quite right. If you check off those four years you will find there were more work hands there, and the trip consequently ran up also. That shows there were more work hands.

7162. Yes, I quite see that ?—Now, you will find more work hands again, according to the trip, in 1905 and 1906. In 1906, you reach £180. That means more work hands. £157 is also high. That is uninfluenced by the fines because they were practically abolished.

7163. These certainly seem very small items compared with the heavy list of wages paid, running up to £1,000 a week. Do you think there would be any way whereby deductions would be made from the wages of the workpeople that would not be classed in this list at all ?—Nothing but sewings.

7164. For instance, you do not think there would be any offence which a work person might have committed for which a deduction would be made from the wages, so that the work person would only receive the net wages ?—It is not a question of thinking ; I am absolutely as sure of that as I am of the balance in the ledger. It is the same class of book keeping.

7165. It is difficult to understand how such a broad complaint should have been made if for the past two or three years this is almost the entire total ?—Yes. Many of the statements made in that evidence are untruthful and dishonest—the statements are untruthful and the inferences are dishonest. I must put it courteously but plainly. That is the result of my reading of the evidence.

7166. Of course that is certainly a very emphatic contradiction. That is the reason I desire to be clear as to what you say ?—I should be glad for a clerk of the office to come down and go into an examination of the figures which I have given to the Committee.

7167. My knowledge of certain industries enables me to state that sometimes by arrangement with the firm or an official a certain deduction is made from wages for a particular fault committed, or alleged to have been committed, and of course as a matter of fact the work person then only receives the net wages. Such a thing as that could not happen in your place ?—Are you speaking of a case where some garment is damaged ?

7168. Yes, or some offence is committed—not necessarily a damaged garment, but matters of discipline ?—I am only dealing with disciplinary offences ; I am not dealing with damaged garments ; but even damaged garments or anythng of that kind must appear in the wage book. No deduction can be, or ever has been, made in our factory which did not appear in the wage book, and was not open to the factory inspector's supervision. That is definite and clear.

7169. I understand that the prospect of dismissal is in your opinion quite sufficient to produce a high standard of discipline ?—Quite ; I think it is the most satisfactory.

7170. And you do not fine at all now ?—That is so.

7171. You find that "the honour of the regiment," the higher motive, appeals to the girls, and that brings about the high standard of discipline which exists in your place?—That is what has really kept them together for the whole of the time I have been there. It has done far more even than the list of instructions. That is the thing we have all along relied upon.

7172. So that the appeal to the honour of the workpeople, and, in the second place, the fear of dismissal have both operated upon the workers and have combined to produce and to retain a high standard of

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discipline far better than the system of fines?—Yes. The system of fines has in recent years been almost entirely with regard to time keeping. I do not mean to say that a high standard of *esprit de corps* brings anyone early; that is a question of what time they get up. There is a version of an old proverb—"Many are called but few get up." A large percentage of the fines has arisen from that particular version of the proverb.

7173. Do you not think that after all a girl would sooner or later feel a sense of shame in coming constantly late even if dismissal did not follow?—Oh, I do not know. I should not like to generalise with regard to the practice of getting up late.

By Mr. Maddison.

7174. It is obvious that we are faced with a difficulty; we have conflicting evidence between the previous witness and yourself. With respect to the deduction for sewings, of which you have told us, would it be possible that those deductions would account somewhat for the amount which has been given as fines in the previous witness's evidence?—Oh, yes; they might easily mix them up. But they ought not to mix them up. Anyone who professes to know the trade ought not to mix them up. They would be marked distinctly "sewings" and "fines."

7175. In the book sewings would be distinguished from fines; they would not be put together?—No, certainly not.

7176. Averages are awkward things to give, I know, but what would a girl have in the way of deductions for sewings?—One cannot give any average. A girl might buy a reel of cotton this week and it might take her six months to use it.

7177. What about cottons and commoner things?—She might buy three or four reels of cotton of different colours in a week, and it might take her many weeks to use them up.

7178. Roughly speaking, about what amount of deductions in a year would a girl have for sewings?—I really could not tell you the proportion of those.

7179. Would it amount to £2?—I have no idea what the sewings amount to; you see, they vary so enormously. You have a girl of fourteen, just fresh from school, who is doing nothing but sewing on buttons with cotton; and you have a woman of twenty or twenty-five who is doing the best work with silk; it is an impossibility to give an average.

7180. I saw the difficulty. But if by any blunder—I admit a very awkward blunder for a witness to make—the witness had added the two together—deductions for sewings with fines—he would get, during the time you fined, a pretty large amount?—If he added sewings and fines he could.

7181. You said that while you had these fines you never had any friction and that seemed to you to be evidence that fines were never excessive?—I do not say that no girl ever objected to the system of fines; I mean that generally from the workpeople we found no objection. We had no friction in the nature of a strike or anything of that kind, or any deputation whatever asking for fines to be discontinued.

7182. In your factory, is there very much chance of any friction arising among the girls expressing itself?—How do you mean? Do you mean do they talk to us about things?

7183. Yes.—Oh, they do, freely. When garments are put at certain prices they go to the director who manages the factory and say, "We think you have put these too low; we cannot do well at that price." There is no difficulty in discussing a matter like that.

7184. Do they do that except by individual complaints? In a word, is there anything like a committee amongst the girls who speak as representatives?—No, but there are the leaders in every room practically who discuss matters as they arise freely with the factory manager.

7185. May I ask you if any of the girls, or anyone in your factory, belongs to a Union?—I do not know that there is a Woman's Union. Many of the men are in the trades union.

7186. We were told by the previous witness that the women were eligible as members of the union, but I think he said there were not many in it?—I cannot say. We never enquire.

7187. You would not object to the girls being in a union?—Not in the least. Many of the men are.

7188. I am anxious to know if during these fourteen months you have had to fall back at all upon suspensions, I mean as an alternative to dismissal?—Not suspension except by the closing of the door.

7189. That is a separate thing?—There have been no suspensions.

7190. During these fourteen months, what has your experience been as to the number of girls you have had to dismiss, dismissal now being your only alternative to warning and caution?—I could not tell you how many have been dismissed.

7191. Would you think a larger number than in a similar period before? Has the abolition of fines led to more girls being dismissed?—No, I should doubt it very much. I should say there has been no appreciable change in any way made in the place in that regard by the abolition of fines.

7192. You have not come across cases of hardship where you thought you wished that you had not to dismiss a girl, but had to do so because you had no system of fines to fall back upon?—We might have done, but one always comes across those cases.

7193. You have not experienced that more during the last fourteen months than previously?—No, I do not think so.

7194. So that the abolition of fines has not, in your opinion, resulted in a large number of dismissals?—Oh no, certainly not.

7195. You are aware that the witness, while giving evidence which you have characterised as untruthful and dishonest, did, right through, pay a very high compliment to your factory, and to the sort of girl there?—Yes.

7196. I think he said that your girls were drawn from a certain class; I almost thought he said from the Nonconformist section?—Oh no, nothing of the kind.

7197. They come to your factory in the ordinary way?—Yes, hundreds and hundreds of them. They belong as much to one class as to another.

7198. Although you have no fines now, do you still prevent girls going out into the street without having their bonnets on?—Certainly. That question never arises. They do not want to.

7199. You still keep that up?—Yes.

7200. And it is kept up as well without fines?—Yes just as well.

7201. You said that all factories had followed your lead: you were speaking about Leeds, were you not?—No. I said that our discipline had formed the basis of other factories. Our system of discipline has formed the basis for other factories in Leeds; it has also formed the basis for other factories in Leicester and Nottingham.

7202. I have understood your evidence to be that you have abolished fines: have you abolished deductions for damaged goods?—No; we have abolished fines, and deductions for using wrong sewings.

7203. Is there any deduction remaining for damaged work?—If work is carelessly damaged; if there is actual damage to work, as for instance a girl upsetting her oilcan over a suit, an accident of that kind is not a question of fine.

7204. Take a case like that, because that is one of the cases mentioned by the witness. What happens under your present system if a girl upsets her oilcan over a garment and does serious damage to it?—Well, the girl would probably be charged some share of the damage done.

7205. Then a deduction is made?—In that case.

7206. Which is not in this list?—A deduction is made which is not in the nature of a fine.

7207. Which would not be in this list?—Yes.

7208. Could you give me any idea of the amount of the deductions which ought to be added to this to get the amount of fines and deductions?—I am not sure that there are any.

7209. It is rather important. You have evidently not looked that matter up?—No. It is not a matter that arises. The damaged goods in those departments are practically nil, I think. I will look that matter up, and see what they are.

By Mr. Delevingne.

7210. Pursuing that point, is any provision included in your contract with the workers, or in your notice which is posted up, with regard to deductions for damage to work?—No; there are no notices of that kind. I am not sure whether there is anything on the second page of that list which you have there.

7211. When the Truck Act of 1896 came into force, did you make any addition to your list to meet the provisions of Section 2 which relate to that very matter?—May I ask if there is anything on the second page of that list?

7212. I see in this list this item appears: "Bad work which cannot be altered: damages to and loss of materials to be paid for by the work hand?"—Is that made illegal by the 1896 Act?

7213. Unless certain conditions are complied with?—That is at the end of that book.

By the Chairman.

7214. It would be illegal unless you had it specified by way of contract with the workers, but you seem to have it specified in the contract; is not that so?—That is so. It is specified that damaged work is to be dealt with in that way.

By Mr. Delevingne.

7215. I was going to ask the witness whether he has borne in mind the conditions imposed in Section 2, that the deduction must be fair and reasonable having regard to all the circumstances of the case, and also that it must not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman. Neither of those conditions appear in the contract, and it suggests itself to me that this list is not such a contract as is contemplated by the Act.

By the Chairman.

7216. I have some doubt about your law. The deductions do not require to be put in the contract; they require to be "fair and reasonable," in fact.

By the Witness.

7217. This is put in as part of the contract which is signed: "Bad work which cannot be altered: damages to and loss of materials to be paid for by the work hand." That is part of the contract which has to be signed. I will look up the question of how far they are included in the fines and how far they are outside.

By Mr. Delevingne.

7218. On the quesion of materials, what advantage have you seen in continuing your present system of deduction for sewings, first charging the worker and then adding the charge to the price paid? What was the object of it?—The object of it is that a worker shall be economical in the use of her sewings. That is the sole object. Everything is given out in exact quantities, and they use exactly what is given.

7219. I quite follow the point. I was going to put this further question. You mentioned that it was possible for a reel of silk to be in a girl's possession for six months before she had finished it: supposing deductions for sewings were abolished, and that you simply provide the materials and make no charge for them, how would you deal with a case like that?—The sewings then would have to be kept and would belong to the company.

7220. Your point is that the present system is a check on wastefulness?—Yes.

7221. In a case like that, what action do you think you would take to prevent wastefulness in the use of a reel of silk?—It would need rather an elaborate system of booking every reel that went out. Suppose a girl is leaving for any reason, you would have to look at her book to see what sewings she possessed and how much had been used. It would be an absolute impossibility.

7222. You see some difficulty in your exercising a check upon waste?—It would mean you would practically give your girls all the sewings, and as the silks are a very expensive item, it might lead to great wastefulness, and it might also be a temptation to dishonesty. At present if a girl takes her silk away and uses it at home, it is not of any consequence to us whatever; if a girl uses her silk at odd times when waiting for work, it is of no consequence to us. But on the other system that would be transformed into a dishonest act.

7223. Would it be possible for you to prevent it?—It would be impossible for us to prevent it. I do not think it would have a good tendency, but if it was felt that the danger on the other side was great, I should pass it. It is a much more important matter from the point of view of discipline for the girls themselves than it is with regard to cost or trouble to the employer. It is not a question that interests us as employers at all. To put it candidly, on the turnover which we have a loss of £100 a year in silk wasted or stolen would be of no consequence—it would be of no consequence if we made £100 less profit—but with regard to discipline I think it would be bad.

7224. With regard to your present system of dealing with unpunctuality, can you give us any idea of the number of cases in which girls are shut out for half a day?—No, it is not many. It is very few. It brings them in. It is effective.

By Mr. Yarrow.

7225. I think you told us in the first part of your evidence that you had to resort to fines because the girls were at that time a very rough lot?—That is so.

7226. Then you found one effect of these fines was that you got better discipline?—Yes. We drew a class of hands who would adopt that discipline. It was never effected so much by the fine itself, as that we drew the the kind of hand who was willing to adopt that form of discipline.

7227. I suppose there are many factories where the girls would be about the same rough lot as you had formerly, in different industries?—I do not think any of them are as rough as they were 50 years ago.

7228. But they would be rough?—Yes, rough compared with ours. A mill hand with a shawl over her head is much rougher.

7229. It might be that fines for that class would be very necessary?—I am not sure that they require quite the same discipline in a mill as we require. They are not dealing with the same fine work.

7230. But I suppose with regard to punctuality, that would be even more necessary?—Yes; but as regards the ordinary discipline of a place, it is very different in a mill from what it is in a place like ours.

7231. Evidently your girls are a good lot?—Yes, it is a work which needs intelligence.

7232. You say that when they get married they do not return to work; that is evidence that they can manage to get along without working?—Yes, most of them.

7232. In most places they could not?—No. The factory hand very largely works after marriage.

7234. Your girls are evidently of a very much better class than in many industries?—Yes.

7235. The better the class, naturally the penalty or the form of penalty would vary?—Yes.

7236. With regard to the list of fines which you have stuck up, as it appears to have led to some controversy as to what is in vogue now, may I ask if you will take that down?—None of them have been printed for more than a year.

7237. But they are stuck up in the factory?—Yes.

7238. Will you take them down?—Certainly. We shall put up in their place rules for discipline which will be more or less similar. They will be revised and brought up to date, but rules of discipline will be put up, to replace the fine list, as an indication of what is desired.

7239. You have now a class of girls with whom the system of shutting out for a quarter of an hour after the bell rings, by which they suffer the penalty of not working for that time, combined with the power of dismissal, answers the purpose of maintaining discipline?—Entirely.

7240. If the Committee thought it well to advise that being made the law, and Parliament thought it well to

Mr. R. Barran, M.P.

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follow their advice, do you think that many firms would resent it?—Do I think that some firms would resent the abolition of fines? That is rather a delicate question. That is rather asking my view of some of my competitors. I think some of them would resent it.

7241. Of course everybody thinks they can manage their own business best?—I think the more they resent it, the more necessary the legislation is.

7242. I am not expressing an opinion of course, but if the plan you adopt is a good one and you find it answers well, I wonder why the other firms do not do the same?—You wonder why they do not abolish fines?

7243. Yes, if it is found a good thing, and you get discipline in such a simple way, without the friction which fines must naturally involve, I do not understand why they do not do it?—I can scarcely criticise them, as I admit we have been rather late in doing it ourselves. Fines have been practically a dead letter, with one exception, for ten or fifteen years, and yet we have never abolished them till recently.

7244. Perhaps it is owing to your having a better class of girl, better educated and better disciplined, that this system answers the purpose, while formerly it would not?—Yes. I think in many cases, as in our own case, the list has not been withdrawn because for years practically no attention has ever been called to it.

By the Chairman.

7245. I gather that you incline to the opinion that the general leaven of education is in the direction of making discipline more effective?—Undoubtedly; it has been the main factor.

7246. And you think, without actual personal experience, that that would apply pretty well all round to a certain extent?—Yes.

7247. The leaven of education improving, and your own experience being what it is, you think a juncture has arrived when the State, without damage to either party might interpose, and in fact do by law what you have done as the result of experience?—I see no objection to it whatever.

7248. I want to ask you about damaged goods, arising out of what Mr. Maddison put to you. Is there a system prevailing in your work of compelling a worker to buy the whole garment?—No.

7249. Evidence has been given to us, not only of the worker being compelled to buy a whole garment, but being compelled to buy a whole suit of which that garment was a portion, and then having to go through the process of raffling that for what it would bring and so recouping herself or himself for the charge that was made. I gather from your general attitude that you disapprove of that system?—Yes; that would not be allowed with us, and it ought not to be allowed anywhere.

7250. We are obliged to you for the list of fines, but in order to make everything complete it would be of assistance to the Committee—I think I am expressing their mind—if you would address yourself to the other matter which, I gather from you, is of a small kind, namely the question of deductions?—I think that is included, but I cannot speak definitely.

7251. Will you make a written communication to the Secretary upon that matter? If it is not included, will you accompany it by a schedule which will be placed alongside of the schedule of fines for the years 1897 to 1906 inclusive?—Certainly.* May I say that I am obliged to the Committee for giving me an opportunity of correcting certain statements which have been made.

* The Secretary has since received a letter from Mr. R. Barren in which he states: "Charges for 'damaged work" are I find included in the amounts given in the schedule under 7053, not treated as fines, but entered as 'damages' or 'damaged work.'"

TWENTY-NINTH DAY.

Wednesday, 12th December, 1906.

PRESENT.

The Right Hon. THOS. SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
F. MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Miss DEVINE, was called; and Examined.

Miss Devine.
12 Dec. 1906.

By the Chairman.

7252. I presume you are aware generally of the subjects remitted to this Committee, namely, the question of fines and deductions from wages?—Yes.

7253. Before asking what is your experience in connection with that subject, please tell me what position you hold?—I have been a weaver for twenty-six years in different mills in Lancashire. I have been working between eleven and twelve years in my present place, and in it there are no such things as fines. There are no deductions whatever.

7254. In what capacity do you come here to-day—I mean do you represent any particular organisation?—Yes, I represent the Oldham Weavers' Association. It embraces reelers and winders as well, but I suppose your Committee are most concerned with weaving.

7255. What is the number of members of that organisation?—About 3,000 weavers.

7256. Are they all women?—About 75 per cent.

7257. Do they know about your coming here to give evidence?—My society knows it.

7258. What is your society?—The Oldham Weavers, Reelers, Winders, etc., Association. We are one of the districts connected with the northern counties amalgamation.

7259. Have they held a meeting in regard to your coming up here to give evidence?—I am the representative from my own district to the Oldham Association. We have a membership extending to Rhodes, Middleton, Blackley and Middleton Junction, and I am the representative from that district to the Central Committee at Oldham.

7260. In the evidence you propose to give to-day, do you think you fairly represent the opinion of the class of operatives whom you have been describing?—Yes, sir, I do.

7261. What kind of work is done in the mill where you are employed?—Weaving. It is a big manufacturing place.

7262. Can you give us the name?—If the other witnesses have given the names of the firm I need not be afraid of doing so.

7263. If you mention the name we shall make no bad use of it. The other witnesses have trusted us in this way?—It is C 4.

7264. How many people are employed there?—I could not tell the exact number all through the mill, as it is a large place, but I understand there are about 1,700 looms of which at least 1,240 are running, and we are nearly all two loom weavers. The looms are wide and sometimes extend to about 126 inches.

7265. How many workpeople would that represent?—Probably between 500 and 600.

7266. What is woven at the mill?—Calico and sheetings, but the latter are a kind of calico, although wider than the ordinary run of calico.

7267. What is the practice of C 4 with regard to fines and deductions from wages?—We have no fining whatever. If it happens that a weaver has had any mishap through no particular fault of her own which causes some damage to the work, it is usually sufficient to go into the warehouse and explain how it occurred, but even if the worker does not volunteer the information, and is sent for, and can make it clear that they were not to blame, their account of the matter is usually accepted. As a rule we get good material to work with, and if there seems any reason for it we are cautioned perhaps three or four times if the mishap is repeated, but I don't think I can remember more than half a dozen weavers discharged from our place through bad work.

7268. How long have you been there?—Between eleven and twelve years. When we hear of anyone discharged from our place for bad work, we know, as a rule, that the dismissal had been richly deserved.

7269. Do you know the system practised as to fines in other works?—Yes.

7270. What is the opinion of your class generally with regard to fines?—We are greatly opposed to fines. There are weaving mills in Oldham where fining takes place, sometimes for the smallest fault, or even where the fault may be due to the machine or the material rather than to the worker.

7271. With regard to works where fines and deductions prevail compared with such mills as your own, where they do not prevail, is your place better organised than they are, or worse organised?—I don't think so. Better than some, worse than others.

7272. Do you mean that fines and deductions make no difference with regard to organisation?—If our society hears of members being unjustly fined the matter is reported to our secretary, who takes it in hand and goes to a firm, telling them that they will have to return the unjust fine to the weaver or be sued. If the weaver is not connected with the association, she has either to speak up for herself, which many of them cannot do very well, or else submit to the fine, whether it is small or large.

7273. You know, of course, what is meant by discipline in a mill, that is, keeping good order, etc. Let me put the question in this way. Instead of using the term organisation—is the discipline in your mill as good as the discipline of mills where fines and deductions prevail?—Yes, I think better. At many of the places where there are fines, the workers are continually changing about, and are more frequently out of work.

7274. What is done at your works if anyone arrives late in the morning?—An allowance is made for weavers who live at a distance. Weavers who live close to the mill are told that if they don't come at six o'clock, or five minutes past six, they will be locked out until breakfast time; but that is only a threat. They don't really lock them out until breakfast time, but the manager may talk to them once or twice and give them warning. Allowance is made for weavers who have to travel from a distance by train or car.

7275. Is it piecework?—Yes, the majority of weavers are on piecework.

7276. Are there any deductions for spoilt work at the mill where you are employed?—None whatever. The hands have either to do good work or clear out, but they

Miss Devine.
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may be cautioned a time or two. They are liable to dismissal unless they can prove that repeated faults are due to the machinery or material.

7277. Are you and your fellow workers satisfied with that system ?—Yes, but I have worked at other weaving places where there are fines.

7278. Can you give us any illustrations of fines to which your fellow-workers are subjected ?—It is a sore point with weavers who have to submit to fines for faults arising from causes which they cannot control.

7279. You might give us some examples. What is done to them. What are the fines for ?—A weaver has to try and make perfect work and seems to be held responsible for everything in some places, even if the fault lies with the material in the different processes through which it has to pass. I think it is some of the firms with the worst material who go in most for fining.

7280. You are talking of fines for bad work ?—Yes.

7281. How much are the workpeople fined and what for ?—There are many different cases. A weaver's loom may be out of repair; the picking band may break; I mean the band attached to a picker that knocks the shuttles backwards and forwards. If a loom is in the way out of order, it may cause damage which takes from two to four hours to put right, and still the cloth looker has the option of fining the weaver after she has spent all that time in piecing the ends up.

7282. How much are they fined for that ?—Sometimes 3d. or 6d. and sometimes 1s. There is much authority left to the cloth lookers with regard to fines, to inflict what penalties they think fit, and some firms think the more of the cloth looker who can produce the most fines without asking much about their justice in particular cases.

7283. Where are the mills in which the practice to which you have referred prevails ?—Oldham and the surrounding districts.

7284. The names will not be published by this Committee. You may accept that assurance, but please state the names so that we may make private inquiries if necessary without committing you or anybody ?—One firm in particular is a velvet firm. That trade is supposed to require a particular class of weaving in which there must be as few faults as possible. I refer to a mill (D 4) where bad material is supplied, and where fines may be imposed amounting in three or four weeks running to 10s. or 11s. or even 19s. 4d. It often takes a long time to finish the weaving of a length, and a fine of 6d. or 1s. or 2s. is rather common. Fines are sometimes inflicted for broken picks and face ends if the material does not happen to be so good as it ought to be for the class of work required. There would not be so many face ends and broken picks if the weft was always good enough. Still, some employers seem to expect perfect work from bad material.

7285. Are there other firms of a similar kind in Oldham ? —Yes.

7286. With similar practices ?—Yes. There is a firm at Oldham with two mills (E 4) where fining is in existence and where sometimes the weavers have to contend with bad materials.

7287. With regard to mills where fining prevails are the fines posted up on a placard in the works ?—No.

7288. Is there any contract made on the subject ?—No.

7289. Who arranges the fines ?—The manager, I suppose. It is a recognised thing on the part of many firms that if you do not make the work as they expect, you are subject to fines.

7290. Is the amount and nature of the fine settled on the spot by the manager ?—No, the manager himself does not trouble about it unless the matter is brought under his notice by the secretary of our association. It is not every woman who can defend herself before the manager in the warehouse, especially as some of the people are not kind in their remarks and try to frighten the weaver who speaks in her own defence.

7291. Do you think cases of hardship occur with greater frequency amongst unorganised workers and in non-union places ?—Yes.

7292. And that when hardships do occur in the case of non-union hands, there is no remedy easily available ?—That is so.

7293. I see amongst the instances of fines and deductions which you have noted that there are deductions made in some mills for heating water ?—Yes, whether the weaver uses it or not.

7294. Yes; but that is not so in your mill ?—No, we pay nothing for water.

7295. That is supplied as part of the costs of the mill ? —Yes.

7296. Then there seem to be some deductions for closet cleaning ?—Not in our mill, but I know of mills where the weavers have either to pay or do the cleaning themselves which we think an injustice. I have worked at a place where we had to do that, and we don't like it either way We think the firm ought to see to that.

7297. Then there seem to be some deductions for what you call putting in beams ?—That is in vogue in our place.

7298. What does it mean ?—Beams are like large bobbins and the warp is wound on them. They are in the shape of bobbins and hold perhaps thousands of yards of yarn. They are at the back of the loom and are what the yarn comes off. The material that we have to make the cloth of is supplied on these beams.

7299. What is the deduction for putting in beams ?— It has always been a system in the place to pay a man to assist the overlooker in putting in beams. It is not deducted from the wage, but it is paid for.

7300. How much ?—Threepence in the case of a certain width of loom, perhaps 1d. in narrower ones. Sometimes the weaver may have two warps out in a week which means 6d. out of her wages, but that depends upon the length of the warp.

7301. Are you content with that payment, or do you think that it should disappear ?—We have had the subject several times before our association, and I do not think there is any one of us satisfied with the system. We have thought of breaking through it if possible.

7302. Speaking generally, I suppose you know the class of woman worker in the textile industries in your part of England ?—Yes.

7303. Knowing their habits, do you think that if fines and deductions were absolutely swept away the work done would be as good—that they would produce as good work ? —Yes, I do think so. I do not think any place could be better disciplined than our mill, but there is no friction whatever. We think that the system to which I have taken exception tends to make boys and girls untruthful and dishonest. I know of cases where young people have been fined, but have not told their parents about the fine. They have told an untruth about the amount of their wages in accounting for the absence of what they have had to pay out to defray the fine.

By Mrs. Tennant.

7304. Has there ever been within your knowledge a system of fines at the mill where you are employed ?—No.

7305. Do you know of any firms who have had a system of fines, and who have abandoned the fines ?—No, they seem to stick to the system, and we cannot fight it down, but we try to recover the amount in cases of obvious injustice affecting our own members. I have known of workers having to stop their loom in order to push up cops, whereas the employers might have introduced means of doing that if they were only willing to incur a little expense.

7306. Does that system prevail now ?—No. The society took it up. We had it pretty well organised then. One weaver objected to be stopped this 2s. and the firm told her that if she did not pay the fine she must leave. The young woman had never worked anywhere else. She did not like the idea either of paying the fine or being discharged. It was reported to the union and the weavers were so aggrieved about this state of affairs that they all tendered their notice to turn out on behalf of this weaver and fight down that system. The firm was determined either to have that 2s. fine at that particular time or the weaver must leave. For the sake of settling the matter and stopping the friction the society agreed to pay the fine in that particular case, but since then the system has ceased.

7307. Can you tell the Committee of any other firm besides your own who do without a system of fines?—I do not know of any other in Oldham; they all seem to have that system of fining more or less. F 4 is really a good firm but there is a little fine, although very little. You have to do good work or else get outside, and you know that. There might be an odd time when there would be a fine of 6d. or 1s., to a weaver as a kind of caution, but it has not to occur very often. Then there is H 4. He is called a generous sort of employer, but the fining is in existence there.

7308. In the case of F 4 have the fines you mentioned regard to discipline or bad work?—Bad work.

7309. Have they any disciplinary fines for being late, or matters of that kind?—No; it is a very comfortable firm. It does not matter whether you have a big or a little week's wages, there is no trouble whatever.

7310. Do you know whether the fines have been diminishing in amount?—They never have been practised very much.

7311. Do you remember in 1896 when there was a talk of a new Truck Act, an amending Truck Act, the feeling in the association at that time? Were you one of those who were interested in the application of the 1896 Truck Act to Lancashire?—I could not say but, I know that our people were never very much in favour of this fining being in existence, so far as my knowledge goes back. I do not put down the particular years these things came about.

7312. I gather then that you were not one of these who took any part in the representations which were made to the Home Office and to Parliament about the application of the Act?—No.

7313. Did it come officially before your branch?—I daresay it would do because if they did not submit things like that to our committee or members in general there would be great grumbling. They have to have some knowledge I expect.

7314. On the question of beams; do you pay for any other services in connection with your work?—They have a man at the place. We have not to carry the cloth into the warehouse, simply because we have some steps to mount. There are boards fixed in two parts of the shed where a weaver can carry the cloth without very much trouble on to the boards, and the man is paid by the firm to take it on trolleys and carry it into the warehouse. It is a rather big shed. Where the cuts are very heavy and the weaver is unable to carry them the short distance to the cut-boards, she is expected to pay. She pays the man. It is a little extra for him, who is paid by the firm to carry the other cuts, which are light enough for the weavers to carry the short distance, into the warehouse. If the cuts are heavy the weaver is expected to pay the man. The weavers object to that because the material is so heavy that they cannot carry it from the looms even a short distance.

7315. Has an objection ever been made officially on behalf of the organisation?—No, but we have it under our notice. We think our wages are little enough without either having to pay for beam carrying or for cut carrying.

7316. Could you say what the average wage would be in your shed?—We differ a lot on account of the width of the looms. I could give you my average, but I cannot give you the average of the place.

7317. Will you give us your average?—Yes. It is between 22s. and 23s. a week. That is a full week and working hard, not losing much time.

7318. You have two pretty wide looms?—Yes, 115 inches, and I make up 104-inch cloth.

7319. Are you anxious that the practice of charging either for the carrying of the cuts or for the putting in of the beam should be stopped?—Yes.

7320. Would you anticipate its affecting your wages if it were stopped? Do you think you would be paid anything less for your cuts?—No; we have a list of work up, by which the employers have to pay certain prices for a certain pick according to the width of the loom—a uniform list.

7321. And you would take care that the list was not affected by this change?—Yes, we would watch that.

7322. Can you answer for the general impression among the other weavers with regard to the abolition of fines and the alternative of dismissal?—I think myself—I am speaking on behalf of my fellow workers—that they would feel rejoiced if fines were entirely abolished from all firms. I think in a lot of cases fining creates carelessness. I have worked at places myself where I have been subject to these fines, and if I could have unwoven a thing, and could perhaps have made a little better job of it, I would think, "Oh, I will let it go; I can get off for 3d. or 6d." You see, it caused me to be careless where I could have rectified it, and I do think it creates carelessness in some cases. I am always in touch with the weavers who work at Rhodes, Blakeley, Middleton and Middleton Junction, where they are subject to these fines, more or less, and it is a very sore point with them that oftener than not at those firms they have to toil with bad material and then be fined into the bargain, and then perhaps be as long again over a particular piece than they should be on account of the material they have to contend with. They are expected to make good work or be fined 5d., 6d., or 1s. as the overlookers think fit. *Miss Devine.* 12 Dec. 1906.

7323. Would you hope that the abolition of the power to fine would lead to the use of better materials?—I think they would try better if they thought they were likely to be discharged.

7324. There would be better effort on the part of the weavers; but do you think the employers would supply better material if they felt they could not fine, and the material made bad work?—It depends whether they could get it cheap enough. They are not particular about producing a good cloth for the weaver. I do not know about that.

7325. Do you happen to know as to whether the defects in the cloth for which the weaver is fined have any influence on the price of the cloth when it is sold?—Of course the employer or the manager or the cut-lookers tell us that it has to be sold as second-class or third class, but we do not always feel inclined to believe them. I have known cases where experienced weavers have considered their work to be good enough for any market, considering the material they have had to contend with. Of course the masters do not take that into consideration; they do not seem to think of the poor material they furnish us with. We have thought many a time that the work has been good enough for any market, but if there happens to be a small fault which has not just suited them, I think they make it an excuse to get a little bit more out of us than they generally do.

7326. It has been put to us that it would be a mistaken kindness to all classes of workers, not to weavers alone, if fines were abolished, because the alternative of dismissal would be a greater hardship to the workers than the opportunity which they have at present of atoning for faults by paying a fine: what is your opinion about that?—I think it would be much better if the fining system were abolished entirely. I think if a weaver valued her place she would try to make the best work possible. But I do not know of any other section of the cotton industry where fining is in existence, only the weaving department. It has never come within my knowledge that it exists in any other section but that. It all seems to be forced on to the weaver's shoulders; she seems to be held responsible for everyone's good or bad work, whichever it may be, in the weft or the warp. It might be bad spinning, bad winding, slashing, carding, or it might start from the very beginning in the mixing of the cotton. It goes through different processes before it goes to the weaver, and then she is held responsible if that work is not turned out to the satisfaction of the master. They do not seem to consider the previous processes it has gone through. If you go to some managers or cut-lookers and tell them what you have had to contend with, they simply say, "Well, we shall have to fine you 3d."—or 4d., or whatever they think fit. We think it better that the system should be abolished, and put everyone on one level. I think that as it works well at C 4, where they have a good class of weaver, good, clean, steady girls, it would work well at other places. Only a few weeks ago a weaver applied at our place to our weaving manager for work. It is the usual thing to ask where you have worked before, in order to know what class of weaving you have been in, and she was

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asked, and she said she had worked at I 4, a place where a lot of fining exists; if you open your mouth they fine you; you do not know when you are doing right. The manager asked her what she left for, and she said, "Well, they are always fining us." He said, "We do not fine them here; we sack them." That weaver knew what she had to contend with when she got a job at our place.

7327. Was she taken on?—Yes. If it works well at our place, I think it will work elsewhere, if masters know that they are compelled to use that system instead of fining. We have a good name on the market for turning out a good cloth, and we have a good steady class of weavers, taking them on the whole. There may be a few untidy ones among 500 or 600.

7328. Do you think this weaver knew the reputation of your firm?—Yes; they all know it.

7339. She preferred the prospect of being sacked to the prospect of being fined?—Yes. Our manager is a Lancashire man, and he takes his own way. She knew what to expect when she was taken on at our place. Of course a weaver who comes from another place, and has been used to a rough trade, has to learn. We weavers are never so bad to a stranger, but we try to put it in their way, and do what we can to show them the system of working. And they do it at other places, I know, because this is not the only weaving place I have worked at.

By Sir Frederick Cawley.

7330. I understand that C 4 is the only place where there are no fines so far as you know?—Yes, in Oldham, so far as I know.

7331. And the district, I suppose?—Yes.

7332. Do you say that C 4 has the reputation of being a well-managed place?—Yes, it has. If they were all like that we should have no cause to grumble. Of course there are odd little bits of things.

7333. It is a good managed place from the point of view of the hands, in so far as there are no fines, but has it the reputation in Oldham of being a well-managed place?—Yes, we never have a bother. At odd times there is a little grievance. Some time ago they did not supply us with hand brushes to sweep the machinery. But that is nothing. On the whole we consider it a well-managed place, and there is not a weaver in Oldham but knows that when she gets employed at C 4, she is expected to make good work. Of course they will caution them two or three times; they do not discharge them straight off and give them no chance.

7334. I understand that one weaver has two of these wide looms?—Yes.

7335. You work in partnership, more or less?—Yes, on the wide looms.

7336. Supposing a certain number of weavers are late every morning, does not that interfere with the work of the others who are there?—In what way.

7337. I am asking you. I do not know anything about weaving. Suppose there are a certain number of girls who do not come till a quarter past six, we will say, do not they interfere with the other girls who are there? Can the others earn the same wages? Can they go to their work straight away just the same as if those who are absent are there?—Yes; it does not interfere. You are not forced to set your partner's looms on. Sometimes when we go for weft, and we are anxious to get a particular cut on one of our looms, we will tell our partner "Put me a bobbin in till I come back." But your partners are not compelled to set your looms on.

7338. It is only in extraordinary cases such as you name where it would be any hardship upon those who come in time that others should be late?—Yes. It is not often that they come in so late. If they do, the manager knows them all; he can spot those who often come late, and he pulls them up, and of course that will satisfy them for a time. They will not come late again until the fear has worn off.

7339. I understand it does not interfere with the earnings of the girls that others should come late: the only person who loses is the employer, because the looms are not being worked?—But they do not allow it very much.

7340. That is another point. Do the girls attend as punctually at C 4 as they do in those mills where there are fines for being late?—Yes; they have to do.

7341. You say you think they do?—I am sure they do, because from where I am situated I can see the majority of them come in.

7342. You have worked in a mill where they fine for being late?—Yes, and the fining is in existence at the present day.

7343. And your experience is that in C 4, where you work now, the punctuality is quite as great as in those mills where they are fined for being late?—Yes.

7344. Are the bulk of the weavers in the union?—We have about 3,000 weavers in our society, and I should say there are about 6,000 others that are in other sections—reelers and winders. And there are plenty that are not in the society.

7345. Are there many weavers who are not in any society whatever?—Yes, there are plenty. In some firms in Oldham we have the majority; in others we have not half of them in; and in some places we have none.

7346. Practically half the weavers in the Oldham district are not in any union whatever?—I should say about half.

7347. In case they are in a union and there is an unjust fine, I understood you to say that is taken up by the union?—Yes.

7348. And the secretary or someone in authority in the union goes to see the masters and enquires what the fine is for, and very often gets it either taken off or modified?—Yes; and sometimes the firm will not return it. They will up with the trouble of suing them in court for it; they will let it go to the day of its being tried and then pay it into court. If a weaver was not in a society, where would she be?

7349. I am speaking now of those in societies. Those who are fairly well protected by the union?—Yes, but I may say that in places where fining is in existence it causes our society more trouble than any other business we have to contend with. The weavers contend that fining is an injustice. It is very hard to be responsible for everyone's work.

7350. What do these fines amount to? Supposing they had fines at C 4 how much do you think it would come to every week to an ordinary weaver? How much do you think they are fined per week?—It just depends upon the firm; it might only be 3d.

7351. But you have some sort of idea how much it comes to off the weekly earnings?—It is not so much the fine; it is the principle, and the loss to the weaver.

7352. What I should like an answer upon is how much does the fine come to off the wages in a week, or how much in a year? I am asking you to tell me as nearly as you can how much an ordinary weaver would have to pay in fines in a mill where fines for bad work existed?—I could not say how much it would amount to in a year's time. That would depend on the class of work she had to do, and what the cut-looker might think fit to stop her. She would have to submit to that. Some weavers would have little and others more.

7353. Will you tell me the most you ever knew a weaver to be fined, say in one month?—I can take this case in particular where a weaver was stopped 19s. 4d. out of a month's earnings on one loom.

7354. Is not that very extreme?—Yes, but there are cases where a firm has stopped 10s., 11s., 12s., and even 18s. out of a month's earnings.

7355. That is for velvets?—Yes.

7356. That is an extraordinary trade is it not? It is not like the trade you are in?—That is all the more reason they should supply a good material for the weaver to contend with, and not inflict fines when they know it is bad.

7357. Cannot you give me some idea of what the fines amount to for a woman's wages in a year in the case of an ordinary mill weaving ordinary calico? What do you think they would amount to in a year?—I could not reckon the amount up, but where the cuts are what we call short pieces and they have many pieces in a week off that particular loom, and they are fined 2d., 3d., and

sometimes, 6d. perhaps off every loom they have running, it will mount up in twelve months, will it not ?

7358. I should like you to give me an idea of the aggregate, but if you cannot it does not matter ?—In those firms where fines are in existence they are pretty heavy in some weeks on the weaver's earnings.

7359. How much do you consider to be pretty heavy ?—I think 2s. or even 1s. off a weaver's earnings on one loom is a lot.

7360. That is 1s. in a week off their wages ?—Yes.

7361. That you would call pretty heavy for a fine ?—Yes. If that came every week that would amount to 52s. in the year, would it not ?—It is not exactly the amount of money they are stopped, but it is the amount of time a weaver has to lose on those particular faults that she has to try to mend before the cloth is passed into the warehouse. It is not only the loss of money that she has to submit to. As I stated in my evidence before they may have what we call a smash and many other things in connection with a loom which brings about some sort of damage to the cloth, and the weavers are expected to make the best they can of it, and try to do so oftener than not It may take two, three, or four hours to rectify a fault, and then on the top of that, in firms where fines are in existence, they clap a fine on. They do not take into consideration the loss the weaver must have had in piecing up all those ends. And they know when you have had a smash, because the knots show it, and it is not the fault of the weaver. It reflects on a lot of different people in different departments which the work has had to pass through. As I said before, it might be bad spinning at the beginning.

7362. This particular kind of fault can easily be seen by the over-looker or anyone else, and it could easily be seen that they were caused by bad material ?—If they want to.

7363. It can easily be seen by any experienced person that the fault is due to bad material ?—Yes.

7364. The union would take up a case like that ?—If they are in the union.

7365. And somebody would come from the union and the thing would be arranged ?—Yes, but there are lots of cases where even our members will not trouble to come to the office and report. They will only grumble among themselves.

7366. With regard to putting in the beams, that is not in any way a fine or deduction, but it is one of those things which you would like to see altered ?—Yes.

7367. Because while you are doing that you could really be going on with your loom ?—No ; it is when we have emptied the loom. When we have finished one warp the empty beam has to be taken out and another put in.

7368. What would you be doing ?—We are standing by the empty loom. They do not pay us for the loss from empty looms. That is our loss again. This man I referred to is in there to assist the over-looker to take out the empty beam and put in a full one. It is more than one man can do to lift those beams, and the weaver is expected to pay that man 1d., 2d., or 3d. according to the width of the loom. The man makes his wages up from the weavers. That has always been an agreement with the firm.

7369. That has always been the custom ?—Yes.

7370. When the uniform list was arranged between the association of masters and the association of weavers it was done subject to this, that you had to pay for putting the beam on the loom ? It was known perfectly well by your Association when the rate of wages was arranged that this work had to be done ?—I am sorry to say that it was not. It has only lately come under the notice of our association that such a system existed. It seems to have been an oversight on the part of the members, but they did not report it, and it has only lately come under the notice of the association. Every firm has a different system, and we do not always get delegates on the committee who represent each of those firms, and therefore we do not always get to know the system which exists. This matter has been overlooked, and it is only of late we have got to know. Though I worked there, I did not think of mentioning it.

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7371. It has always existed ; it is not a new thing, and it is not in the way of either a fine or a deduction ; it is only part of the work which you would like to get rid of ?—Yes, but I may say this, that at D 4 that was the system, to pay for empty looms, but the weavers protested against it, our association took it up on their behalf, and it is abolished now. The weavers have got out of paying for beams in that particular firm. It had been the system there for thirty-five years, but it has been abolished

By Mr. Walsh.

7372. In the mills of which you have knowledge are there any lists of these fines ?—No, none whatever.

7373. You are not aware of any of the mills in which a list is posted up containing the nature of the offence and the amount of fine which would be inflicted ?—No.

7374. What is the process adopted when a worker is fined ? Does the cut-looker say, "I will fine you 6d. or 1s.," and the worker sign for it ?—No.

7375. There is no signing ?—No. They stop it out of their wages.

7376. They simply stop it out of their wages ?—Yes. I have known firms where the cut-looker has had so much authority that he has stopped fines from the weavers' wages and never had them up for that particular thing. When they have come to draw their wages they have been stopped 2d. or 3d. and have gone into the warehouse to know why they have been paid short. They have been told they must see the cut-looker. They have gone to the cut-looker, and he has put it down the weaver's throat whether or not. When the weaver tells him, "You know you have not had me up, but you have stopped 3d. ; you have never brought me into the warehouse ; you know you have not," he says, "Well, you had such and such a thing in the cut, and you will have to stand by it."

7377. The worker would hardly be in a position to prove that those fines had been made ? I mean, supposing you yourself had been fined, seeing that there is neither a list in the mill nor a receipt, so to speak, for the money taken, you would have a difficulty in proving your own fine against the company ?—Yes. I do not know whether the cloth-looker puts it down in a book.

7378. I suppose you have been an organiser ?—I have taken an active part in the union for some years.

7379. Have you come across this very great difficulty of proving the fines deducted from the workers ?—No, they seem to admit that a fine has been deducted whenever anyone has gone to inquire from our association. There seems to be no difficulty in regard to proving that a fine has been inflicted.

7380. Have you been able to find any record of it in the books of the company ?—I understand that the cut-looker has to send in a certain list of fines which he has deducted from the weavers into the office, and then they are deducted from the weavers' wages. You do not go into the office and pay the fine to the cashier ; you have so much less when you draw your wages, if the cut-looker has fined you. He must let them know in the office in some way.

7381. Are we to understand that there is an idea in the workpeople's minds that the amassing of a heavy list of fines is, so to speak, an understood condition of the cut-looker's employment ?—Yes.

7382. That in order to retain his position he must amass a heavy list of fines ?—Yes. In some firms the more fines a cut-looker returns into the office at the week-end on making-up day the better he seems to be liked. The cut-looker has a great deal of authority in his hands. I have worked alongside of weavers and been surprised that their work has been passed into the warehouse without them being sent for, and I have done work myself which I have considered much better than theirs and yet have had to go into the warehouse. You see I have not been a favourite.

7383. This fining seems to produce a sense of injustice in the minds of the workers because of the caprice of the official ?—Yes.

7384. It seems to be according to the whim of the official at the moment ?—Yes.

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7385. A similar offence committed by another worker might possibly be excused altogether, and not be fined for, in the same mill and under the same conditions?—It is as I have pointed out; the cut-lookers have it in their power to make out there are faults when there really are not faults in the case of some weavers, while other weavers are allowed to send in whatever they like.

7386. A similar offence might not be visited with any punishment at all?—Yes, and even worse than that. You might consider your cloth perfect, and you might be standing alongside of other weavers—you can see the work of the weavers on each side of you—and, seeing the work they are letting go, think to yourself, "My word! She will have to follow that." Not a word. And you have to follow yours. You could see what she has let go, untidy cloth with lots of little things that you would not let go. You have to follow yours, when you do not think there is a fault in it.

7387. Are we to understand that that which causes the sense of injustice in the minds of the workpeople is the quite casual and uncertain nature of the fine?—Yes.

7388. And of the conditions under which that fine may be inflicted?—Yes. We think it is very unjust to weavers, and that is the general feeling among them.

7389. With regard to putting in the beams, are we to understand that the workpeople believe that the amounts paid by them exceed the total of the assistant's wages?—It has been given to the weavers at different times that we have been paying over that particular man's economy. They average over £2, and it is all gathered from the weavers.

7390. It is paid by the pennies and twopences and threepences, according to the width of the loom, which comes from the weavers?—Yes, we pay. The man comes to us each pay day, and if we have had beam out we know what we have to pay him.

7391. Are we to understand that the sense of injustice with regard to that arises from the idea that the workpeople entertain that the amount paid by them in the aggregate is greater than the wages of the assistant?—Yes, we think it is a great amount. I might have two looms empty in one week, and that means 6d. out of my wages for that week.

7392. I am not quite sure whether we mutually understand each other. The point that I want you to address yourself to is this: have you the idea that the amounts paid by the workpeople for this particular work is greater than the total amount of the assistant's wages? How much does the assistant get?—He gets nothing. He has to gather his wages from the weavers. He goes round collecting his coppers each pay day.

7393. So that he really is not in the employ of the company in a certain sense?—He is employed, but the weavers have to pay the wage. We cannot say, "We shall not have such a man; you will have to bring in someone we like, some one we know of." We have no voice in that.

7394. After you have paid these amounts to the man, is there any system by which the firm takes any part of that?—No. We simply pay the man.

7395. You believe that the cost of putting in beams should be a standing cost of the mill itself?—Yes.

7396. You think that the mill itself should pay that cost?—Yes. We think that if the men, who get a bigger wage than we do, cannot do without this assistant, they ought to pay him, or else the firm should pay him.

7397. You think the over-lookers should pay him?—Yes, or the firm. We do not think the firm ought to hold us responsible for paying the man's wages.

7398. It ought not to be a matter for which you should pay?—No.

7399. Inasmuch as you think it should be one of the standing charges of the firm, it ought not to be paid for out of the workpeople's wages?—That is so. Of course the manufacturer has to make according to his orders, but we think that if a piece is made of a certain weight which is above the strength of any woman to remove from her loom, that ought to be done at the cost of the employer, even if it is only 1d. per cut.

7400. You spoke of F 4 as being a place where there was little or no fining?—The fining is not worth speaking of.

7401. You said it was a very easy place?—Yes, it is.

7402. Has the discipline lessened at all, within your knowledge, or is the discipline equally high?—They can get a pretty good supply of weavers.

7403. But the discipline is good?—Yes.

7404. It is equally high?—Yes.

7405. There is no complaint of lessened discipline?—No; it is very seldom there is a complaint from F 4. They can almost go in when they like and come out when they like. They are not particular about a quarter of an hour or half an hour there.

7406. In the case of coming late would the high standard of the workers themselves make it a little bit unpleasant for the person who came habitually late?—No, it has nothing to do with anyone. Each is on her own responsibility. The managers scolds you a time or two for coming late. But a weaver is on piece work, and most weavers like to have a decent wage at the week-end. It is against herself to be late. The more time the loom is standing idle the less chance she has of getting pieces off at the week-end. When they come to 5s., 6s., 7s., or 8s., she does not like to lose that for one particular week, and only have 17s. to take home when she ought to have 8s. more. The more the loom is stopped the more money is going out of her pocket.

7407. Apart from the question of earning a lesser wage would the fact that one was an habitual laggard not be treated with some contempt in the mill? Would there not be a feeling of contempt excited among the other workers against her?—We do pass the remark sometimes of odd ones who come in a few times late, "I should be ashamed to come in at such a time," but we never say anything to them. Should the manager catch them coming in ten minutes late or so they may say to us, "The manager was rather short this morning," and we say, "It serves you right; you ought to be in in time."

7408. You gave us to understand that the abolition of fines would not result in any lessened discipline, because the workers would always have the fear of dismissal hanging over their heads?—Yes.

7409. Which you believe would be a sufficient incentive?—Yes.

7410. And in those places where the fines have been abolished, the standard of discipline has been in no way lessened: are we to understand that?—Yes. I do not think there has ever been any better discipline than they have in C 4 to-day, though we do grumble a little over paying for the beam and paying for heavy cuts. But beyond that good discipline prevails at the place.

By Mr. Maddison.

7411. I have only one or two questions. First of all, with regard to the organisation generally of C 4. Apart from the particular question we are discussing, namely fines, is the discipline good? I mean, is there anything allowed there which would not be allowed in a well-ordered mill?—No; it is only the ordinary run of mill life.

7412. The discipline is not lax in other respects?—No.

7413. Now with regard to the payment for beams, and the carrying of these cuts for which deductions are made, I take it those are really trade matters with which your society has to deal from time to time, and that you object because you believe that system reduces your wages?—Yes, it does.

7414. Have you to pay for cleaning the looms?—No.

7415. You clean your own looms?—Yes; we clean our own looms, and it sometimes takes half a day to do, but we do not complain. Some weavers devote more time to cleaning their looms than others.

7416. You have no system by which the looms are cleaned for you and the amount deducted?—No. We also bring our own weft and take our own empties back. The only thing we do not do is to carry these heavy pieces, which are beyond a woman's strength.

7417. Where do the fines go to?—Into the master's pockets—where else? Or else to pay the cut-looker's wages. I know a firm at Middleton Junction where the

weavers are supposed to be in at six o'clock: perhaps the manager might allow five minutes grace, till five minutes past six, but if it gets a minute beyond that, according to their time, though you may have a watch correct by station time, they stop you. They can turn the hand round you know, if they want to make it their time. They make you responsible, and shut the door in your face, and stop you 1d. They pretend to return it every twelve months for a picnic or tea party, but they do not give you any voucher that it comes to that amount. They do not show what it amounts to in the twelve months. You have to take their word. We have all often doubted whether we have got the amount back.

7418. Your experience is that these fines are not even devoted to picnics ?—That is so.

7419. Supposing all these fines were devoted to a trip each year for the operatives, would you still object to fines ?—Yes, I should. We will pay our own. Let fines be abolished and the worker's wage not reduced, and we can pay for our own little picnics if we want them.

By Mr. Delevingne.

7420. How long has this system of fining been in existence in the Lancashire weaving industry ?—All the years I have been a weaver, and that is twenty-six years in different places.

7421. Have you noticed any increase or decrease in the last few years ?—No; there seems to be just one standard.

7422. I gather that the point which you chiefly felt as a grievance was the fact that deductions were often made for damage which was due to causes not under the weaver's control ?—Yes, oftener than not.

7423. If that was eliminated, if deductions were only made in cases where there was some actual fault on the part of the weaver—and you tell us it is always easy to assign the damage to the right cause—would you see so much objection to that ?—I should object in any case, because it would allow them to have a loophole. They might object to you saying, "Well, it is the fault of the loom." They might also say, "You ought to have found it out before it made such a mess." They would still make you responsible in some way or another, and I think it better that the system should be entirely abolished. I would favour discharge before a fine. I am not fond of moving about, nor other weavers either; we like to stop at one place.

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7424. Would you say the class of girl at C 4 was of an appreciably higher standard ?—No. They have a few careless ones, like at other places. I have found out in my experience that in places where they produce the worst material, and where the most fining is in existence, they get a worse class of workers, because they are workers that they will not have at other places. They are always changing about.

7425. Do you think that in most cases where they get the worst class of workers some means of maintaining discipline is not required ?—It is their own fault, through the fining.

7426. With regard to the deductions for hot water which you have mentioned, I think your grievance was that the workers were made to pay even when the hot water was not used ?—Yes.

7427. Do you see any objection to a deduction being made when a worker uses the hot water ?—No.

7428. It is a convenience ?—We think we might pay for that, but I do think it unfair to charge every weaver alike, whether she stays in to her meals or not.

By the Chairman.

7429. We are much obliged to you for your evidence.

Mr. THOMAS GREENALL, called; and Examined.

By the Chairman.

7430. You come from Pendlebury ?—Yes.

7431. What is your county ?—Lancashire.

7432. You are President and Agent of the Lancashire and Cheshire Miners Federation ?—Yes.

7433. And have held that position for sixteen years ?—Yes.

7434. Will you tell me what is the membership of the association ?—About 40,000.

7435. And the pits they work in are in Lancashire ?—Lancashire and Cheshire. We have a few in Cheshire, not many.

7436. You know of the passing into law of the Statute of 1896 with regard to fines and deductions from wages ?—Yes.

7437. Does your memory carry you back beyond that ?—No, not very much previous to that.

7438. What has been the practice with regard to fines and deductions in the mining industry even since 1896, notwithstanding that statute ?—The practice has been this. Generally speaking when a man is employed at a colliery, he has to sign what are called conditions of employment, chiefly with regard to deductions, not in connection with fines.

7439. Have you any samples of those fines with you ?—I have a sample which we have at one colliery. (*Handed to the Chairman.*)

7440. This is K 4. Where is their place of business ?—Near Manchester.

7441. The contract is as follows: "I agree to your making the undermentioned deductions from my current wages: rent, if I live in the company's house; lamp, oil, and trimming, 4d. per week; pick sharpening, 2d. per week. And I hereby authorise and request you to make the following payments on my behalf out of the sum due to me for wages, namely: accident fund, 4d. per week; mutual improvement society, ½d. per week." I observe there are no fines there at all ?—That is so.

7442. It is the ordinary system of deductions ?—Yes.

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7443. Have you any cases in which there are any list of fines enumerated in the contract ?—No; I do not know that we have any case at all where there is any list of fines. 12 Dec. 1906

7444. Nothwithstanding there being no contract with regard to fines, are fines extorted ?—Yes.

7445. Will you give the Committee samples of the fines which are imposed ?—The fines vary. In some places they will fine a man from 2s. 6d. to 5s. for carrying his lamp in the mine on his belt. The system adopted with regard to the fine is that he is told he will be fined 2s. 6d. or 5s. and he is asked to sign his name to a document drawn up by the employers agreeing to that fine.

7446. What I am anxious to get at is this: is that document drawn up when he enters the employment, or is it drawn up after he commits the offence ?—The document is drawn up after he commits the offence, stating what he is fined for.

7447. Is there any general knowledge in the pit founded upon any document available to the men as to how much they will be fined for each particular offence ?—No; we have none anywhere that I am aware of.

7448. Now give us some other cases ?—We have fines for what we consider very trivial offences, such as men losing what they call their bow. That is a piece of iron perhaps 18 inches long and probably a quarter of an inch thick with hooks on it, so that they can put it on a tub or wagon when they are drawn along the road where the road is low, so that their hands will just be a little below the top of the tub or wagon. For losing one of these, in a good many places they will be fined 6d. or 1s., which will be taken out of their wages. Fines are imposed in some places for losing or mislaying what we call a scotch, a piece of iron about 12 inches long which is put into the wheel of the wagon to check its speed—a sprag to check the speed going down hill.

7449. Are those things specified in any contract beforehand ?—No, none whatever. Of course, in addition to that we have fines if men travel in the haulage road when officials say they ought not to do so, and for spragging,

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propping, and timbering generally. Fines are imposed for many little things which, of ocurse, the man knows nothing at all about until the alleged offence has been committed.

7450. You evidently belong to an organisation of some power; have these things been reported to your society ?—Yes.

7451. What action have you taken with regard to them ?—We have them reported to us sometimes, not very often. Generally, they are only reported to us when the person whom they want to fine objects to its being imposed. For instance, I have a letter here from one of our large collieries in Lancashire. (L 4.) That is a case where a man was working at the coal face, and the under-manager came into his place and said that it was not sufficiently timbered—that there were not sufficient props or bars or sprags put up. The man maintained that it was sufficiently timbered, and was timbered according to the regulation distances of the colliery. The under-manager then said he ought to have put bars up instead of single props—that is, with timbers across and two props under them. The man said, "I have had no instructions to do that." Of course, it is understood in the mine that where bars are to be used special instructions are given to that effect.

7452. You mean the over-man gives those instructions beforehand ?—Yes, what we call the fireman. In this case no instructions were given. The man told the under-manager that he had been working in that place about eight weeks and had driven it about twenty yards and had never had any instructions to put any bars up. The under-manager then told him that he would be fined 10s. for not putting the bars up. The man said that he objected to the fine and would not agree to pay it and the result was that he was discharged.

7453. When did that occur ?—That occurred in November. It would be about the beginning of November this year.

7454. Can you mention the colliery ?—Yes, L 4 (*a*).

7455. Is that near Wigan ?—Yes; it is not very far from Wigan.

7456. Having got that report from the man and knowing he was discharged, did you report the matter to the inspector ?—No. The man was considered by our association to have been taken advantage of, and he was placed upon the funds and supported from the federation funds.

7457. I point out to you that you did not give the law a chance there ?—I am afraid there was not much for the law to do, because the man was discharged. Our association supported him because he refused to be fined.

7458. I am not reflecting in any way upon the association, but I just point out to you that probably if you had reported the matter to the inspector he would have seen what the legal situation was and might have been able to take certain proceedings. At all events, you did not adopt that course ?—No.

7459. Have you any other instances of fines without contract beforehand ?—Not to particularise. We have a number of cases which come to our association from time to time such as this, where people object to be fined for these things. In every case where they object to be fined they are put on the federation fund and supported.

7460. Has the federation formed an opinion upon the general question which those instances suggest ?—As to fines ?

7461. Yes ?—Yes.

7462. What is that opinion ?—The matter has been considered by the committee and officials, and they are of opinion that the fines ought not to be imposed, that they do not achieve the object which we expect the mine officials have in view, namely discipline and the carrying out of the rules of the Mines Regulation Act, and also it rather lends itself to undue advantage being taken of the man by under-officials.

7463. That is the opinion of the workers. Now the next thing is with regard to the employers. Could the discipline be maintained at as high a standard without fines, do you think ?—Yes, I am of opinion that it can be; I rather think that discipline could be better enforced without fines.

7464. Of course the ultimate sanction to use the legal phrase, would then be dismissal ?—No, I do not think so. If a man has committed an offence under the Mines Regulation Act or in any way done anything which he ought not to have done then they have the right to take him before a magistrate, giving them an opportunity of proving it and giving him an opportunity of disproving it.

7465. But so far as the employers are concerned, apart from appealing to the law their ultimate sanction would be to dismiss a man if they were not satisfied with him ?—Yes.

7466. With regard to discipline, do you think that discipline in the pits would be maintained by the ordinary process of warning the men for trivial offences and dismissing them for repeated or for seriousoffences ?—I would not say that I am of opinion that dismissal would achieve that object.

7467. With the liability to prosecution ?—I am certainly of the opinion that dismissal and the privilege of prosecuting a man, if they wish, would achieve that discipline which is desirable in the mines.

7468. And that is the opinion of your class generally ?—Yes; it is the opinion of the officials and of our Committee and of the miners generally.

7469. I will put to you the converse view; I want you to consider it. Some time ago it was represented to this Committee that there may be a preference for fining rather than the somewhat cruel alternative of men being reported to the authorities ?—That is possible with some of our miners. For instance, we all know that a man does not like to go before a magistrate in court. That in itself would be beneficial to the employer.

7470. That would be a deterrent ?—Yes, at least it would assist. Perhaps I ought to say that most of the men working in our mines are paid by results. The more coal they send out the more money they get. It is possible that through that some of the men may get careless sometimes, and probably through that they may leave undone something which they ought to do, being in a hurry just at the moment and so on, and no doubt mistakes may have been made in that way. We are of opinion that even if they do make mistakes in that way, the best way of enforcing discipline in that direction would be to take them before a magistrate. They do not want to go there. Then again, probably some of our men agree to fining rather than to be discharged. For some years now we have found it is not very easy for a man to get work at a colliery once he has been discharged, and therefore rather than be discharged and run the risk of being out of work for some time these men agree to the fines. We are of opinion that many of these fines are imposed for very trivial offences, and in many cases, such as that I have mentioned, where a man is of opinion that he has done nothing wrong and therefore ought not to be fined.

7471. When the fine is imposed and he is made to sign for it, substantially he signs compulsorily ?—He signs compulsorily.

7472. Because otherwise it would be a question of dismissal ?—Exactly.

7473. I understand there is great dissatisfaction on the part of the workpeople in connection with fines ?—Yes.

7474. Now we will come to the question of deductions, and I will take this case of K 4, which you have given us as a fair sample—rent, lamp, oil, trimming, pick sharpening, accident fund and Mutual Improvement Society ?—Yes, that is a fair sample.

7475. The case of the rent is specially authorised by the Statute ?—Yes.

7476. Have you any observations to make upon that ?—With regard to the men being compelled to live in the employer's house, a large number of our men resent that occasionally. First of all they are compelled to live in the employer's houses and then the rent is taken from their wages, through their signing this agreement when they commence working.

7477. Are you right in saying that they are compelled to go into particular houses ?—Yes.

7478. If they are in the neighbourhood of a town can they not select their residences ?—No. If there is an employer's house vacant they will see to it they have a tenant in it.

7479. Of course if the houses which are the property of the employers are all filled up then the other workers go to ordinary tenancies ?—Yes.

7480. And there, so much a week is not taken from them for rent ?—That is so.

7481. Now take the other side of it. Suppose a suggestion were made to make deductions for rent illegal, that would fave a very disorganising effect, would it not ?—I do not think so.

7482. I want your view about that ?—All that would be necessary then would be this: when the man got his wages he would pay over his rent weekly to someone who was there to receive it, or the company, as other property owners do, would have an agent to go to the houses and collect the rent weekly from the men. That is what everybody else does, and I do not see why employers of labour ought to be put upon a different footing to any other property owners in connection with that matter.

7483. The next deductions are for lamp, oil, and trimming: that is practically for working utensils ?—Yes.

7484. That is legitimate if it is part of the contract ?—I suppose it is legitimate according to the employers' construction of the Act. It may be questioned, as we all know.

7485. I would like you to put any point you have upon that to the Committee ?—We understand it is an agreement. Mr. Ratcliffe Ellis was the gentleman responsible for having this agreement drawn up and signed by the men when they begin working. I understand he is of opinion that it conforms to the Truck Act because of the last words in subsection (*a*) of Clause 2: "Or the contract is in writing signed by the workman." We are of opinion that that scarcely complies with the Truck Act.

7486. In what respect ?—With regard to deductions, Clause 2, subsection (*a*) says: "Unless the terms of the contract are contained in a notice kept constantly fixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects, or the contract is in writing signed by the workman." Well, we are of opinion there also that materials which the men are supplied with by the employer ought to be paid for in the ordinary course as they pay for anything else. For instance, if they go to buy explosives anywhere they pay for them to the ordinary tradesman.

7487. But in the case that we are figuring would not they be free to buy their lamp oil anywhere else ?—No; they do not ask to be free to buy their lamp oil. They think that the system we have is the best that can be arranged, where the lamp is purchased by the employer and kept at the colliery, cleaned, and refilled with oil, but they object to the cost of that being deducted from their wages. What they suggest is that they ought to be allowed to pay for the oil, and of course the cost of cleaning as well, and the same with regard to other materials.

7488. You say the workmen ought to be allowed to pay for them ?—Yes, and that it should not be deducted from their wages. For instance, as you know we have check-weighmen on our pit banks. The Mines Regulation Act provides that the check-weighmen are to be paid by the workpeople. It can be arranged for the money to be stopped in the office, but it is the exception where that is done. The men go to the colliery office and receive their wages. Then they go to the collector on behalf of the check-weighman—it may be the check-weighman himself or another person—and they pay their proportion of the check-weighman's wages and costs. We suggest that that ought to be the system with regard to oil and other material supplied by the employer.

7489. I fancy the existing system was originated from motives of mutual convenience ?—You will see that 4d. per week is deducted for the club. We have had information of men who have objected to joining that society.

7490. That of course may be subject to other considerations. You can imagine a man being a very good collier although not belonging to the club, but you could not imagine a collier without his lamp and his oil ?—We are of opinion that there is no difference in the principle. It is a question of paying or being stopped.

7491. You think it would be a cleaner job if the wages were paid in a fixed sum and that then you had to bargain and traffic for the materials requisite to enable you to perform your labour ?—Yes; or, put in another and more simple way, our men are of opinion that they ought to be allowed to pay for everything that they are supplied with, even by the employer. The amount would be arranged probably very largely in the way it is now, but they are of the opinion that it would be an advantage to them if they paid the money, because they would then know better what they had to pay. I have a case with regard to the question of explosives. In regard to this same company, who are very good people, we have had a question recently with reference to the cost of the explosives in a particular mine. The workmen there were of opinion that they were paying too much for the explosives which they were using. We negotiated with the employers with the result that they supplied us with a list of their charges and gave us the details as to how they arrived at those charges. They gave us certain charges for certain weights. But in addition to the explosives they also include a number of sundries, which the men have taken exception to.

7492. Like management expenses, and so on ?—Yes. I will hand this list in. (*Handing same to the Chairman.*)

7493. I see here "batteries and cables ?"—Yes, which the men have nothing to do with. They have to be used by the shot-lighter down in the mine and are entirely in his charge. He has to light the shots. It has nothing at all to do with the purchase of the explosives.

7494. Then I see that "labourers" is also a heavy item ?—Yes; we do not know exactly what that means. It is stated that it means lifting the explosives into the cart and taking it from the general store room.

7495. I see there is a heavy item for the "horse and cart" taking them to the pits ?—Yes.

7496. And also for the driver and the clerk's time ?—Yes.

7497. You would probably yield the point that the payment made for the explosives should be at least plus the carriage ?—Yes. Our men are of the opinion that it ought to be the actual cost of the explosive, and that the cost of these sundries ought to be borne by the employer.

7498. Except probably the carriage ?—Yes.

7499. The clerk's time and such things you think should be part of the on cost of the pit ?—Yes.

7500. And the same with regard to batteries and cables ?—Yes.

7501. Now may I illustrate your point in this way, that if lamp, oil, and trimming, and all these other things were put upon the basis of independent purchase, the same as explosives, you would then be able to judge as to price on a more independent footing ?—Yes, that is the opnion of the men. That is the main reason why they suggest they should be allowed to pay for it.

7502. You think it is a sounder principle, although it might not come to very much in regard to money ?—Yes, the principle is much better, and the men are of opinion that they would then be able to know better what was being charged, and if it was excessive, they could deal with it.

7503. Then the pick sharpening ?—That is another matter which we have had to meet several employers upon. We have a difficulty sometimes in ascertaining the correct amount to be paid. Some employers will only ask us to pay for the wages of the man who is sharpening the tools, and will find the shed, the sharpening coats as we call them, and the bellis and the coal, making those a charge to the firm. Others will include so much for the sharpening coat, the bellis, and the coal, and the wear and tear. So that we have different prices taken from the men for sharpening their tools at different colleries.

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7504. There is hardly a check upon that, except what the Statute says, namely, that the charge shall be fair and reasonable and not in excess of the actual cost?—We had a case on Saturday last which illustrates my point. We met the employers and asked them to reduce the charges from 4d. to 2d. We contended that the 4d. was too much. They suggested 3d., but we pointed out that that was too much. It included the wages of the sharpener, the coal that was burnt, which they estimated, the cost of the upkeep, and a certain charge for the sharpening coat.

7505. That, again, is an illustration of the discontent of the workmen, because they think that part of what should be the general expense of the mine is deducted from their wages?—Yes.

7506. Supposing the Committee were of opinion that some of these things can be worked best for both parties under the form of a deduction from wages—pick sharpening is a fair instance—have you any suggestion to make as to whether there should be a committee of the workmen to arrange with a committee of the employers as to what would be a fair deduction?—Yes, I think that would help the men that representatives of the workmen with the employers should go into the question as to what should be included in the cost of the sharpening. I think I ought to say that generally the men prefer to have their pick-sharpening and repairing of the tools in their own hands—to pay the men themselves, and then they contribute towards the expense collectively and have it entirely in their own hands. The difficulty we have in connection with that is that the employer in many places refuses to allow us to have a man whom he does not employ upon his premises.

7507. Supposing there was not total abolition, you would certainly favour both parties being represented with regard to the price that was to be charged?—Yes.

7508. And suppose they differ—it is conceivable that your Committee and the employers' committee might differ—I assume you would be quite willing to take the local inspector as an umpire in such a case?—I do not think there would be much objection to the mines inspector. I think our side of the committee would be able to show him what was reasonable in the matter.

7509. I mean some cheap and expeditious system of that kind would be preferable to the existing sense of grievance?—Yes. I think I ought to say that a large number of our men are not very strongly in favour of the mines inspectors in Lancashire dealing with these matters, because they seem to think that when the inspectors have been appealed to, which I understand they have upon a time or two, they rather took a liberal view from the employers' side. They think ½d. or 1d. per week is not much, and that they can afford to be rather liberal to the employers in the matter.

7510. I think that exhausts the question of deductions except those for bad work?—There are the deductions for Relief Societies, which I mentioned.

7511. I will come to that later. We have dealt with deductions for rent, lamp, oil, trimming, pick sharpening, and explosives, and now we come to bad work?—With regard to the lamp and oil, I would like to name a particular case. We have a very large colliery where a man, when he starts to work, gets a brass check for the number of the lamp which he uses. For that check the firm insists upon 6d. being paid by the man. The men contend that that is not in accordance with the Truck Act. The firm insist upon the men paying 6d. When a man leaves, if he returns the check his 6d. is returned. If he loses that piece of brass which is not worth a farthing, he has to pay another 6d. for another check.

7512. What is done with these moneys?—The money goes to the lamp and oil account, and, so far as we know, goes into the pockets of the employers.

7513. Now we come to deductions on account of bad work and material, such as dirt in coal?—That is in connection with the Mines Regulation Act. Of course, as you know, there is a provision in that Act which states that agreements are to be made with regard to foreign substances other than the coal contracted to be got, and at most collieries we have those agreements. But in addition to that, at many of our colleries the management will sometimes insist upon the man losing a tub altogether. For instance, if a wagon of coal is sent up weighing 9 cwt. or 10 cwt., if in their opinion there is dirt in that tub they will many times insist upon the man signing away that tub altogether, which means his giving up 1s. or 1s. 3d. as the case may be simply for a small amount of dirt or inferior coal which he has in the tub. Our men are very strongly opposed to that.

7514. Have you any idea of the way in which the remedy could be got for that?—We have the agreement under the Mines Regulation Act. We suggest this should be made illegal. That again is signing away a man's right. The deductions are determined according to the agreement under the Act, and we contend that ought to be sufficient in connection with this matter. There again, of course, the employer might say, "I shall discharge this man unless he will do this," which the man understood would be the result.

7515. What is the men's view in face of that alternative?—As I said before, the men do not like the idea of being discharged for this kind of thing, but they are certainly of the opinion that that ought to be prohibited, and then they would take the risk of being discharged. The men are of opinion that if the employer was prevented from doing this under the Truck Act they would not have the threat hanging over their head of being discharged unless they signed away their right to this tub.

7516. Generally speaking, I gather your view is in favour of the total abolition of fines and deductions in so far as that could be accomplished?—Yes.

7517. Does that represent the opinion of your class?—Yes; that represents the opinion of the Lancashire and Cheshire miners.

7518. Do you think that discipline could be maintained as well in a mine in which there were no fines for that very dangerous thing which you referred to, namely, carrying lights?—Yes; I believe the discipline could be maintained better if fines were abolished, and the course which the employers have under the law were taken.

7519. You mean the remedy under the Mines Regulation Act of reporting to the authorities, and also dismissal if necessary?—Yes.

By Mrs. Tennant.

7520. It has been urged that discipline could not be secured in a mine without the aid of fines, although it might be in a factory, because a worker in a mine is working out of sight: what is your comment on that?—I do not agree with that at all, because although the workman is out of daylight he is not very far out of the sight of an official of the mine. We have a large number of officials in the mine who are constantly coming in contact with the workmen and who see them very often during the day, and therefore they are not out of sight so far as discipline is concerned.

7521. It was in that sense that the workman was represented to us as being out of sight—in the sense that he was very seldom seen by an official?—First of all we have the firemen in the mines who are supposed to visit the men's places, their workings, twice at least in one day. Many places they have to visit more than twice. Then there is the under-manager who is going through the mines every day. Then there is the general manager who goes into the mines as well. They are the officials who would generally report. In addition to that, all these three classes of officials have assistants who have the workmen constantly under their eyes.

7522. The manager and the under-manager would be responsible officials: would you say the same of the firemen, and the assistants of those three classes?—Yes.

7523. They are all responsible officials?—Yes.

7524. To turn to deductions rather than fines, I gather you do not object to the charge for materials in itself; you object only to the method in which it is exacted?—That is so.

7525. Now how do you distinguish in principle between the charge for an explosive and a charge for some action which is necessary to the proper use of that explosive, such

as the moving of it? You say that in some cases it is too heavy for the miner to move himself and that he has to pay for its removal from one place to another?—It is not quite so much a question of its being too heavy as it is of convenience both for the employer and the workman. A man could carry his own explosives very easily from the general stores to his working place in the mine, but it is convenient to the employer and the workman that the employer should supply the whole of the explosives, because there are certain explosives only allowed to be used in certain mines, and the employer would always know that the explosive which was allowed according to the rules and regulations of the Home Secretary was used in that particular mine, through his purchasing it in bulk. Therefore that is a convenience to him and of course it is a convenience to the men to be supplied with their explosives at the mine rather than at the general stores.

7526. It is admitted that it is advisable that the explosives should be supplied by the employer; but how do you distinguish between the justice of the charge for the explosive itself supplied by the employer and the justice of a charge for something in relation to the explosive which is just as necessary to the process of mining as the explosive is?—I do not know that I could, except for the advantage and the convenience to employers. I understand that what you have in your mind now is the matter of the horse and cart for conveying the explosives from the general stores to the colliery. I do not see that I can justify the difference except that it is to the advantage and convenience of the employer as well as the workmen that he should supply these explosives. But the men are of opinion that the charge other than the actual cost of the explosive, should be a charge upon the concern.

7527. What you have just said would be an argument against the colliery charging for the explosive, would it not? You say it is a convenience to the employer that he should supply it?—No, I do not think so. So far as our mines in Lancashire are concerned it has always been the rule that the men pay for their own explosives. We used to use ordinary powder. Generally, that was purchased by the men themselves at the different stores in the district, and they carried it from their homes to the colliery. There are very few places where that happens now, but even now there are a few where they purchase at the stores. A change has taken place, and generally speaking the employer supplies the explosives. So that the charge for the explosive itself has always been paid by the workmen, but not the matters in connection with its supply; the men were never called upon in the past to pay for batteries or for storing it in the store house, and so on.

7528. My difficulty is this: I see a distinction in custom but not a distinction in principle. But I do not wish to press the point.

By Sir F. Cawley.

7529. You say some of these things are looked upon as grievances. I suppose they are debated in the union, but do they lead to any serious discontent? Is there any real discontent with regard to any of these deductions?—Oh, yes. For instance, with regard to the list which I have just handed in, the men working at that mine were charged for explosives and were discontented with the price, and brought the matter up to our association and asked that we should deal with it with a view to the price being reduced. They were of opinion that they were being charged too much, and they were very discontented.

7530. Your association is very strong, I take it? Practically all the colliers in the district are in it?—Yes.

7531. Are not you able to treat with the employers on an equal footing in regard to all these matters?—We try to do so, but I should not like to suggest that where we do not agree we should have a strike at the collieries. We try to avoid that.

7532. Do you want the law to come in and help you?—No; I do not think it is so much a question of asking the law to come in and help us as it is asking that the law should be so defined that these deductions should be prevented, so that there would be no trouble between us.

7533. Is it not really the fact that you are asking the law to come in, I do not say to give your men better wages, but to make the conditions under which they work more to their advantage?—No. We prefer to pay for our materials, as I have said, but we ask that we shall be allowed to pay for them rather than have the amount taken out of our wages.

7534. As regards the oil, I think it was?—And the other material, the explosive.

7535. I did not quite gather what advantage it was to you to pay for the oil direct. Instead of having the amount deducted from your wages you want to receive the money in hard cash and then to pay it back in hard cash?—That is so.

7536. What would be the advantage of that? I did not quite gather what you think it would be?—In considering that no doubt our men have had in mind, in addition to the question of the lamps, the fact that many times they are compelled to pay to clubs when they do not want to do so.

7537. That opens a fresh question. Are the clubs which the workmen have to subscribe to clubs which in some cases they do not wish to pay to?—Yes.

7538. Is the subscription to these clubs taken out of the oil fund?—No, it is taken out of the men's wages, in addition to what they pay for the oil.

7539. I will take the oil: the men do not suggest that they are paying more for it by the amount being deducted from their wages than they would do if they received the money and then paid it back?—Yes; they suggest they do.

7540. Why?—Well, we have a system of paying for oil. The system varies. At some collieries they fix it at 1d. per day—for the days that the men work they pay 1d. for the oil and the cleaning and everything in connection with the lamp, per day. At other collieries they pay 4d. per week, whether the pit works five or six days per week. We have an instance of one colliery in the district where I live where the men paid 5d. per week and another colliery where they paid 6d. per week. The firm found out over a period of a few years that they had saved, by this 5d., between £600 and £700; they had between £600 and £700 of the men's money. They then suggested that they should reduce the amount to 4d. per week. They thought that that would scarcely pay for the oil at that time, but it would allow the amount, between £600 and £700, which had been paid over and above the cost to go back again to the men who were working at the collieries at that time. The men were of opinion that if they paid this money direct for the oil they would have a better chance of ascertaining whether they were being overcharged or not.

7541. That is my point. I cannot quite see how they would be able to ascertain that better if they received 5d. and paid it back, than they would if they had the 5d. deducted?—In regard to paying back, it is more the principle that our men go upon there.

7542. They want to receive every penny they earn?—That is so. When they have earned their wages, they are of opinion that the wages ought to be paid to them, and that if the employer has supplied them with anything then they should pay the employer for that material out of the wages which they have earned.

7543. You do not suggest for a moment that the taking it out of their wages is any hardship to them so far as the cash is concerned: it is only that they think they ought to have their money paid in hard cash and then pay it back again?—Yes, with regard to the oil and material.

7544. There is no suggestion of any fraud?—No.

7545. Will you tell me with regard to the deductions for clubs?—We have several clubs, at different collieries.

7546. What kind of clubs?—Accident clubs. They are clubs arranged to pay men for accidents which they meet with at those particular collieries. They are managed by a committee appointed by the men and the officials jointly. The men object to the deductions being made for those clubs because they have found from experience that they have been compelled to subscribe to them when they do not want to do so. In

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some instances they will stop contributions to the club from the men's wages whether they have agreed or not. The men find out that it has been stopped from their wages when they are not members, and they object. They go back to the colliery office and ask for the money back, and it is returned to them. The same thing will be done again the week after, and they go back again and have it returned. Then in many cases the officials will go to the men and say, "I suppose you are not a member of our accident club?" They say, "No, I pay to sufficient clubs." Then the official says, "Well now, you know very well it would be much better if you were a member. All the men working in this district where you are working are members of the society, and it would be better if you were a member." Then the contribution will be stopped again. If the man demands it back again they will cease deducting the contribution for a time. But we have had case after case brought before us where, later on, the contribution has been been stopped again, and the officials have gone to him again, until the man has thought to himself, "Well, I can see that unless I become a member of this society I shall have no work here."

7547. What other society is there?—This is chiefly with regard to the accident societies.

7548. I mean what other clubs are there deductions for in the collieries? Do they have to subscribe to hospitals?—Yes; we have collieries where the men subscribe to hospitals, but I have never heard of any complaints made by the men for subscriptions to hospitals.

7549. Really, your contention comes to this, broadly speaking, that your members want to receive all their money in hard cash, and if they wish to belong to any club, or if there is anything they have to pay, they want to put their hand in their pocket, and pay for what they have received, and not have it deducted in the office?—Yes.

7550. With regard to the inspectors, you do not care to appeal to them very much?—Our men do not seem to care very much for the inspectors being called in. As I have said, they think they are rather too lenient with the employers.

7551. They think they are not quite impartial?—That is with regard to these deductions. With regard to the Mines Regulation Act they are very pleased to call the inspectors in.

7552. But not with regard to deductions?—The inspectors do seem to lean to the employers' side with regard to the amount, and some are very favourable to deductions being made from the wages.

7553. I have only one more question, and that is with regard to the explosives. When a man accepts a situation, practically he agrees upon certain wages, and to find his own explosives. If he had really to find his own explosives, if he had to buy them delivered to him on the spot he would have to pay all the charges which he now grumbles at having to pay; warehousing, cartage, and everything that he now has to pay he would also have to pay if he bought the explosives himself, delivered to him in the mine?—Supposing he bought from a dealer in the district, the dealer, of course, would put that on the price which he charged for the exlposives.

7554. He has to pay what he would have to pay if he literally fulfilled the terms of his contract of employment; that is, if he bought his own explosives and had them delivered to him where he has to work?—I do not think he would have to pay all the charges he has to pay now. There is the battery and the man and the horse and cart. Of course the employers must have paid this to these men, but we cannot conceive how it can have cost the money that it has cost in that case.

7555. Do you suggest the employers are making a profit?—Yes; we are of opinion that the employers have been making a profit out of it in this particular case, and they are no doubt covering that by including charges which the men contend ought not to be put upon them.

By Mr. Walsh.

7556. I notice you speak of the fines not being imposed according to the Truck Act?—Yes.

7557. It is not necessary for me to ask you the particular district in which you conduct your operations, because I know it perfectly well; mainly it is south-east Lancashire?—Yes.

7558. Having Manchester as its centre?—Yes.

7559. Are there no schedules of fines, *i.e.*, the amounts and the offences, posted up in any of those collieries?—In none of the collieries that I am aware of.

7560. And there is no contract in writing before the offence is committed?—No.

7561. In every case to your knowledge if there is a contract in writing that contract is entered into after the offence has been committed?—Yes.

7562. The amount, of course, being one which has not been known at all by the workman previously?—No.

7563. It is simply fixed by the officials themselves?—Yes.

7564. You say in your *précis* that freedom of contract cannot obtain under such conditions: how would you develop that?—What I mean with regard to that is this: a man is alleged to have committed an offence. It is said he will be fined. He has an idea that, although he may not have committed the alleged offence, unless he agrees to a fine it will possibly lead to his discharge, and he agrees to the fine rather than be discharged.

7565. So that you have put it that there is no freedom of contract, inasmuch as a man has either to agree to a fine or else risk dismissal?—Yes, for something which in his opinion he has not done at all, or something which he is alleged to have left undone. That is the case although he has committed no offence at all.

7566. As has been very well said, coal mining is entirely different from many of these other industries. Is there a good bit of fining in that part of Lancashire?—I do not say there is a great deal of fining in that part of Lancashire. I am of opinion that Mr. Twist, who speaks for the other portion of the county, will tell you that there is more fining there than in the district with which I am directly connected.

7567. If fining did conduce to a higher standard of discipline, would that be shown in the statistics of accidents of the mines?—I should think it would if it did, but I am of opinion it does not.

7568. That is to say if fining brought about the result that the owners themselves desire, you believe it would show itself in the Accident Tables?—Yes, I believe it would.

7569. Is there a lower ratio of accidents in your own district of recent years?—No.

7570. Accidents have not fallen appreciably in number?—Very little indeed.

7571. So that in that sense, so far as accidents are concerned, fining has not produced a higher standard of discipline?—It has not.

7572. Or at least it has not shown itself in a diminished table of accidents?—No.

7573. Of course we know that there are both serious offences and minor offences in mines; for the serious offences, as you know, the general and special rules of the Act of Parliament and of this office have provided?—Yes.

7574. Would you say that the proper course is to prosecute for a serious offence for a breach of the general or special rules?—Yes; the proper course would be to take the offender before the magistrate.

7575. And for minor offences, what would you say? Caution?—For minor offences, yes. If caution was not sufficient, then the employers have the option of discharge, or even of taking the offender before the magistrate for minor offences.

7576. Of course they can take them before a court of summary jurisdiction for misconduct which does not actually amount to a breach of rule?—Exactly.

7577. You have spoken of living in the employers' houses as a condition of obtaining employment: that of course you have proved. Am I to understand that if they wish to retain their employment under such circumstances they must live in one of the employers' houses?—Certainly.

7578. So that both to obtain employment and to retain employment when got they must, if necessary, live in the employers' houses?—Yes.

7579. Could you give this Committee any cases where the operation of either of those conditions has led to

serious hardship ?—I could not speak of any in that particular district.

7580. Mr. Twist who speaks for south-west Lancashire will give evidence upon that subject ?—Yes.

7581. You spoke of L 4: Are you aware whether that is a condition of employment there ?—I do not know that it is.

7582. As you know, they do possess a good many houses in the vicinity to which you referred some time ago ?—Yes. I could not speak as to that company particularly.

7583. You have spoken of deductions from men's wages on account of bad work and materials, such as dirt in coal ?—Yes. "Wages" of course mean that when the man has filled a tub of coal it goes over the machine. It is his wages in that sense.

7584. That certainly does represent the wage value, undoubtedly. Are you aware of any deductions from actual wages for this dirt in coal ?—Do you mean in the colliery office ?

7585. Yes; taken out of the wages of the men ?—No, I do not think we have any case of its actually being taken out of the wages, apart from the arrangement which is made between the employers and workmen.

7586. When a man has sent a dirty box up, are you aware whether, in addition to losing the weight of the box (or, perhaps, without losing that) he has had to agree to a money fine because of the fact of having sent up a dirty box ?—I have heard of them; they have been reported to the Committee, but I have not a case in mind. I take it Mr. Twist will go into that part of the case from our county.

7587. As you are probably aware, the decision in the higher courts have made it illegal to deduct from money under the Mines Regulation Act: the deductions must be from weight ?—Yes.

7588. And therefore if there were any deductions from wages, from money, those deductions would be illegal ?—Yes.

7589. You are not aware of any cases in your own district ?—I am not aware of any case at all in my own district.

7590. The deductions which you refer to are deductions under the Mines Regulation Act ?—Yes, in addition to what has been agreed to under the clause in the Act.

7591. And sometimes in default of any agreement?—And sometimes in default of any agreement.

By Mr. Maddison.

7592. Your general evidence has been in the direction of objecting to deductions from wages for various things ?—Yes.

7593. I gather so, and I shall be glad to know if I am right, that the reason of that objection is that you want the law to leave the miners free to make an ordinary bargain in an ordinary way ?—That is so.

7594. And that while in the main it may leave things the same as they are now with regard to cost, there are some things which might be altered in favour of the miners by them being left free ?—I believe there are things which would be altered.

7595. Just take oil and material: do you think that you always get them at market price ?—No; our men are of opinion that they pay much more than they ought to do.

7596. Therefore you think, if no deductions from wages were made and, instead, the men made payments, they would be likely to make fairer bargains for the things they use ?—Yes, that is our opinion.

7597. So that as a matter of fact, there is more than a mere sentimental basis to your objection ?—Yes.

7598. That is to say, speaking as a good Lancashire man, there is money behind this ?—Yes; there is money behind it, in the opinion of our men.

7699. Now take the case of explosives. I think you have already stated that there are a few cases where the men buy their explosives at a dealer's ?—Yes.

7600. Have you any means of comparing the price of the explosives so bought with those got at the pit-head or colliery office ?—The quality of the material used is so different that I do not think it would help us. Where they purchase the explosives from a dealer they use ordinary powder, which is much cheaper than the higher explosives.

7601. With regard to the tenancy of employers' houses being made a condition of employment, and deductions from wages following therefrom, would you say that the rent paid for the accommodation is about equal in the case of those men who have to go into their employers' houses and those who do not go in because there are none to let, and therefore go elsewhere ?—No; I think that the men who are compelled to take employer's houses pay higher rents than those who go into an ordinary house, so far as Lancashire is concerned. *Mr. T. Greenall.* 12 Dec. 1906.

7602. So that it is compulsion plus higher rents ?—Yes, plus higher rents. I might say not only higher rents, but not equal accommodation. That is perhaps more the case than higher rents.

7603. So that it comes again to the point that by this method of deduction a man is deprived of making so good a bargain as he could otherwise make ?—Yes.

7604. Just a concluding question about fines. I think we have had it put in evidence before, very strongly, that a mine differed very materially from a workshop, inasmuch as mining is a dangerous employment because a man can destroy a lot of lives, and so on, and, from that consideration, the view was that when an offence has been committed one must either prosecute or fine, that offences cannot be allowed to pass unnoticed because if this were done discipline would become lax. Do you agree with that ?—No, I do not.

7605. You think that a serious caution in the case of minor offences and a summons in the case of the major offences would be a better method ?—I do.

7606. Followed eventually, in the minor cases if the man did not take the caution, and in the more serious cases, by discharge ?—Yes.

By Mr. Delevingne.

7607. It has been suggested to us that, if in all cases the owners prosecuted for breaches of special rules instead of fining, that would to some extent disorganise the work of the mine, because it would involve the taking off of an official—one official at least, if not more—from the work of supervision, to go to the justices' court for a whole day. What do you say as to that ?—Of course it would mean in most cases that one of the officials would have to go to the court. But as I mentioned before these officials have assistants, men who are training themselves to become officials, both the firemen, under-managers and managers, and when these officials are in court the assistants take their place. They are certainly a man less at the colliery, but there is no danger in that; the work will go on just in the same way as if the manager was there during that particular day.

7608. You do not think the safety of the mine is in any way prejudiced ?—Not in the slightest.

7609. I gather the men have not been in the habit of appealing to the inspectors on questions arising under the Truck Act ?—No. My friend Mr. Twist will tell you more about that next week, because in that particular part of the country where he is coming from I understand they have appealed to the inspector. The report to us was that it was with very poor satisfaction. We have not appealed very much to the inspectors in connection with deductions.

7610. I suppose you could not tell me how many complaints have been made to the inspectors ?—No.

7611. You said in answer to Mr. Walsh that the owner had the power of bringing a man before the Court for acts of misconduct which did not involve any breach of the special or general rules. Is that so ?—Yes, I think so. If a man misconducted himself in the mine the owner could take the ordinary course of bringing him before the justices with a view to his being punished.

7612. Can you tell me under what power ?—I have not thought of that point. It has not occurred to me to look the matter up as to what power it would be under. Therefore I could not answer that satisfactorily just now.

7613. Is there any practice of suspension in the mining industry for offences ?—Oh, yes.

7614. To what extent does that prevail ?—They what we call "grass" them occasionally for a day, or even as much as a week, for a little offence.

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7615. What view does your union take of that ?—Whevever a person is suspended for something which he is alleged to have done, enquiry is made and if it is found that the man has committed the offence our Association take no note of it whatever ; the man has to take the responsibility of his actions. When we find a man has been wrongfully suspended of course we try to get him back to his work and we support him for the time he is away.

7616. Supposing that all fines for minor offences are abolished as you suggest, do you see any probability of the managers adopting a wholesale system of suspensions for the same things ?—No, I do not think so.

7617. There is the alternative of suspension as well as that of prosecution, and the management may think it is an easier and more convenient method just to suspend a man for a day ?—I do not think so, because when a man is suspended he is not earning any profit for the employer who has engaged him.

7618. Do the men often exercise their power of audit with regard to deductions for sharpening tools, and other matters ?—No, they do not ; it is very seldom.

7619. You are aware there is that power ?—Yes, it is in the Act, but we very seldom put that into operation.

7620. Can you give me any reason for that ? Is it not a useful power ?—The only reason I can give for that is that when men are paying something near what they think they ought to pay, they are not very particular about it ; they get careless.

7621. Is not that a very valuable power in checking these additional items which you have been complaining about ? —Oh yes, it certainly is a valuable power. In the instance which I gave, where the company had made over £700, the men knew nothing at all about that. I think the company themselves mentioned it.

7622. Would not that have been discovered if you had had a system of audit ?—Yes, it would.

7623. With regard to deductions for rent and oil and so forth, you appreciate the convenience it is to the employers as a matter of bookkeeping ?—I do not see it at all.

7624. You do not appreciate the convenience it is to them to deduct the amounts when they pay the wages rather than to institute a system of collection from the workmen afterwards ?—I do not see where the advantage comes in. When a man goes on Friday night for his wages they could have a collector in the next room, as there is for our check-weighman's money, and it could be done in the same way. In my opinion it would be much simpler for the employers ; there would be less clerical work than going right through the wages and making deductions therefrom.

7425. I understand your suggestion to be that the workmen should repay the amounts at once on the spot ? — Exactly.

7626. I have already asked you generally with regard to complaints to the inspectors, but would you say Yes or No whether those matters of the deposit of 6d. for the brass checks and the men signing away a tub of dirty coal have been brought to the notice of the inspector ?—No ; they have not. We have written to the employers about them, but we have never brought them to the notice of the inspector.

7627. Do you not bring complaints about check-weighing to the notice of the inspector ?—No ; we generally deal with them ourselves with the employers.

THIRTIETH DAY.

Tuesday, 18th December, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., (Lord Advocate for Scotland) (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN. WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. THOMAS R. FERENS, M.P., called and examined.

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By the Chairman.

7628. You are member of Parliament for East Hull ? —I am.

7629. You have been associated with Messrs. Reckitt & Sons, Limited, who are starch and blue manufacturers, Hull and London ?—Yes.

7630. I believe you have been associated with that firm for nearly forty years ?—Yes.

7631. During a large proportion of that time you were managing director ?—I was.

7632. May I take it that you know the working and administration of the business thoroughly ?—Quite intimately.

7633. What number of hands does the company employ ?—2,500 to 3,000.

7634. And where are they employed ?—Mainly in the city of Hull. We have factories elsewhere.

7635. What is the proportion of females ?—I should think 1,500 females.

7636. Is there a separate factory under which all this is conducted ?—We have factories in Australia and America, but the greater proportion of the women are empldoye in the city of Hull. We have two buildings where they are employed, but they are only five minutes' walk apart. Nearly all are under one roof, so to speak.

7637. Your recollection of course goes back far anterior to the 1896 Act ?—It does.

7638. You are aware generally speaking of the system of fines and deductions from wages which has been so much discussed in industrial circles for many years ?—Yes.

7639. And I believe your firm did address itself to considering the discipline, and how that was affected by the system of fines ?—That is so.

7640. Take a period of, say, about twenty years ago, would you kindly tell me what was the nature of the fines? I understand a system of fines was then in vogue ?—Yes, for being late. This mainly applied to girls, but it applied to men to some extent. They were fined 2d. For doing bad work, careless work, they were fined 1d. to 3d.

7641. Will you give me some detail about that ? We should be rather interested to hear about it ?—We employ young women for packing up starch and blue and other things, light work, and we as manufacturers think it of the greatest importance that our goods should be put upon the market in a very neat form, for example, that the labels should be straight and properly put on.

If the girls were throwing the labels on all askew, and not closing up the packets tightly, and so on, then the packets would "dust," as we call it, and get dirty, and bring the firm into bad repute for sending out goods which were not well packed. It was carelessness in those directions which was termed bad work.

7642. Had you anything for damage, for wasting labels or anything of that sort ?—Yes. I have seen instances myself from my own observation scores and scores of times of such wastefulness. Perhaps a girl may have a lot of labels brought out, and have the paste on them, when the bell rings; and instead of cleaning off the paste and leaving those labels available for after dinner, she will tear them up and put them in the waste paper basket, in order to save herself the slightest trouble. It was to prevent that waste, which was a very serious matter in our case when the things were being used by the million, that a small fine was imposed—only a few coppers, varying according to the seriousness of the offence.

7643. Were there other errors committed ?—Yes, in the wrong weighing of goods. I may say that as we send out thousands of tons of stuff, packed in small packets of from 1 oz. up to 1 lb., if they gave a little over-weight in every oz. it would be a very serious matter in the course of a year, and the consequence was we had to be particular.

7644. What was the fine imposed ?—3d. for wrong weighing, if it was pretty general. Of course little things were overlooked. I may say that the amount of fines never amounted to much.

7645. I will come to that. I am taking you by steps so as to get it systematically. Will you give us the remainder of the catalogue of fines ?—There is gadding about—girls going into the wrong work rooms and taking up the attention of other girls, gossiping, and so on, which had to be checked. They were fined from 2d. to 4d.

7646. Suppose they stayed away from work without permission ?—They were fined from 3d. to 6d. according to the nature of the offence.

7647. Let us see if we have the catalogue right. Of course, all these things have reference, I understand, to a period of twenty years ago at the nearest ?—That is so.

7648. There was lateness or absence from work ?—Yes.

7649. There was bad work ?—Yes.

7650. There was waste of material ?—Yes.

7651. And there was bad discipline, where the girls went where they should not have gone, upsetting the organisation of the place ?—Yes.

7652. These were substantially the categories ?—That is so.

7653. Under bad work you include such things as wrong weighing and the like ?—Wrong weighing was a separate one. Under bad work I should put down careless and indifferent packing. What happened would be this: perhaps a girl might have a hundredweight of work on her table, and if the foreman or forewoman came round and found a number of those packets badly packed, it meant they had to be opened out, and the firm lost a great deal more than the fines imposed, because we would not send out the bad work, and therefore the labels, and the paper boxes in which the goods were packed would be all wasted to the firm.

7654. What I wish to get from you is this: in nearly all those cases there was something to show in defence of fines, inasmuch as you lost time, material, or work ?—Of course that is so.

7655. That was at the back of the system, as the defence for it ?—Yes. There was no compensation. I do not mean to say that these fines were in any degree compensation for bad work.

7656. That state of matters was taken into account by your firm ?—It was.

7657. Was it then a limited concern ?—Yes; it has been a limited concern since 1879. It was both a private company and a limited concern during the period that these fines were in vogue.

7658. Were you in the position of managing director about that time ?—Yes, I was.

7659. I suppose you submitted the matter to the directors and they considered it carefully ?—I do not think so. I think it was a matter which the management undertook. It was left very much to us.

7660. The directors took the advice of the manager ?—No; I do not think they ever interfered with it. It was left to us. We were in a responsible position, and we did not refer matters of detail of that sort to them.

7661. You were not merely the manager; you were managing director ?—Yes.

7662. What was the result of your consideration of the matter ?—We found this, that these fines and deductions from the wages were very obnoxious to the workpeople. In my experience they disliked intensely any deduction from their wages. The annoyance to them was far more than was represented by the amount deducted. That was our experience. We found it was causing so much dissatisfaction that we concluded at any rate to try the entire abolition of fines and to adopt other means.

7663. At the time, did these fines and deductions amount to very much in the gross ?—Very little.

7664. But still, it was a thorn ?—It was always a thorn, yes. But the amount that we received was never serious. I have not a clear recollection, but my impression is we used them for some purpose to the benefit of the workpeople. I know we had a library at the time, and I am not sure that the fines were not used in some way for their benefit. But the amount was small; it was quite insignificant.

7665. But however they were disposed of, even though they went to the workmen's benefit ultimately, the dissatisfaction rankled and remained ?—That is so.

7666. Did you then resolve to rely upon good management and sound discipline ?—Yes, with the imposition of certain punishments in case of serious offences. For smaller things they were talked to by the foreman and the forewoman, and so on.

7667. In the smaller things they were given a warning and a talking-to ?—That is so.

7668. Of course you have to be careful that you get people of clear head and sound sense to manage them ?—We are particular to have people of good character and reliability to manage them. I may say that all the forewomen are chosen from the best conducted young women in the place. We never go outside for a forewoman; we always promote them.

7669. Would you mind telling us the average wage of males and females ?—We pay the standard rate of wages to the workmen. I mean to say, we pay them more than the average rate, but the minimum wage is the standard rate of wage for saw-millers, fitters, joiners, and bricklayers, and we have a large number of all those men employed. I suppose in the fitting department we should have eighty men employed for our machinery, repairing it and so on, and they are all paid at least the standard rate of wages. With regard to young women's wages, three or four years ago our young women were coming at half past six in the morning; they had half an hour for breakfast and an hour for dinner, and I think they were working at that time fifty-four hours a week. We thought it was not very nice for the young women to be trudging through the streets in snowstorms and so on and we said we would try the experiment of letting them commence work at 8 o'clock in the morning, and have their breakfast before they started. We thought they could not work so well before breakfast, especially in cold weather, and we thought that as nearly all of them were paid on piece work probably they would be able to earn as much if they came at 8 o'clock in the morning and worked altogether forty-seven hours a week. They left at the same time in the evening as they had been accustomed to leave, and I think they worked till 12 or 12.30 on Saturdays. To our surprise and delight, when we took their average earnings after the alteration we found that they were earning more than they had been before the alteration was made.

7670-7671. That is very gratifying ?—Yes.

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7672. Now you have told us about the warning that is given in the case of minor offences. What is the system adopted in the case of more serious offences ?—For serious misbehaviour or serious rudeness they are suspended for one day. For persistent neglect, and bad work, they are suspended for a week. That is not in the case of the first offence, but if they get into a chronic state. For bad language, about which we are very particular, they are discharged. Employing so many young women, we are particular about the language, and in my forty years' experience I have perhaps not heard bad language used more than twice, which is a very small number of times in a great factory. Of course they do not use it if we are about, but still, one would incidentally hear it if it were a common practice. As I say, for bad language they are discharged, but there has only been one case during the past two years, so our manager tells me. Only managers or assistant-managers are allowed to put these rules into force. No foreman or forewoman is allowed to send workpeople home.

7673. So that a case of even temporary dismissal is a matter which is seriously considered ?—That is so.

7674. And as far as possible they are freed from what might be called the region of caprice or animosity ?—That is quite so.

7675. What is the result ? We are anxious to know the result of the abolition of the system of fines and the introduction of the method of discipline which you have just described ?—I consider that the discipline and organisation of the factory are better than they were in the old days. One is rather chary of saying that, because one was managing director at that time, but, honestly, I never knew the factory in a better state of discipline and organisation than it is now.

7676. Is there greater contentment among the workers from the fact of the system being abolished, do you think ?—I do.

7677. Do you find traces of discontent on the score of unjust dismissal, or do you think on the whole that is accepted as a reasonable punishment ?—It is very seldom resorted to. I have not heard complaints of it, and I think we should have heard complaints if it had been serious. I do not know whether it bears upon the subject at all, but our workpeople are very content to stay with us, and do stay, because we have a Pension Fund to which the workpeople contribute nothing, but which entitles the men, when they come to the age of sixty or sixty-five (according to the time they come to us) and women when they come to the age of fifty or fifty-five, to be pensioned off at half the highest rate of wages that they have earned during any five years. They contribute nothing to the fund, but they must have been fifteen years continuously in our service before they are eligible for the pension.

7678. Now there is one matter which has bothered the Committee a good deal, namely chronic lateness : will you tell me what regulations you have actually introduced in respect to that ?—The men and boys start work at 6 o'clock, and they have a licence or grace of three minutes. If they arrive at the works more than three minutes after 6 o'clock they are admitted, but they do not begin to work till half-past 6 o'clock, and they are paid from half-past six. If they do not begin work by 9 o'clock in the morning they are not permitted to begin work that day.

7679. Then the women ?—The women come at 8 o'clock. If they come within five minutes of that time they are allowed to enter. But the same rule applies to them ; if they do not begin by 9 o'clock they may not begin in the middle of the day. As Mr. Maddison knows, we have a great many bridges over the river, and one great excuse for lateness in Hull is that the bridge was up. If a few girls or men come late and say that the bridge was up, and we happen to know it was high tide, we excuse them.

7680. And they are allowed to start at once when they arrive ?—Yes, because we know it is a legitimate excuse.

7681. I want to clear up about those hours. I gather that you find the product of the forty-seven hours, beginning at 8 o'clock, better than that of the fifty-four hours ?—Yes.

7682. What was the system before ?—The girls began at half past 6 and had half an hour for breakfast.

By Sir F. Cawley.

7683. I only want to ask one question about being late in the morning. Do you not consider suspension to be even a heavier punishment than a small fine would be ? I think you say they are suspended until breakfast time if they are five minutes late in the case of the girls, or three minutes in the case of the men ?—It was the same before ; we had the same rules existing then. There was a limit as to time ; they were not allowed to come in at any time they liked.

7684. But you had fining then ?—I mean if anyone presented himself at a quarter past 6 in the old days, he was not allowed in.

7685. Was there a fine besides that ? You had fines in the old days for coming late ?—That is so.

7686. Do you know how much it was ?—2d. Up to a certain time—I am sorry I cannot give you the precise time—they were allowed in and might go on with their work, and were fined 2d. But still, there was a limit of time beyond which they were not allowed to begin work.

7687. Now you have done away with fines and you trust entirely to suspending them till breakfast time if the men are three minutes late and the girls are five minutes late ?—Yes.

7688. That is quite as severe as you had before ?—I think so.

7689. But you find the system of suspension better than the system of fines ?—Yes, because from my experience I know they hate any deductions from their wages.

7690. Do you think you would maintain equal discipline if you had nether fines nor suspension ?—No ; I do not think so How can you ? You must have some laws or you would have no organisation whatever.

By Mr. Walsh.

7691. Much of the evidence which we have had before has seemed to consist, speaking roughly, of matters with regard to which the workmen have complained that they have little or no control but in your case it seems that the workpeople had control over those particular acts for which they were fined. For instance, the labels which were improperly affixed ; that would be a matter well within the competence of the workpeople ?—Certainly. It was a question of carelessness.

7692. And the waste of labels also ?—That was wilful.

7693. Wrong weighing seems to have been one matter for which they were subject to fines, but sometimes, even with the best intentions, they might weigh wrongly, might they not ?—No, it was not just a little thing ; it was wilful carelessness.

7694. It has to be a substantial matter of complaint ?—Yes. Nearly all our people are paid by the piece, and under those circumstances there is a temptation to rush the work through the scales and not give the scales proper time to adjust the weight. Of course it would pay them to give half an ounce extra in half a lb.—let the scale bang down.

7695. In order to get the work done more quickly, and add to their pay ?—Yes, at the expense of the employer.

7696. The only point I would like to bring out is this, that even these matters (which do seem to me to have been well within the control of the workpeople) have largely disappeared with the disappearance of fines ?—Yes.

7697. Do you find now that the fines are abolished that the labels are affixed better and that there is nothing like so great a waste of labels ?—I do not know that one would be consequential on the other. I think it is merely a matter of efficient oversight and so on. For, any persistent neglect, or bad work, there is suspension for one week, and so on.

7698. I was going to ask you—of course it is rather a metaphysical question—as to how far the irritation which is produced by fines would conduce to bad work ?—Not at all.

7699. You do not think so ?—No, I do not think so for a moment. If they were fined they would not go and punish themselves more by doing other bad work.

7700. Not necessarily punish themselves more, but does not irritation produce a lower standard of conduct, so to speak ?—Not to that extent, I think.

7701. You think really it is an increase in efficiency of the foremen and forewomen ?—Yes, I think so.

7702. Better oversight ?—Yes, I think so, generally speaking. I do not know that I could say that the abolition of fines had affected the work so much. It was more a question of the irritation week by week when the amount was deducted on the Friday night. I do not think it rankled in their minds during the week. I do not know that I could say that.

7703. Only at the particular time when they came to draw their money ?—Yes, week by week.

7704. You feel positive upon the point that the infliction of fines did lead to a lower standard of discipline, I suppose ?—I cannot say that quite. I do not know that I would say it led to it. Why we abolished fines was because they caused so much irritation and dissatisfaction.

7705. You are a politician, and must have felt irritated many times: do you think that irritation stops at that point ? Has it no other results ? Does not irritation almost always conduce to something like inefficiency ? Does it lead to a higher standard of conduct ?—It is quite possible it might have an effect in a small degree, but I could not conscientiously say that it conduced to bad work.

7706. Do not you think that the fact that fines have not been inflicted now for a long time would lead to a better standard of conduct on the part of the workpeople ?—I do not know that I could say so.

7707. You think it is mainly a matter of increased efficiency on the part of your officials ?—Yes, and of course we work under very much better conditions now. In the old days we had low rooms and cramped conditions; our factories are now better equipped; the rooms are larger and better ventilated, and the conditions are better in every way. We do a good deal of social work. I do not know that it comes within your reference, or else I could mention the social work we are doing.

By Mr. Maddison.

7708. Of course I know your works fairly well. Though you cannot trace out the positive effects of the abolition of fines, you are quite clear that fines have not been necessary to the higher discipline of your works ?—That is so.

7709. Because you never knew them in a better condition than they are now ?—That is so.

7710. And you get the same sort of girls as you did then ?—Well; they are improved. I must say we improve with regard to that. In order to get a better class of girls we have an educated lady who visits the homes of the work girls we are going to employ. We are always trying to improve the type of our girls.

7711. So that there are various contributory factors, but you think the abolition of fines has been one ?—Yes, I think so.

7712. Take a concrete case; how do you stand with regard to lateness ? Are the girls more punctual now than they were before ?—I cannot say that they are without enquiring.

7713. Have you more suspensions or less than you used to have under the fining system ? I do not mean for lateness, but the other suspensions ?—They were not so much suspended under the fining system. They were fined instead of being suspended.

7714. But you still had suspensions for greater things ?—No. Suspensions are in place of the fines.

7715. Have you more dismissals now than you had before ?—No, I do not think so.

7716. You have no more dismissals than you had before ?—I do not think so.

7717. Not even among those younger girls ?—No, I do not think so.

7718. Would you say from your experience that the abolition of fines would in any way cause more dismissals amongst the younger girls and the sort of labour which you can get more readily ?—No, I do not think so.

7719. With regard to hot water, the cook, and so on, are there any deductions for those things ?—No. We began a dining-room in a comparatively small way between thirty and forty years ago—I should think nearer forty than thirty. We put on cooks and charged the girls 1d. or 2d. a week—some small sum. From memory, I should think that for the last thirty years and more we have found three or four cooks for them and never charged them a cent. We find dining-rooms and hot water, and we do their cooking for them. They bring their chops and steaks and things of that sort, and they are cooked for them; and we find them hot water and so on, and charge nothing. We have recreations for them, and charge them nothing for that. We give them the time. We take batches of young women, and have a physical instructor from the Young People's Institute of Hull, a properly qualified man, who comes down and puts them through their gymnastic performance. We take them in batches day by day.

7720. Apart from recreation of that kind, would you say, as a man who has had experience in this kind of labour, that the cleaning of water closets, the provision of hot water, and so on, are reasonable things to expect a firm to provide ?—Most reasonable, and we do make such provision.

7721. I am right in assuming that in your firm you have no deductions for anything ?—None whatever, except for their sick club. The women contribute 1d., 1½d., or 2d., according to their standing in the works, and to every penny they contribute we contribute another penny, and they derive all the benefit.

7722. Are all compelled to contribute ?—Yes, they are.

7723. It is a condition of employment ?—Yes.

7724. Do you think that is right ?—I do. We contribute half, and the women get twice the benefit of their subscriptions, because they get every penny of it. There are no charges for management. Our cashier is the treasurer. Suppose they contribute £500 a year to the fund, we contribute another £500, and it all goes to them in benefit, because if funds accumulate then so much per week is deducted from their contributions.

7725. Is this fund of yours approved by the Registrar of Friendly Societies ?—I do not know that we have ever applied. I may say that the men also have a sick fund to which they contribute a larger amount and get a larger benefit. We contribute half as much as they contribute.

7726. Is that a condition of employment ?—Oh yes, certainly.

7727. A man cannot work there unless he joins the club ?—I do not think so.

7728. Do you think that is right ?—I do.

7729. Suppose a man has made provision, or thinks that he can make provision, better outside and is not disposed to contribute to both, do you think you should dictate which he should contribute to ?—He gets the benefit from both then. Many a time when a man is off work he gets more than when he is at work. He gets his benefit from both.

7730. You think you have a right to dictate to the workpeople where they shall make their provision for sickness ?—I do. We are giving half as regards the women and a third with regard to the men, and that gives us a right. We do so because we wish them to have provision in case of sickness.

By the Chairman.

7731. I wish to put to you some things, not connected with your works; in view of your experience, I think the Committee would be glad to have your evidence upon them. We have had evidence given before us with regard to a charge made for power by employers upon their workmen; you have nothing of that kind ?—No; we have nothing of the sort.

7732. And you would wholly disapprove of it ?—I should indeed. I should say the wages ought to be regulated so as to be quite independent.

Mr. T. R. Ferens, M.P.

18 Dec. 1906.

7733. We have had evidence of a charge being made for lighting ?—The same answer would apply to that, most certainly.

7734. We have also had evidence with regard to a charge being made for overalls required by the workmen?—We give our young women in the dirty departments overalls, and they are sent out week by week to be washed by people outside. We stand the cost of the overalls and the cost of the washing ; we do not charge them a cent.

7735. In all these cases you think the cost should be part of the on cost of the works ?—Certainly.

7736. So far, you avoid all possible causes of friction as to the amount of the charges and their fairness and so on by taking the burden of it as part of the disbursement of the business ?—Quite so.

7737. We have had evidence that deductions are made from, or fines imposed upon, a particular worker, who takes part in one process of the work only for any defect there may be—the hammer falls at that particular stage, so to speak, which is the last stage before the work is turned out—although the responsibility for defect may have been due to the work done at an anterior stage. You can quite gather that there would be an acute feeling of irritation there ?—Yes.

7738. Of course you have no experience of anything of that sort, and I gather you would disapprove of such a system ?—I should.

7739. As Mr. Walsh elicited from you, your fines really were imposed for matters for which a work person was personally responsible ?—That is so.

7740. But this is a harder and grosser case of a fine or deduction being made where the personal responsibility might not attach to the person suffering it ?—I should consider that most unjust.

7741. You are not surprised at there being a widespread feeling against such a system ?—I should be surprised if there were not.

By Mr. Maddison.

7742. May I ask you, Mr. Chairman, to call Mr. Ferens' attention to the second section of the Shop Clubs Act which requires any shop club or thrift fund to be registered under the Friendly Societies' Act.

By the Chairman.

7743. Do you happen to know about the Shop Clubs Act ?—No, I do not, but if Mr. Maddison gives me the reference I will have it enquired into.

7744. I think it is quite possible that your clerk or book-keeper, who no doubt will be a skilled man, may know the provisions of that Act of Parliament and have complied with them. If you find anything which you think would be necessary as a supplement to your evidence, will you please make it in writing to the Secretary ?—I will. I will let you know if we are registered or not. I do not think we are.*

*The Secretary has since received a letter from Mr. Ferens, in which in regard to Questions 7722-30 and 7742 he writes as follows :—

"On further inquiry in regard to our Sick Clubs being registered, I find that our workpeople are not now compelled to join our Clubs....It is only, we believe, where it is compulsory for the workpeople to join the Clubs, that registration is necessary, and we prefer to keep the management of the Clubs in our our own hands."

Mr. EDMUND WALKDEN called and examined.

Mr. E. Walkden.

18 Dec. 1907.

By the Chairman.

7745. You come from Brynn, I understand ?—Yes.

7746. Where is that ?—Near Wigan—about four miles out.

7747. What position do you hold with regard to the Miners' Organisation ?—I am Secretary of the Wigan and District Miners' Permanent Relief Society.

7748. What is the membership ?—About 13,500 now.

7749. What are the objects of the society ?—The objects are to provide accident pay when a man meets with an accident, and to provide for widows and children in the case of fatal accidents.

7750. Of course all that is over and above what the law would give ?—Oh yes, certainly.

7751. Are you aware of the system under which sick and benefit funds such as yours are contributed to compulsorily by workmen entering certain employment ?—Oh yes ; I am bound to have a wide experience of that because I may tell you I worked in the mines as a collier for a period of about twenty-five years, all in Lancashire, and I have been a contributor to the Lancashire and Cheshire Permanent Relief Society for the whole period that I worked in the mines.

7752. We want you to tell us frankly what you think of the system of what I might call compulsory contributions. When a man enters certain employment, the system is this, let us say: he is told "You will get so much wage, but remember, you must belong to our sick club, and if you do not belong to it, we cannot have you." We want your evidence with regard to a system of that kind ?—I should have to go back a considerable number of years in order to give you a fair idea of what has taken place in Lancashire during that period. I should have to go back to the time when I was a young man. I was then a member of the trade union, and my remembrance of the thing is pretty vivid. That was in 1881, when the Employers' Liability Act came into force. At that time we had a strike in Lancashire, which was brought about by several things. Amongst them was the Employers' Liability Bill, as to whether we should have the Act when it came into force or whether we should not. There were also questions of weekly pay and other things which it is not necessary for me to mention now. At that time we were compelled directly to pay to the Lancashire and Cheshire Miners' Permanent Relief Society, and we forewent the provisions of the Employers' Liability Act. The employers at that time agreed to contribute 25 per cent., but unfortunately instead of doing so, some of them paid 10 per cent., some 15 per cent., some 20 per cent., some 25 per cent., and some paid nothing at all. It worked out on the average for the whole period to about 17 per cent. that the employers paid. To give you figures, so that you will understand what it means, the workmens' contributions worked out to something like £48,000, and the employers' contributions were rather over £9,000. Contributions to this Society was a condition of employment then, in the whole of the collieries that I am speaking of, in fact you could not go down into a mine unless you signed a printed form in a book to that effect.

7753. We might call that a wholesale system of contracting out ?—Yes. That worked from 1881 down to the coming into force of the Workmen's Compensation Act in 1897. During the whole of that period I was working in the mine, and I was also secretary to the Ashton and Haydock District Miners' Association, which had a membership of 14,000. I was secretary for thirteen years, so that I should have a fair knowledge of what took place in the labour world.

7754. Since contracting out in that way has been abolished, that is, since the Act of 1897, there has been a certain system in vogue with regard to these sick and benefit societies ?—Had I not better explain the system a little further before I come to that ?

7755. Certainly. Take your own course ?—In connection with the Lancashire and Cheshire Miners' Permanent Relief Society, in the period which I have referred to—that is, previous to the Workmen's Compensation Act coming into force—I may say that the composition of the society, so far as the board of management was concerned, was that the honorary members numbered ten as against twelve from the ranks of the ordinary members. The colliery company's representatives came under the heading of honorary members. Any person could be an honorary member, whether he was in the mine or not, by paying a guinea a year. Those contributors had ten members on the board of management—that is the general board. The ordinary members, that is those who paid workmen's contributions, had twelve members. But in 1881, and during the whole of the period down to 1898, although the workmen contributed, as you have seen from the figures I have given you, very much more than the colliery proprietors

or the honorary members, yet amongst the ordinary members on the Board of Management there were several colliery officials. My point is this, that the system was in vogue for the period I have mentioned, and now, singular to say, although the workmen's contributions, according to the 1905 report, amounted to something about £49,000, while the employers or honorary members contributed only £62—not £62,000, but £62—yet the composition of the board of management is the same to-day as it has been all over the period of which I have given you the history.

7756. What is the number on the board of management ?—Ten honorary members and twelve ordinary members.

7757. So that they have 46 per cent. of the management and only contribute an infinitesimal percentage of the funds ?—That is so. But we can go further. I think it is essential that you should know this because it may lead up to something else later on. At the colliery itself you have a local committee composed of six members and a president and secretary. In those cases I should say, from practical experience of them, that in 95 per cent. of the collieries those committees are composed of a least four colliery officials and two workmen. That was the case from 1881 down to the time of the Workmen's Compensation Act coming into force, and it is the same to-day, and it has been a puzzle why this system of control should continue considering that they have dropped off in a sense in contributing to the society. The only feasible explanation that can be put forward by anybody who knows what workmen are is the fact that we are now under the Workmen's Compensation Act and it is all important to the employers that they should have control of the workmen with regard to the number of the weeks they are on the fund. It is essential, speaking from the employer's point of view, that they should be able to get hold of the first information and should be able to continue it all along the line. Now, I will give you the system with regard to an accident so that you will understand it. A man meets with an accident in the mine. His first duty is to report it to the fireman. When he gets to the top of the pit there is generally a man in charge who gives out either tallies or lamps ; anyhow, he is a responsible official of the colliery, and to him, in the majority of instances, you have to immediately report your accident. He is the person who gives you a note to go to the medical man. In a large number of instances the medical man occupies a dual position ; he occupies the position of medical officer to the society to which the men contribute the money, and he occupies the position practically of referee to the colliery for the Workmen's Compensation Act. After the man who has met with a accident has gone to the doctor, the employers constantly get reports from the colliery as to how he is progressing. They have in the Lancashire and Cheshire Miners' Permanent Relief Society what is known as a medical board, which is composed of three medical men, two medical men who are outsiders, and the doctor on the spot. Speaking now for Wigan and the surrounding district, the chief medical man of that part is the man who has the largest number of collieries under his control as medical referee for the colliery owners. He along with another outsider, and the medical man on the spot, have to decide. Suppose a man was in the union, and there was a dispute about the continuance of his compensation on the ground of his fitness for doing his work, or for doing light employment, one would naturally think that the miners' agent to whom the workmen look to see after their compensation for them, would have the first information from the source that the men pay to, namely, the permanent relief society. But it is not so. The information is got constantly by the employers, and when the miners' agent comes along he knows nothing whatever of the examination which has taken place, and in a sense, he is on his beam ends, and the information is all in the possession of the employers.

7758. Of course that is very interesting from the general point of view, but our duty here is confined to what has been remitted to us, namely, fines and deductions from wages. We cannot examine the conditions of your trade union. But I will put this to you : Is the system which you have just described practically one of compulsory deduction from wages for membership of that society ?—Yes ; either directly or indirectly it is compulsory.

7759. Is it directly compulsory ?—Chiefly so.

7760. A man in going to a colliery is refused employment because he does not belong to the sick society ?—Generally so.

7761. Do you approve or disapprove of that ?—I disapprove of it, certainly.

7762. That of course would be direct compulsion ?—Yes.

7763. I gather from your statement that the indirect compulsion is in this way : to begin with, there is a certain influence brought to bear to make a man join like the rest of them ?—Yes.

7764. The next point is that, having joined, he finds himself in a position of inferiority so far as information goes ?—Yes.

7765. I do not see how that should induce him to join. I should have thought it would rather induce him not to join ?—I will give you the situation, so that you will understand it from a practical point of vew. A man goes to a colliery to get work. He may probably have been out of work for a great number of weeks ; he may have been in some dispute, and he is cornered, as the saying is. He knows the conditions of employment that he has to accept, and he signs the conditions willingly in a sense, because he knows if he does not there is no employment. After working there for some time, and he is on his feet, and thinks he is in a safe position, he tells the underlooker, " I want no more deductions from my wages for the Lancashire and Cheshire Miners' Permanent Relief Society." The reply is, " Well, you are the odd man." " It does not matter whether I am the odd man or not, I do not want any deduction to be made." The result is this : when he draws his wages the deduction is made. He goes in to the office for the money, and in a good number of instances the money is returned. The week following, when he draws his wages, the deduction is made again. He goes into the office again and gets it back. That may go on for a dozen times, until the man is heartily sick and lets them make the deduction. The difficulty is to get men to go into the colliery office and face the colliery officials.

7766. That is what you referred to as indirect compulsion ?—Yes.

7767. Since the 1897 Act is there so much necessity for the sick and benefit clubs ?—No. As a matter of fact, since the Act you may take the general average of the compensation which is paid as from 12s. to 15s. a week. That is more than they used to get from their permanent relief society.

7768. And now that contracting out has been forbidden, really those sick and benefit funds are in addition to what the law compulsorily gives them ?—Yes, certainly.

7769. So that the same reason does not exist now, even from the employers' point of view ?—Only on the lines which I have put forward, namely, for the supervision of the men when they are receiving compensation, which, to the employers, is all important, but which the workmen ought not under any circumstances to pay for.

7770. In view of your evidence, I am inclined to ask you this, broadly assuming that those benefits are desired by the working people and can only be achieved through those societies, could those societies thrive under a voluntary system as well as under the existing system ?—Certainly.

7771. Will you give us your experience upon that subject ?—I am the Secretary of the Wigan and District Miners' Permanent Relief Society, which, as I think I pointed out at the onset, is a voluntary society. Take off the pressure from the employers, and there is not the slightest doubt but what that society could go on quite as well as the Lancashire and Cheshire Society has done. As a matter of fact, during the whole period from 1881 down to the Workmen's Compensation Act coming into force, that society was in an insolvent condition. It cannot be worse than that. It was insolvent during the whole period of its existence and is insolvent to-day. I do not say that the Wigan and District Miners' Permanent Relief Society is solvent, you understand, but we can carry on quite as well without the pressure as we can with. It would be more to the interest of the workmen if the pressure from the employers were removed.

Mr. E. Walkden

18 Dec. 1906.

By Mr. Walsh.

7772. You have spoken of direct and indirect compulsion : you stated that direct compulsion took the form of conditions of employment at the collieries ?—Yes.

7773. You also mentioned the case of a man who might have it in his mind a few weeks later to free himself from that compulsion and to cease contributing to the society ?—Yes.

7774. Do you often find that the money is returned ?—No, it is not general at all. It is in a few isolated cases.

7775. The official to whom he would have to apply for the money to be returned would be the under-manager of the mine ?—The man who took him on.

7776. The same man who practically superintends every action of his in the mine ?—Yes.

7777. And who, so to speak, keeps a regular survey over him from day to day and from week to week ?—Yes.

7778. Now what do you think would be the effect upon that official's mind of a man's constant application for the return of his contribution ?—If there were such a thing as being able to get rid of the man he would do it ; and it is done, commonly enough.

7779. Do you know of any cases where that is done ?—The difficulty is to say directly that that is so. Indirectly, of course, it is done. There are so many ways of doing it.

7780. Have people constantly complained to you of these moneys being stopped and not refunded ?—Constantly. In fact, I may go a little bit further and say that at several collieries we have had special notices printed, a small slip of paper for the men to sign to say they want no more deductions from their wages, and although those notices have been sent in, signed by the workmen themselves, in a very short period the same deduction has been made from those particular men.

7781. Have complaints been made to you by the men that inasmuch as the money has not been returned after repeated applications they have been a little afraid to make further applications ?—Plenty.

7782. Why ? Because they were afraid of the officials ?—Because they were afraid of being taken advantage of and dismissed from their employment.

7783. You spoke of indirect compulsion : of course there is indirect compulsion in that case ?—Yes.

7784. Do you know of any cases where the men pay the money themselves to this society where it is not deducted ?—Yes, in connection with L 4, which is a very large firm in Lancashire ; they have a system of not deducting it in the colliery office at all, but it is collected on the colliery premises. They have an office close to the colliery itself ; it may be ten or a dozen yards away, or even less that that, where, generally, there is the underlooker or the head fireman, who takes these contributions from the workmen. They are bound to pass that particular point. There is no getting out of it. They fix it so that they are bound to pass it. So that in that instance, although there is not the same deduction, there is the same pressure from the employers, indirectly.

7785. That is to say, the head fireman, who, of course, is one of the leading officials in the mine, or the under-manager, still retains a list of the names of people contributing to the society ?—Yes, and I may give an illustration which may be worth something on that point. A few months ago we had under the consideration of the board of management of the Wigan and District Miners' Permanent Relief Society this question, in connection with one of the large collieries of this particular firm, of the pressure that was being brought to bear by the employers, or the colliery officials (which is as broad as it is long to us), to make them join the Lancashire and Cheshire Society. We appointed a deputation, of whom I was one, along with the miners' agent and several of the workmen in connection with the place. We met the manager, and he said there was no compulsion at all. But he said, "I will put it to you in this way : supposing there was not much work knocking about, that we were not busy, and a man came along whom I knew, and out of pure sympathy I took that man on, if I found that he would not do what I wanted him to do, well, you may naturally come to a conclusion as to what would take place." I said, "That would not be compulsion at all, would it ?" He said, "You can put your own construction on it." That is generally the case all over Lancashire.

7786. I gather from you that you are of opinion that the Workmen's Compensation Act has largely supplanted the necessity for the employers' contributions ?—Oh yes, certainly.

7787. That is to say, in lieu of their liabilities under the Employers' Liability Act, they paid varying amounts to this relief society ?—Yes.

7788. But in 1898, when the Workmen's Compensation Act came into force, they really had to come under a very much greater obligation ?—That is so.

7789. And, as I understand, they ceased to pay to this society altogether ?—That is so. I think I may hand in these reports of the Lancashire and Cheshire Miners' Permanent Relief Society for the years ending 1898 and 1905. They may be interesting. They show what the contributions of the workmen are, and also the percentages paid by the employers at the times I have stated. In 1898, which is practically within the period which is under review, it shows the employers' percentage totted up to £11,829 7s. 4d. Then in 1905, it shows the honorary members' subscriptions only tot up to £62 3s. I submit that these reports speak for themselves. (*The Reports were handed to the Chairman.*)

7790. Inasmuch as the employers had, and have, a much larger obligation, and one which they of course are fulfilling, namely, payment of compensation under the Workmen's Compensation Act, they felt themselves entirely relieved of the necessity of paying further contributions to the permanent relief society ?—Yes, and I understand that they told the Board of Management of the Lancashire and Cheshire Society that in effect at the time.

7791. Since then they have ceased their contributions ?—Yes. The figures which I have put in show that.

7792. What object could they have in still retaining membership in the society, even if it is only an honorary membership ?—The only object that anybody can see is in order to have control of the management for the purpose of looking after their compensation and seeing it is so much less than it otherwise would be.

7793. You put it that inasmuch as the officials in the mines are the people to whom accidents must be reported, therefore, by controlling the machinery of the permanent relief society they can more effectively control the administration of the Workmen's Compensation Act ; is that it ?—Yes.

7794. And you put it that that is really why they still insist, directly or indirectly, upon payments being made to the permanent relief society ?—Yes, and I believe no other reason can be put forward.

7795. You have made a statement as to the continued insolvency of that society ; are you aware of any complaints that the workpeople have made as to this society being insolvent and yet they are compelled to contribute to it ?—No, and it is scarcely possible for that to arise, because, as a matter of fact, the whole of the local meetings in connection with that society are held on the colliery premises, and the large firms, of which there is a good number in Lancashire, have a pretty good number of colliery officials, who always feel it a duty, in a sense, to their employers, to turn up at those particular meetings. Very few of the workmen take advantage of attending the meetings at all, and those that do are naturally afraid of asking anything. But what I have stated with regard to its insolvency is a fact. I have here a Report issued to the members themselves for the year ending 1896, when there was an alteration of their contributions and also of the payment. It says : "Mr. Nelson further points out that there is a deficiency every year of £2,358 in respect of every 10,000 members, which means that on a membership of 45,000 the society is going wrong to the amount of £10,611 every year. In addition to this, provision has to be made for the expenses of management, formerly paid out of the contributions of colliery proprietors, which ceased when the Compensation Act came into operation." The previous paragraph says : "In this connection it is important to remember that the widows

and children have never had more than was originally set aside for them; and it was in their interests that the society was founded, for it seemed cruel that while the dependents of men killed in great disasters should be provided for, those who lost their bread winners one by one should be left penniless. But it was never contemplated that the Fund should be absorbed by aged and infirm men, and this is what is taking place. The sum required for the widows and children on June 30th, 1899, was £110,700, and as the funds in hand were £110,800, it is clear that the disabled members must be independently provided for, or they will speedily use up the money belonging to the dependents left by the men who have lost their lives by accident." That gives you an idea of what the insolvency was. In fact, they state that the insolvency at that time was over £54,000, and they do not even put their disabled members in at all. They do not count them as liabilities. But anybody can see that they are.

7796. A previous witness, representing a society very similar in principle to your own, said that if the work of the society was left to voluntary payments, the cost of collection would be so great that it would be impossible to continue the society: is that your experience ?—Certainly not.

7797. Your own society depends entirely upon voluntary contributions ?—Yes.

7798. Upon payments made by the men themselves ?—Yes. There is no compulsion at all. There cannot possibly be.

7799. There is no compulsion of any kind ?—No.

7800. A gentleman who gave evidence recently stated that the cost of collection in their own case can be put at about 16d. in the £; that is, apart from other clerical expenses; he said the cost of collection alone was nearly 7 per cent. Can you tell the Committee what your own cost of collection and administration is ?—We do it in this way. We put the cost of collection and the salary of the local secretary and treasurer all together, and we pay them on scale. Ours works out roughly at about 8 per cent. all round.

7801. That is the cost of collection plus the treasurership and secretaryship: putting all together it works out at an average of 8 per cent. ?—Yes.

7802. Have you those figures to put in ?—I do not think I can put them in to-day. I can forward the scale of commission. But if I put in one of the balance sheets it would prove that, and I can put in one.

7803. The witness to whom I have alluded said that a number of representatives of the various permanent relief societies had met in May last and had declared unanimously against any alteration of the Truck Act so far as deductions from wages for these relief societies are concerned: was your society included in that ?—Certainly not. As a matter of fact, in the whole period of our existence we have never once been invited to any of their meetings. I am aware that a meeting was held in Wigan on May 27th 1906, but I only got that from the newspaper after the meeting was over. It was in consequence of seeing that in the newspaper that I submitted the report which appeared in the Press to our board and they at once passed a resolution contrary to that to which you have referred and appointed me and the president, if required, to come before this Committee and give evidence. We had never had a notice of the meeting before.

7804. Your society commenced in July 1898 ?—That is so.

7805. So that now you are about eight and a half years old ?—Yes.

7806. How many members did you commence with ?—We commenced at the very first onset with about 6,600 in the first six months.

7807. Your fortunes have been very fluctuating ?—Yes. We went up to about 12,000 in the first eighteen months, and at one time we had over 17,000 members.

7808. It is quite correct to say that you have been in existence eight and a half years upon a system of entirely voluntary contribution ?—That is so.

7809. And that your cost of open collection has at an rate been such that you have continued to live ?—Yes. As a matter of fact, I think it would be advisable if I give you the position of our society. I have the figures here.

By the Chairman.

7810. Will you give as an illustration—the latest available ?—We have about 13,500 members. We have paid to disabled members £63,000; to widows and children over £8,000; and in death claims, over £900. We have now a balance of £7,500.

By Mr. Walsh.

7811. You had a quinquennial valuation a couple of years ago ?—Yes, which I can hand in.

7812. You have gone through those figures ?—Yes, many a time.

7813. Does that show any greater insolvency per 10,000 members ?—Practically about the same as the other up to the time the Workmen's Compensation Act came into force.

7814. About the same as the other, although that has a system of deduction from wages, while yours is a system of voluntary contributions ?—That is so. This is the first valuation. (*Document handed in.*)

7815. So far as the statement which you make is concerned, that the object of your society is the relief of distress caused by mining accidents, the statement made by a previous witness does not refer to your society ?—No. I think I might hand in a copy of the rules of our society. (*Document handed in.*)

7816. Are you entirely opposed to deductions from wages for relief societies ?—Certainly; and I think if the workmen were left alone, without pressure from the employers, they would not submit to deductions.

By Mr. Maddison.

7817. The Wigan and District Miners' Permanent Relief Society is conducted on entirely voluntary lines ?—It is.

7818. And the Lancashire and Cheshire is on compulsory lines ?—Practically so.

7819. I am interested to know whether you come into conflict there; do they insist upon your men joining the Lancashire and Cheshire Relief Society, if they belong to the Wigan and District Society ?—Practically nearly all the collieries in Lancashire force our men to belong to the Lancashire and Cheshire Miners' Permanent Relief Society.

7820. If the men were in your society would they force them to belong to the Lancashire and Cheshire ?—Yes, they would.

7821. They insist upon them joining the Lancashire and Cheshire whether they are in your society or not ?—Yes.

7822. Therefore a man who might prefer, and who obviously did prefer, to join your society, conducted on voluntary lines, would be compelled to pay another contribution to a society to which he did not wish to belong ?—That is so.

7823. I think you have given in evidence that in your opinion there is not the same need for these relief societies as there as before the Act of 1897 ?—That is so.

7824. How is it your men join your society ?—They join our society because they would have the controlling influence of the medical men in cases arising for compensation. It naturally follows that if the men themselves controlled the doctors they would much more easily control their compensation from a medical point of view.

7825. You do think these relief societies, if on a voluntary basis, have some value from that point of view ?—Yes.

7826. Sufficient value to justify their existence ?—Yes.

7827. Supposing you could ensure the perfect non-compulsory character of these relief societies, would you object to the subscriptions being paid through the colliery office, purely as a matter of arrangement ?—The men would object to the money being paid through the colliery office under any circumstances whatever, because you could not free their minds from the idea of officialism in connection with it.

7828. You are aware from your wide experience that in Durham and Northumberland the men do not take that view ?—That is so.

Mr. E. Walkden.

18 Dec. 1906.

7829. Would you think there would be any hope of getting the men in Lancashire into the frame of mind of the men of Durham and Northumberland ?—It puzzles me as to why there should be a different view on the part of the men in Durham and Northumberland from what we have in Lancashire upon this particular question.

7830. And you think from the experience of your own society that there is not this great saving in the cost of collection which we have been told there is, as probably you know ?—There is not at all. There may be another point, with regard to our efforts to bring these two societies together. Some years ago the board of management of the Wigan and District Miners' Permanent Relief Society recognised that it was not necessary to have the two societies. A deputation was appointed to meet the board of management of the Lancashire and Cheshire Society, with a view to the workmen themselves taking over the management of the Permanent Relief Society in its entirety. But, unfortunately, we met with a rebuff. They refused to meet us. Mr. Ratcliffe Ellis, who, as is pretty widely known, holds the position of secretary to the Coal Owners' Association, and who is also the law officer, the man who gives advice and deals with all the cases in connection with the Lancashire and Cheshire Miners' Permanent Relief Society, asked us, "What are you prepared to offer us in order that this shall be done ?" He was speaking on behalf of the employers, of course. We could not offer the employers anything.

7831. What are the respective payments to the Lancashire and Cheshire Society and to your society per week ?—As far as the contributions are concerned, they are alike.

7832. And the benefits also ?—No. Speaking from memory—but I think my memory is good enough—the payment from the Wigan and District Miners' Permanent Relief Society for the first two weeks is 10s. a week; from the Lancashire and Cheshire, since that adverse valuation, it has only been 9s. a week. That is so far as weekly payments are concerned. They go further. If a man unfortunately meets with an accident when he is fifty-six, say, and he is on their funds until he is sixty-one (it is rather unfortunate that we get old, even in connection with this society) according to the altered rule which they are now working under, the payment to him would drop down to 5s. a week. We continue the 7s. a week all through.

7833. Yours is generally better ?—So far as the payment to disabled members is concerned, yes.

7834. Not as to death ?—The death claim in both instances is £5. There is a difference so far as widows are concerned. We pay widows 2s. 6d. a week, that is providing they get compensation. If they do not get compensation—we have four or five of such on our funds now who have not obtained compensation on account of "serious and wilful misconduct" or some other cause—then, instead of 2s. 6d., we pay them 5s. a week. So far as the children are concerned, the Lancashire and Cheshire Society pay 2s. per week per child, and we pay 2s. 6d.

7835. You are generally better ?—Generally speaking, I should say we should be better all through.

By Mr. Delevingne.

7836. You said the employers had an interest in continuing their hold on these funds in order that they might keep a check, as it were, on the duration of an injured man's disablement ?—That is so.

7837. Do I understand that your society and the Lancashire and Cheshire Relief Society pay compensation after the first two weeks ?—Neither of the societies pay compensation. What we do is to continue payments. Say a man gets hurt and is laid up for two weeks, for those two weeks he receives 10s. a week. If he is laid up longer, he would receive from our society 7s. a week for every week after the first two weeks, so long as he remained unable to follow some employment.

7838. So that an injured man is drawing compensation from the employer and benefit from the relief funds ?—Yes. We have men in our society now who got hurt in the first month after the Act came into force, and they are still on our funds, and probably will be as long as they live. They are permanently disabled.

7839. Is it the same with the Lancashire and Cheshire Society ?—Yes, with the exception of the alteration of the weekly amount given at age sixty when a man has been on five years.

7840. Is it to the employers' interest that their men should be drawing benefit from two different sources ?—I do not think so.

7841. I mean, if a man is drawing benefit from two different sources, the two benefits together may nearly equal the amount of the wages ?—I know of plenty of instances myself where the compensation and the amount from the permanent relief society, and amounts from an odd sick club or two, tot up to considerably more than what the man's wages were. It would not be to the advantage of the employers.

7842. Are the employers in Lancashire generally insured either with an insurance company or with a mutual indemnity society under the Workmen's Compensation Act ?—For compensation, yes.

7843. They are insured ?—Yes. There is what is known as the Northern Indemnity, which covers the collieries surrounding Wigan, and some portions of Leigh. Then there is the south-west Lancashire which covers St. Helen's and Prescott and Haydock, and a number of collieries in Leigh. Those are practically insurance companies got up by the employers themselves. A number of colliery proprietors have clubbed together and formed an indemnity society. Then there is the Law Accident itself, which is a general insurance company, and which, as everybody knows, insures a number of small collieries. I do not know that they have any big ones.

7844. An individual employer, being insured, has hardly the same interest in keeping watch over the disablement cases ?—It makes him take greater interest in the cases where they are in the Northern Indemnity or the South-west Lancashire, because they are looking after their own business. I do not say there is the same interest where they are insured in the Law Accident.

7845. How is the collection made in your society ? Do you appoint collectors and pay them a commission on the amount they collect ?—Yes. We have two collectors appointed at each colliery to do the collecting. I may say, in order to give you an insight as to the position, that in one instance, when our society had been going some months, the police were requisitioned in order to force our men off the premises of a certain colliery altogether, and we have to-day, in connection with that colliery, which belongs to a large firm in Lancashire, to employ insurance agents to collect the money on the colliery premises.

7846. Your collection is done on the colliery premises: it is not a house to house collection ?—No; it is generally on the colliery premises.

7847. Who elect those local committees in connection with the Lancashire and Cheshire Society ?—It is supposed to be the men, but when their annual meeting is held those present consist chiefly of colliery officials. That is when the local committees are appointed. There may be an odd workman or two, but only one or two, who dare go to attend at the meeting when they appoint the committees.

7848. Nominally, every contributor has a right to attend and to vote ?—Yes, if they would attend; but you see the tendency. I may go further. Quite recently, in connection with the same firm where I mentioned the colliery called in the police some years ago, during the last twelve months the men appointed, on their own initiative, their own medical man the medical man that they would like—as the sole man to attend their members. Immediately after, certain men in connection with the firm got together—I honestly believe they were led by the employers—and another medical man was appointed. I want you to understand that the medical man who was appointed is the same man who is appointed for the sick club in connection with the same society, in which the employers themselves have the sole right of appointing the doctor.

7849. Who elect the ten representatives of the honorary members on the board of management of the Lancashire and Cheshire Society ?—Those members are elected at a delegate meeting. They are called agencies at the colliery. Each agency appoints a representative, and he attends the annual meeting. That meeting has been held in the mining school, and now it is held in the Technical School, at Wigan. About 90 per cent. of those who appoint the representatives of the honorary members are colliery officials. As a fact, they appoint both the honorary and the ordinary members of the board of management.

THIRTY-FIRST DAY.

Wednesday, 19th December, 1906.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. HENRY TWIST, called; and Examined.

Mr. H. Twist.
19 Dec. 1906.

By the Chairman.

7850. I understand you are agent to the Lancashire and Cheshire Miners' Federation ?—Yes.

7851. How long have you occupied that position ?—About ten months.

7852. Did you know the federation in its working before that time ?—Yes, for nearly twenty years.

7853. Were you yourself a miner ?—I worked in the mine for twenty years.

7854. What is the membership of the federation ?—About 40,000.

7855. You know, of course, that this Committee is enquiring into the question of fines and deductions from wages ?—Yes, I understand that.

7856. Please state to us the points you wish to put before the Committee. You are, of course, aware of the Statute of 1896 ?—Yes.

7857. And of the necessity under that Statute of there being either a posting up of lists of fines and deductions or a special written contract with the workmen concerning them ?—Yes, we understand that that ought to be complied with.

7858. Is there a system of that kind in operation amongst the members of your federation ?—No, so far as I know the requirement is absolutely unobserved.

7859. Do you mean that there is no such list posted up at the pit head or elsewhere ?—There is no pit that I know of which puts up such a list stating what are the offences and what are the amounts which men will be fined if found guilty of committing these offences.

7860. Then is there any such thing as a private contract with the men on this subject ?—I know of no condition of employment of that kind or any contract with the men upon signing on which sets forth either the nature of the offences or the amounts the miners will be fined if they commit these offences.

7861. Where fines are imposed or deductions exacted from the wages is that set forth on the men's pay ticket ?—Sometimes the offences will be described on the pay ticket and at other times they are not.

7862. Can you give us any samples of such tickets ?—I produce one (*ticket produced*) which does not describe the offence, but states the amount of the fine.

7863. I observe that there are certain small deductions noted such as 1d. for the infirmary, 2d. for the sick fund, and 4d. for the Permanent Relief Society ?—Yes.

7864. These together only amount to 7d., and the net wages are apparently £1 7s. 5d., but then there is this note "Less fine 10s." reducing the amount to be paid to 17s. 5d. ?—That is so.

7865. Can you tell us the date of this transaction ?—It is dated 2nd January, 1905.

7866. Do you know the workman in question ?—Yes.

7867. Can you explain the circumstances under which that exaction of 10s. was made ?—Yes. I had the duty of interviewing the employers upon this man's behalf in order to see why this amount was being deducted from his wages and to inquire into the nature of the offence. It was the case of a brakesman who had a leg accidentally taken off and he was put into the lamp room to perform light labour. He was not acquainted with the nature of that work and only received very brief instructions before being left to it. A lamp went out owing to the gauze containing two or three broken wires. The foreman examined the lamp, found this defect, and the man had to submit to that fine for the offence.

7868.—Did you bring that circumstance under the notice of the inspector ?—No, that was not done.

7869. Why not ?—The man wished the matter to drop, as he was afraid that advantage would be taken of him.

7870. Does the case you have mentioned stand alone or is it a sample case ?—I only quoted it to give the Committee an idea of what is done.

7871. Does it represent a practice ?—Yes, it is the practice at a good many collieries that I am acquainted with.

7872. Where ?—In Lancashire.

7873. Can you give the Committee any reason why that practice, which appears on the first blush to be so contrary to the law, has not been reported to His Majesty's inspector ?—I cannot give any other explanation than that when the suggestion of reporting to the inspector is made to the men they hold up their hands in most cases and beg that that shall not be done, believing that they would receive dismissal in one way or another sooner or later

7874. I gather from you that this 10s. fine was a case of a single offence of the nature of what might be considered neglect ?—A little lack of supervision and in that case perhaps some lack of knowledge.

7875. I assume it would be placed under the heading of neglect or something like that ?—Yes.

7876. You have told us that there is no written contract with the men as to fines and deductions nor any posting up of lists and that this document which you have shown us is a sample of the pay tickets. Notwithstanding the absence of posting up or of contract, I would now like to get from you other samples of fines that prevail in the pit—the nature of the offences and the amount of the fines ?—The nature of the offences varies a great deal.

7877. Just give us as careful evidence as you can in enumerating them, taking the fines to begin with ?—To begin with, in some collieries (although this does not prevail universally) a man is supposed when he goes to his work in the morning after he has obtained his lamp and got down the mine to indicate that he has gone to the far end of the working by hanging up a tally with a number to it. If he goes to his working place and omits to hang up the tally bearing a number registered to him he will in almost every case be fined 6d. or 1s. or even 2s. 6d. and by at least one firm 5s.

7878. Is there any danger attached to such an omission owing to the fact that the overlookers do not know who are working in particular parts of the pit ?—There is absolutely no danger that I know of.

7879. I suppose that offence would come under the category of discipline ?—I cannot characterise it as being for any other purpose than simply as a record of who are at work and who are not.

Mr. H. Twist.

19 Dec. 1906.

7880. I suppose these men work on piece under the ganger system?—Yes, mostly.

7881. And now you may give us another example?—The same fine would be repeated if the man should omit to take the tally off when he leaves at night. Another case is that of a man coming a few moments late. The men are usually instructed to get their lamps not later than 10 minutes to six o'clock. If a man comes a few minutes late he may be subject to being sent home again, and if being late he by any means should secure a lamp and go down a pit he will be subject to a fine. We have had cases where youths have seen men coming away from the collieries where they have been working on the night shift and rather than go home and lose a day's work these youths have sometimes borrowed a lamp and gone down into the mine. The boy or man would be fined for that offence a 1s. or in some cases 2s. 6d. The latter is the highest fine I have known for that offence.

7882. Are there any other offences you wish to mention?—The colliers usually wear belts, and if a man hangs his lamp about his person on the belt he may be fined 1s. or other amounts up to 5s.

7883. Perhaps that might be characterised as accompanied by some danger?—In the case of drawers it is stipulated that they must have their lamps round their neck or on their arm, and I should think there is no more danger in a man hanging the lamp upon the belt that encircles the middle of his body.

7884. It is not the business of this Committee to enquire which is the better method. We have nothing to do with that; but I suppose it would be suggested by employers that some danger accompanied the offence in question?—They would suggest that.

7885. Then take another case?—I may quote the case of a man who plays a day and stops off work. In many instances he will be fined 1s. or 2s. 6d., or in some instances even 5s. for that. We have had cases of men who could show an unbroken record for the whole of a year who were fined 5s. for playing a day, and I know of one who was dismissed rather than subject himself to that penalty. Either fines or suspensions are rather common for playing a day. A man when he comes may be told to take another day or to stay at home for a week, just as the manager may feel disposed to order.

7886. Any other point?—There is the case of drawers in the mine using an iron bow to clutch on to the top of the box so that their fingers may get below the box top. Here the employers urge that there is great danger, but where the section of the mine itself is from 6 to 8 feet high, the use of bows is often insisted upon when from the miners' point of view there is no necessity for it.

7887. What is the amount of fine inflicted on such a case?—One shilling for each offence.

7888. Any other case?—If a miner sends a small quantity of dirt in a box of coals he will be fined. If in a 10-cwt. box there is 30 lb. of dirt, a fine of 2s. 6d. is quite common, and there is even a fine of 5s. in some cases, but in many cases the fine is only 6d. or 1s. I might also mention the case of men who draw timber from the mine. That occupation is dangerous, and men may occasionally leave a prop or support which, according to the best of their experience or judgment, they think it unwise to take out. Then if an official comes round and sees this prop left, the men will be fined for leaving it, although it may be an old and broken prop. The miner may be fined 1s. or 2s. 6d., or even as much as 5s.

7889. I presume the withdrawal of timber is from the disused portion of the mine?—Yes.

7890. I suppose the category under which the leaving of props would come would be that of impeding the proper administration of the mine by permitting the sinkage of the seam?—No doubt that would be argued.

7891. Is there any other case?—Yes, if a miner, in bringing a tub from his working place into a shunt, should neglect when going through a cloth to whistle or shout, he would be fined 2s. 6d. I have known this to be neglected where there are only two or three men working on a road, and where there was absolutely no danger, there being nobody in the way.

7892. I suppose that would be considered an undisciplined and possibly dangerous practice?—Yes.

7893. Without asking you to go into many further details of the same kind, may I assume that you have by no means exhausted the list of the offences?—Quite so; there is a great variety.

7894. Can you give the Committee any explanation why that system that ramifies in the way you have described should not have been brought under the notice of His Majesty's Inspector?—I cannot give any explanation other than that I have already given.

7895. The fear of dismissal which you have already described?—Yes.

7896. Do you know many cases where the workman's wages have been impinged upon to a serious extent like the one you first quoted where there was a fine of 10s.?—Yes, I have known cases where £1 has been taken in fine.

7897. For a variety of offences or for one offence?—Practically for one.

7898. What was that?—The sending of a little small coal in a round coal box, or a little small coal in a box of cannel, or a little dirt in a box of coal.

7899. Do you know any collieries which have no fines?—I only know one, where an arrangement to do without fines was fixed up between our officials and the manager some little time ago.

7900. How long ago?—Perhaps about twelve months since.

7901. Are you free to name the colliery?—Yes, it is B. 11.

7902. With regard to the system of having no fines, how does it work?—So far as I know it is working all right.

7903. What is the opinion of the men you represent with regard to fines?—They very much resent them.

7904. Would they favour their abolition by law?—I am quite sure they would.

7905. We must put to you the alternatives that have been submitted to us. The natural alternative would be this, probably more supervision would be required. I suppose you agree to that?—Yes.

7906. Then there would be a system of warning given followed by dismissals for a period if comparatively trivial offences were repeated, or by total dismissal on a repetition of bad cases?—Yes, I quite follow that.

7907. Now as between a system of that kind and the present system of fines, what is the opinion of those whom you represent?—Their opinion is that dismissal after warnings, or, in the case of a bad breach of the rule, prosecution, would be preferable. That would have a more salutary effect, and would be acceptable rather than a great variety of fines which are often excessive in amount.

7908. Suppose that Parliament were to adopt that system, do you think there would be no feeling of hardship on the part of the men but rather a feeling of relief?—Yes, a feeling of relief.

7909. Of course you admit the seriousness of the position that a man would then be confronted straight away with the risk of dismissal without any half-way house on payment of a fine. But I understand you think that on the whole discipline would be better maintained under such a system and less sense of injustice?—Yes, I believe so.

7910. Do you think that the alternative system of ultimate dismissal which we have been dealing with would increase the number of dismissals or would the very fear of dismissal have a salutary effect?—I am quite sure it would have such an effect.

7911. Substantially the men would be as sure of their employment, if they were well-doing men, as they are under the present system?—Yes, I look at it in this way. Take the case of a man who is doing exceedingly well and earning plenty of money. That man would take greater precautions against committing any offence if he knew that dismissal was the penalty, than if he knew that he could get off by the payment of a 1s. or even of a 2s. 6d. fine.

7912. Are wages paid fortnightly?—Weekly.

7913. Are they paid to a ganger who distributes the money amongst his gang?—In most cases there would be

one man, a contractor, and a man working for him as a drawer—that is two men together, and a pay ticket to each two men.

7914. Take the case of an ordinary working miner come to manhood, a strong fellow and a regular worker, what would be his wages ?—On an average about 6s. a day.

7915. That would mean about 33s. for five and a half days' work ?—I scarcely think it would average that in our part of the country.

7916. Are there two days off in the week ?—In the summer time two days and in the winter one, namely Saturday.

7917. You mean by a day, a full day ?—Yes.

7918. Of course the money earned fluctuates according to the state of the market ?—Yes.

7919. We will now come to the question of deductions. I see there are deductions for materials supplied to the worker, viz., explosives, oil, lamp, etc. What have you to say with regard to that ?—We are often in negotiation with the employers upon these questions of stoppages from the men's wages for lamp, or oil, or explosives, or tallies, or other materials supplied to the workmen. In some cases where we had good reason to complain that the charges were excessive we have had them reduced. But in other cases we have not succeeded in that. Take, for instance, the cases of stoppages and deduction for sharpening of picks.

7920. That would come under the heading of services performed. Better deal with materials first ?—Well, as to the provision of powder, the usual price now charged is 1s., but there are places where as much as 1s. 8d. per lb. has been stopped for the same kind of explosives. In one case we succeeded in getting it reduced by 8d. in the lb. after an interview with the employer. The payment or deduction for tallies supplied is not a very important matter. For oil our men have to pay usually 6d. per week. In many places, however, we have succeeded in getting the employers to reduce that by nearly one-half, to 3d. or 4d.

7921. Do you think it would be possible to abolish the system altogether or do you not go so far as that ?—I think it would be better if the supply of the lamps were left in the hands of the manager and if the deductions for oil and for the use of the lamp conformed absolutely to the requirements of the Act.

7922. That would apply also to powder ?—Yes; I mean if the employer did not make a profit out of it.

7923. Is it your opinion that there must be a good many cases in which there is a certain fringe of profit left to the employers ?—Yes, I should say it is so in almost every case.

7924. Have you any suggestions as to that. Of course you are aware that under the statute it would be very difficult to establish that in a court of law on account of the apportionment of general items such as management, etc., to a particular small article ?—Yes.

7925. Have you any suggestion for a less circuitous method of dealing with this matter than the method of moving your organisation in the matter and interviewing employers ?—I think deductions for lamp and oil would be all right if any surplus accruing to the employers from the charges levied on the men was periodically distributed among the men.

7926. And similarly with explosives ?—Yes.

7927. What we are anxious to get at is this. Can you suggest any way of calling somebody's attention to it at once and getting their verdict on the spot as to whether there is an overcharge—say the inspector; might the inspector's opinion be taken on the subject ?—Yes, but there is one thing that I think ought to be made much easier, and that is access by the men to the books in order to ascertain whether their complaints are well grounded or not. We are often at a loss to know how much the employer is making in profit on an article. We feel pretty certain he is making a profit, and we can approximate the profit, but we have no exact data.

7928. Do you demand an audit ?—We have demanded an audit, but I must confess that that is pretty generally resented by employers as interference.

7929. Of course if you applied to the inspectors they would have access to the books ?—Yes.

7930. I am not suggesting any method to you, but we are anxious if possible to find some prompt and effective remedy for this system. Your evidence comes to this, substantially, that it may be quite unintentional, but in the result of the workmen are defrauded to a certain extent of what is their due by this overcharge ?—I am not quite sure that in many cases it is unintentional. When you bring to the knowledge of the employer that he is taking 50s. from the men's wages in respect of work for which he is only paying 17s. 3d. for the work to be done, you rather regard it as intentional. *Mr. H. Twist.* 19 Dec. 1906.

7931. Are you citing a case within your own experience ?—Yes.

7932. Intentional or unintentional the result is to deprive the men of their due. What we want to get at from a man of your experience is this: have you come to a conclusion as to what would be a better system ?—To cease taking deductions for the sharpening of tools, etc.

7933. I am coming to that, but in regard to material, what is wanted is some kind of effective check against overcharge: that is really what you are after ?—Yes.

7934. Then we come to the next head, "Service performed," such as sharpening or repairing of tools. Now that system, of course, is very general. Do you propose any alteration of that ?—I think that the men ought to be permitted to employ their own sharpeners. We have many cases at many collieries where the employers have agreed to that and it works very satisfactorily, the men paying the employer a rent for the smithy, say, and for the fuel supplied, and the men contributing to that fund voluntarily upon a scale arranged and fixed by themselves, any accumulated funds being their own property.

7935. And even although it was permissible to make a charge of this kind, you think it should always be optional to the men to have their own sharpeners ?—Yes, we cannot depart from that, that it would always be the best for the men to employ their own sharpeners.

7936. Now there comes the serious question of the deductions for the rent of houses. There, again, I gather that you admit that rent ought to be paid, but the question is whether they are not charged too much in the way of rent: is not that so ?—Perhaps I ought to answer that question in this way, that I think the employer, in the first place, like any other property owner, should collect the rents at the houses from the workmen. I think the system of deducting rent from their wages lends itself to imposition and hardship.

7937. So that you would take that out of the category of deductions altogether and say the employers must collect their rents ?—Yes.

7938. Now come to sick and accident societies. There are contributions in nearly all the collieries for those, are there not ?—Usually each colliery has a society of its own to which the men who work at that colliery pay. When they leave the colliery they are no longer members of it. There is a separate society for each particular firm or colliery existing as a sick and accident society

7939. Do you think that those contributions should not be by way of deductions, but that the organisation should be independent and the collection voluntary: is that what it comes to ?—The contributions ought to be taken voluntarily from the men.

7940. Are there any cases of direct compulsion, that is to say, that a man will not be employed unless he joins that sick society ?—The most striking case that I can note is one where, perhaps, one would not be warranted in saying that there is absolute compulsion, but we know of no man who does not pay, and we know that some men who have refused to pay have very soon lost their work.

7941. Do the masters contribute to those sick funds ?—In some cases they do and in others they do not.

7942. Let me put this case to you ? The sick fund are quite voluntary; although a large number of the men do join the sick fund, the management of the fund is entirely with the men, but they find it a convenience to have the fund contributed to by way of a deduction of a penny or two from the wages, and the only interference of the masters is that their clerk makes the deduction, renders them an account, and pays them the sum:

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what do you say to that system ?—That system is not at all agreeable. We find that very few men would pay to these sick societies at the colliery if there were not either direct or overt compulsion. I could give you, if it would not weary you and take up your time unnecessarily, the case of a society which was started immediately after the passing of the Compensation Act.

7943. Of 1897 ?—Of 1897. The whole of the men at the collieries as they were leaving their work and coming out of the pit were individually called into the colliery-office and asked to sign an agreement that they would pay to this society which was being formed. A petition was got up by those workpeople and signed very extensively, by at least 90 per cent., or more than 90 per cent, of the men employed, but the firm refused to accept that petition.

7944. What was the nature of the petition ?—Appealing to the company not to make any deduction on behalf of that society, and protesting against becoming members of it. The firm demanded an individual notice in writing from every man and boy about the place, the result being that a very large number caved in and allowed the deduction to be made. Others did not pay, and for a time there was turmoil and trouble, but now I should think there is scarcely one man out of 5,000 working about the place to-day who is not in.

7945. Of course the general object of having a sick fund is a good one ?—I do not think so in this case.

7946. It is a good thing to have a sick fund, is it not ?—There is ample provision for the men outside

7947. That is the point I am coming to. But you admit it is a beneficial object ?—Quite so.

7948. But so far as regards procuring that object, is it your opinion that voluntary arrangements independent of the employers would effect it ?—Yes, and much better.

7949. Is that the opinion of the membership of your association, speaking generally ?—Yes, it is.

7950. I gather that with the exception of these deductions for materials, services and rent, as to which you have given your evidence, everything in the nature of fines should be swept from the Statute Book in your opinion ?—That is so.

By Mrs. Tennant.

7951. You gave as an example a 10s. fine in respect of the three broken wires in connection with the lamp; could that have been a subject of prosecution ?—I do not think it could.

7952. What danger would be attached to the breakage of that number of wires ? Is it a matter of danger ?—Yes ; the gauze in the lamp should be perfect.

7953. Is it a considerable danger ?—Well, I should say in that case it was a very trivial danger, a very small danger indeed, if any at all.

7954. Not one contemplated under the special rules of the mine, you think ?—Yes, if the lamp, was damaged to a much greater extent than that

7955. It is because of the smallness of the damage that you think it would not have been within the jurisdiction of the special rules ?—I do not think it would have been within it.

7956. Have you any opinion upon the practice of housing workmen in employers' houses ? Do you dislike the practice, apart from the fact that you dislike deductions in respect of rent ?—I believe that it is not good for the people to live under the employers ; I believe that it takes away from their freedom and their independence a good deal.

7957. Could you give any examples of cases in which it has operated badly ?—Yes. At the present time under one firm, houses which have been bought by the colliery company, which previously belonged to private owners for which the workpeople were paying, say, 2s. 6d., 3s. and 3s. 9d. per week, have, within a short period from the time of the colliery company obtaining them, been raised to 3s. in the case where they had been 2s. 6d., and so on ; briefly put, 6d. and 1s. per week were added to the rents. When the people move from one house to another under this particular firm, through their family growing, or through preferring another house which becomes empty to that which they are in, they have to pay 10s. They are subject to a payment of 10s. for removing from one house to another, although it might be only next door.

7958. What advantage or service does the employer give in respect of that 10s. ?—I do not know any service he gives at all. A house becomes empty ; somebody has to go into it ; a particular tenant of his says, " I would like that house." " Very well, it is yours ; pay 10s. and go in."

7959. Is that charge of 10s. entered upon a pay ticket ?—Yes ; it is deducted from the wages.

7960. Is it entered under any heading ?—I have not been able to secure a ticket, though I know that the practice is general. I have not been able to secure a sample ticket.

7961. Do you know if the men have felt able to make any protest against that system ?—They might protest, but I am rather afraid that here also the idea is that some unpleasantness would follow, and they do not protest.

7962. Your association has not taken it up ?—No ; there has been no particular request asking us to protest against that. The grumbling is individual, very largely. The people walk about with their own burden and grumble and growl, and say it ought not to be so, but that is all.

7963. What would happen if a miner, finding a house too small, chose to go to a larger house, which was not owned by the colliery owner ?—If he went to live under a private property owner, he would have nothing to pay, but the rent when he had been in a week.

7964. And what would the colliery owner say ? Would any representation be made to the man upon the point of his having left a house in the ownership of his employer and gone to a house in private ownership ?—Under this particular company, it would be considered a very serious offence on the part of a man to do that.

7965. I suppose you would say he would be a marked man ?—I am quite sure he would, under this firm.

7966. Now generally, could you give an opinion as to what would happen if he did it elsewhere ? I am not dealing now with this firm, but with an ordinary firm ?—The management would resent it, particularly if that house stood empty.

7967. Have you any comment to make upon the state of repair of the houses which the miners usually rent from their employers ?—Yes ; they are not so well attended to ; they are not so often cleaned and renovated as the property of private owners.

7968. In the case of the 6d. and 1s. increase in rent on the houses being made by the colliery owner, have you any means of instituting a comparison between those houses and other houses ? Was there any corresponding increase in the rent of the property in the neighbourhood ?—Not equivalent. There might be 2d. increase where the employer charged 6d. extra. In some cases there would be none at all.

By Sir F. Cawley.

7969. With regard to this question of rents, are the houses higher rented than others in the neighbourhood ?—For the same class, yes.

7970. The collier could get a better house for the same money if he was a free agent ?—Yes, quite so.

7971. With regard to fines, of which you gave us a list of a great many, how much per week do you think the total average amount of fines is on a man's wages ?—Spread over what period.

7972. Over a week, or a month, if you like, or a year—say a year ?—A man might go a month and have no fine.

7973. Say a year ?—And he might have three or four fines in one month. So it would be difficult to approximate what the average would be.

7974. There are such a lot of fines that I want to know how much you think would be taken off a man's ordinary wages in a twelvemonth ?—I do not know that I could answer that question as to average.

7975. You must have an idea, approximately?—It is difficult to approximate. A man in one twelvemonth might be subjected to half a dozen fines, or a dozen or more ;

another twelvemonth he might not have more than one or two, or perhaps none at all. So it is a difficult matter to give you any figure upon.

7976. Do you think that the fines deducted from an ordinary man's wages would amount to 10s. in the course of a year ?—In some cases they might, but in other cases I should say they would not.

7977. In the case of an ordinary careful workman they would not, I suppose ? It must be a careless workman, or a workman who is negligent in some way, where the fines will amount to even 5s., I presume ?—I should say in the case of an ordinary careful workman it would not exceed what you say.

7978. 5s. in the year ?—Well, perhaps it might exceed that.

7979. Therefore the percentage in the case of an ordinary workman who is neither very careless nor negligent, is almost infinitesimal compared with his total wages ?—I do not think it is infinitesimal.

7980. Perhaps it depends upon what we consider infinitesimal, but you do not think that an ordinary man, who is not very careless or very negligent, would have to pay very much more than 5s. per annum ?—No, I do not suppose he would.

7981. I suppose some might get off without paying anything—a careful man would never be fined ?—It is difficult to say, because a man might be as careful as he could possibly be, and yet be fined. For instance, take the case of a man who comes a little late, or the case of a man who has omitted to hang up his tally, or to take it down at night. A man might be as careful as he could be and yet make a little omission, and then there is 2s. 6d. or 5s. gone.

7982. I presume you do know men who practically are never fined ? There are plenty in every colliery who are never fined at all are there not ?—Yes ; there are men who are not subjected to many fines.

7983. Where do all these fines go to ?—I only know one colliery company where they go to any fund. In the other colliery companies, so far as I know, they go into the company's exchequer.

7984. They put them in their pockets ?—Yes ; they go into the company's exchequer.

7985. Has the question of fines and deductions ever been a subject of negotiation between your association and the employers ? Have you ever brought this question before them as a matter for consideration and negotiation ? —Are you speaking of the coalowners as a whole, or individually ?

7986. I will tell you exactly what I mean. You say your association feels a certain amount of resentment with regard to these fines. You, as an official, know of this great dissatisfaction in regard to the fines. Have you ever approached the Coal Owners' Association with the idea of getting any alleviation of them, or their total abolition ? Have you ever brought it before the masters, as an association, in any shape or form ?—Yes.

7987. And what was the result ?—So far as I know, the result was that it was considered unnecessary to hold a conference on that subject—that in the interests of discipline the thing was bound to go on.

7988. What I understand is that you have asked the masters to negotiate in this matter and that they have refused negotiation : is that so ?—I am speaking now from memory.

7989. Surely you are quite well up in this ? You know whether this has ever taken place ?—It is some years ago now, and therefore I cannot speak very definitely, but I believe—in fact, I could almost state it as a fact—that that is so.

7990. You cannot call any particular occasion to your mind when it was so ? You have an idea it was so but you have not any absolute knowledge of your own that such a thing ever took place in any particular case ?—In particular cases oftentimes.

7991. I am speaking of any particular occasion in which the men's federation have approached the masters' association ?—I would not like to swear to that, but I feel quite sure that it has been done.

7992. Do you not consider that fines act as a deterrent with regard to carelessness, and with regard to things being done which ought not to be done ?—There is no doubt they act as a slight deterrent.

7993. Do they act more as a deterrent, with some people who are apt to be careless, than a remonstrance from the employers would do ?—I do not think that the fining system has the effect which the employers think it has, or could desire. I really do not think that the system has a very great deterrent effect.

7994. But you admit that there are some people who are scarcely ever fined, and that is because they are neither careless nor negligent, and that it is really those exceptional cases where men are careless or negligent where fines prevail to any considerable extent ?—Well, we have many cases where the men resent these fines and where our association supports them, where we are absolutely certain that there has been no carelessness on the part of the men, and where they sacrifice work, and possibly many weeks' wages rather than be penalised for something that has not been done. We have a large number of those cases.

7995. When you get a flagrant case of this kind, do you ever approach the employers with a view of getting the money refunded ?—We always interview the employers in every case where a man has a grievance.

7996. And if it is unjust, does the employer give the amount back, or lessen the fine ?—Sometimes we succeed in getting the fine returned, but very seldom. The management set up their back and say, "Well, he can pay it, or he can get out of the road."

7997. With reference to the question as to the safety lamp, the wires of which were injured, I presume that such a fine was imposed because if it had been a little more serious it would have been a danger to the mine ? —Yes.

7998. An excessive fine of that sort is imposed as a deterrent, because the safety of the mine and of the men's lives depend on the faithful fulfilling of his duty by the man who has the charge of the lamp ?—Yes. But the harshness of it in this case was due to the fact that the man was new to the work ; he was much overworked, and had not time to examine these lamps. And at most places, a fireman, an experienced official of the mine, is provided, and here there was not one provided.

7999. I gather from you that in this particular case there were contributory matters which made it an extreme hardship ; but my point is this, that providing those circumstances which you mention did not exist, the great fine would be imposed because of the danger to the people working in the mine through any negligence on the part of the men who had charge of the lamps ? —Yes ; the amount of the fine, possibly.

8000. Suppose this man had been an ordinary man perfectly accustomed to the work and knowing all about it, and that with all that knowledge he still let that lamp go in an imperfect state, would you consider that a heavy fine was an injustice ?—I should have said if the man was guilty, either dismiss him or prosecute him, if it is a question of the breach of a special rule, but do not take anything from his wages.

8001. You are for the severest penalty. You admit that it would be very difficult, perhaps, for a man under those circumstances to get a situation again, and it would be very severe to dismiss him, but your point is that the severe penalty is preferable to the lighter one ? —Yes, in the interests of everybody—in the interests of the safety of the men working in the mine. In a case like that our association would refuse to support him.

By Mr. Walsh.

8002. You are aware that Mr. Greenall, the president of your association, has already given evidence before this Committee ?—Yes, I know he has been here.

8003. And that much of his evidence was largely upon the lines which you yourself proposed to lay before us ? —I am not quite sure about that.

8004. He has not seen you ?—No.

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8005. You speak upon two points : the schedule of offences not being posted up, and there being a particular form of contract ?—Yes.

8006. Will you tell us about that contract. You say here, " The contract should be in writing signed by the workmen specifying the acts or omissions." What form does the contract take when it does exist ?—The workman is called into the office as he comes out at night, usually, or when he gets on the surface. A form is put before him stating that he is guilty of committing a certain offence, and he is asked to sign his name to it. There are the provisions of the Truck Act before him, and he signs it or refuses to sign it as the case may be.

8007. I understand that this is after the offence, alleged or actual ?—Yes. After the offence, alleged or actual, as you say, has been committed. First of all, the man is reported to the manager for having committed this offence, alleged or actual, and subsequently he is called upon by the manager to go into the colliery office and sign this form.

8008. That form is simply an ordinary paper, headed " Truck Act " ?—Yes.

8009. Have you seen the paper yourself ?—Yes, it is a form giving the provisions of the Truck Act, and then there is a space where the offence is described in writing, and then there is the signature of the man at the bottom.

8010. So that this is distinctly after the offence has been committed, or after it has been alleged to have been committed ?—I know of no case where there is a contract beforehand.

8011. You speak here of the freedom of bargaining, and you consider that there is no freedom of bargaining under such conditions ?—There can be little or no freedom at all on the part of the workman.

8012. Why ? Would something result to the workman ?—Usually a man knows that he must either sign or else he must get ready to go.

8013. He must either go out, taking his tools with him, or else pay the amount that is on the form of contract ?—Yes. I only know one case where a man refused to be fined and would not sign and ultimately nothing took place. In the majority of cases the man knows that sooner or later, often sooner, he has to go about his business.

8014. So that in that sense you say there is no real freedom of bargaining ?—There is absolutely no freedom of bargaining on the part of the workmen.

8015. Is it your opinion that that is really a contravention of the spirit of the Act of 1896 ?—In my opinion it is a contravention.

8016. Of even its legal requirements ?—Yes.

8017. You spoke of the carrying of the lamp ; the management in many cases insist upon the lamp being carried suspended below the throat on a strap ?—Yes.

8018. Are you aware of any general or special rule which is applicable to such a case as that, which states as to how or where the lamp shall be carried ?—I know of no general rule, nor of any special rule. Only in one case is it printed in the conditions of employment that the lamp shall not be carried on the belt.

8019. That is to say, it shall not be carried upon a belt round the waist ?—That is so.

8020. Are you aware of any danger that would arise from the lamp being carried round the waist ?—I know of no danger which the man is subjecting himself to, or anybody else, by carrying his lamp on his belt round the middle of his body any more than would result from carrying it upon any other part of his body.

8021. These lamps are not the old Davy lamps ?—No.

8022. They are the Muesler and the Marsaut ?—Yes.

8023. They are new lamps which have come into existence with the changed conditions of mining ?—Yes.

8024. And they are not so easy to put upon the floor or to hang upon the box as the old Davy used to be ?—No ; usually the hook is not so large.

8025. And the light is a good deal more fickle and capricious ; it goes out much more readily, does it not ?—Yes, very easily.

8026. And so the man carries it suspended from his belt because he wants to preserve the light as long as possible ?—Yes. If he put it near the box it would shake out immediately.

8027. The merest jolt would cause the light to go out ?—Yes.

8028. So that on the one hand he is in constant danger of losing the light, and on the other hand he is in danger of being fined unless he carries it in a certain way ?—Yes. and there is this too, which arises out of that, that if he should happen to have the light go out, and an official saw him going along the road without a light he would be fined for travelling with a box without a light.

8029. Is the Committee to understand that the conditions of mining are such now that a man may go long hours in the mine without any light at all if he once loses it ?—Oh yes, he may go long hours.

8030. He may go long hours without any light at all ?—Yes.

8031. Is that conducive to safety ?—Not by any means.

8032. You spoke of the drawing of the timber. Of course this Committee knows that that is one of the most difficult businesses in the mine. When a man leaves a bar or prop in the worked-out portion of the mine, what would be his general object in doing so ?—Safety.

8033. The safety of himself ?—The safety of himself and of those about him.

8034. So that really it is not out of mere caprice, or because he is indifferent to the effective working of the mine, but because he feels that to draw that timber would be to imperil his own life and possibly the lives of his comrades : is that it ?—That is always the reason, so far as I know.

8035. So that he really chooses the lesser evil so to speak, of preserving his own life and those of his mates ?—I have known men of long experience to prefer dismissal to drawing a prop or a bar when instructed to do so, because they felt that to do so was endangering their lives.

8036. So that, on the one hand, they have to endanger their lives, or, on the other hand, to endanger their wages ?—Yes.

8037. And the endangering of their wages is the lesser evil ?—That is so.

8038. You will know that we have to put our questions broadly ? You gave half a dozen, or possibly half a score, of offences, with corresponding fines : I suppose we are not to understand that that list of fines was exhaustive ? It was only illustrative ?—It is not by any means exhaustive. I have only given those as a sample to give you an idea.

8039. Are we to understand that the variety of offences is practically equal to the infinite variety of working conditions in a mine ?—Yes. One particular official might consider one act an offence which another would look over. As a man moved about from one part of a mine into another, working under different officials, he would find that acts which were permissible under one man, were offences under another. The same thing applies when a man moves from one colliery to another. The variety of offences varies almost at every colliery.

8040. So that I should be right in saying that there are so to speak a thousand offences for which varying amounts may be deducted, and which are entirely at the caprice of the officials in the mines ?—One can hardly give the number of them, because an act which has not been considered an offence, which has never been dreamed of as an offence, becomes an offence one day or another.

8041. The infinite variety of conditions under which the people labour brings about an equally great number of offences, so to speak ?—That is so.

8042. For which of course varying amounts will be imposed, in accordance with the caprice of the official at the time ?—Very largely according to the temper the manager is in.

8043. With regard to the deduction of 10s. to which you have referred, of course the gauze is the most important portion of the safety lamp ?—Yes.

8044. And to turn out a defective gauze is after all a very serious offence, if it is an offence at all; that is, if it is not due to lack of knowledge, it would be a serious offence under the Coal Mines Regulation Act?—That is so; it would be.

8045. I take it the proper ground for the management of the colliery to go upon would be that this was an offence under the Coal Mines Regulation Act, and should have been dealt with as such; is that your opinion?—Yes; it was so at the time when I dealt with the case.

8046. So that if there were any extenuating circumstances to be pleaded on the man's behalf, they ought to have been laid before the Court?—Yes. In this case I have not the slightest doubt but that a deep impression would have been made upon the Judge because of the occupation which this man had followed previously, and because of the very limited instruction he had been given, and the very trivial nature of the offence itself.

8047. Are we to understand from you that where men's lives may possibly be imperilled, it is not a matter which ought to be let off with a fine, even of 10s., but that if men's lives are jeopardised, that matter, in the interests of all, should be brought before a Court of Summary Jurisdiction and dealt with on its merits? Are we to understand that?—Yes; in the interests of the mining community our Association would prefer that where a workman is in a position to be prosecuted under the Coal Mines Regulation Act, in the interests of everybody about the mine that ought to be the course taken.

8048. I suppose in the case of many of these fines, even if the man has been guilty of an offence the great bulk of people will not know that such an offence has been mitted at all?—Practically nobody but the man himself and the official.

8049. And that therefore there can be no deterrent effect upon other people?—No; it is not made known to them.

8050. Would the publicity which would be given to such a case in Court cause other people also to be more careful?—There is not the slightest doubt about it.

8051. Therefore, does the fine in your opinion defeat what is alleged to be the intention of the employer?—I think it does, by the very fact that it does not get to the knowledge of the miners generally.

8052. The necessary publicity does not result from the system of fining?—No, it does not.

8053. You have had a lengthened experience, as I know. Do you find that the more serious accidents, the accidents for which fines are often imposed, are decreasing or increasing in the mines? Take the case of improper timbering, or the improper use of the lamp and many things which do bring about accidents; do you find them increasing or decreasing? This is the way I wish to put it. If the fines themselves which are imposed by the employers are effective in carrying out the intention of the employers, do you think a higher standard of discipline, and consequently of safety would result? The employers impose those fines because they say they desire to maintain a higher standard of discipline?—Yes.

8054. Do you think that if the fines did bring about a higher state of discipline, great safety would result as a consequence?—Yes; *if* they did.

8055. Now do you find, from your experience as a miner, that greater safety has resulted?—No.

8056. Greater safety has not resulted?—No.

8057. Have the fines increased?—Yes.

8058. Then with an increasing number of accidents in mines you have had an increasing number of fines at the same time?—That is so.

8059. Does it seem to you that the fines have brought the result aimed at by the employers?—I am quite certain that they have not.

8060. They have not contributed to a higher standard of discipline?—I am quite sure the fines have not contributed either to a higher standard of discipline or to a diminution in the number of accidents.

8061. Nor to a greater ratio of safety?—Nor to a greater ratio of safety either.

8062. In the case of inspectors, the Chairman has asked you what action the Union take: do you know how many inspectors there are for your part of Lancashire?—There are two, one and an assistant. *Mr. H. Twist.* 19 Dec. 1906

8063. Of course there is Mr. Henry Hall?—Yes, and Mr. Matthews.

8064. Is there any other assistant?—I think there is.

8065. What area do these gentlemen have to work over? Could you give it to us briefly?—I could not give it to you, I think.

8066. Never mind about the area. Do you know the working population in and about the mines which these two gentlemen have to act for?—Yes; I should say 70,000 or more.

8067. They have to act for an enormous working population in and about the mines over a very large area?—Immense.

8068. Do you think your Association would get very much benefit from reporting to those gentlemen under such circumstances?—We do not at all feel that we should.

8069. I take it they have an enormous amount of work to attend to, apart altogether from the Truck Act?—Yes. My experience is that their time is almost absolutely occupied going about inspecting pits where there has been a serious accident, and attending Coroners' inquests.

8070. And of course doing their own special office work?—Yes. I am speaking now of their work outside.

8071. Is this Committee to understand that there is in the minds of your people the idea that if you were to report to the inspectors, you would have to report to two people already greatly overworked, with an immense range of duties to perform, and that the chances are there would be very great delay on such report?—We are quite sure of that. Reports of various kinds do go up, and it is often a long time before they get attention.

8072. May we understand that that is at least one reason why the Association has not taken action?—Yes; that may be taken as one reason.

8073. Now you say the men are very strongly opposed to these fines: do you know of any cases where the Association has supported the men when they have refused to be fined?—Innumerable cases.

8074. Does that occur week after week?—Almost every week we have cases reported to our Committee where men refuse to be fined. The whole matter is laid before the Committee. On the facts and merits of the case the Committee decide that certain men ought not to have been fined at all, and they support them and give them the benefit of the funds of the Association.

8075. That is to say, you as miners' agent, along with your colleagues, attend upon the various managers?—Yes.

8076. And investigate as well as you can the merits of the case, and if you are convinced that the man has a good cause to complain of the fine, and refuses to be fined, the Association give him the ordinary support?—Yes. And if on investigation the case is such as in the opinion of the agent, myself, say, and the Committee, that this man ought not to be supported, then he is not supported.

8077. But if upon the merits of the case you find a man has a good ground for refusing to be fined, even if he is dismissed from the works you support him?—Yes.

8078. Are we to understand that those cases are very numerous?—Yes, there are plenty of them. They are occurring almost every week.

8079. Would it be possible to supply the Committee with a number of those cases taken out from the records of your Association if the Chairman desired it?—Yes. I have here a few which I have taken out, some twenty or thirty, perhaps, just to give the Committee an idea.

By the Chairman.

8080. That might suit Mr. Walsh's purpose. It is a very good suggestion, and I think the Committee would appreciate that. Could you hand me in that list, or are there private notes on it?—I only made this as a rough draft for my own reference, but a long list of fines could be sent on to you, giving the date, the name of the

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colliery company, the name of the man, the amount, and all the particulars. I could give you a list of a hundred if you wanted them. I have nearly fifty here.

By Mr. Walsh.

8081. There is one case where you spoke of a deduction of 20s. from a man's wages for filling an amount of dirt in his coal tub ?—Yes.

8082. Under what agreement, or under what Act, was that possible ?—It was not possible under any Act, legally.

8083. From your own knowledge you are aware that that is not possible under the Coal Mines Regulation Act ?—Not in money.

8084. Deductions, if at all, must be from the weight and not from wages ?—That is so.

8085. Had the man to sign for that 20s. ?—Yes.

8086. What did he sign ? Did he sign the Truck Act form, or simply an ordinary piece of paper ?—I think in those cases of which I have knowledge—I have a knowledge, of perhaps, half-a-dozen—that it was simply a written statement by the manager.

8087. Not the usual Truck Act form ?—No.

8088. Are you aware of any cases where this kind of deduction has been made from men's wages, where the contract form which you speak of here has been signed ?—I cannot speak positively. Though I know the system prevails absolutely at one firm, I cannot say what form the men sign. I do not know what form they sign, but I know we have hundreds of fines of 2s. 6d. in that particular firm in a year.

8089. Anyhow, from your own knowledge cases are continually taking place where these heavy fines are being made from wages, from cash, as opposed to the requirements of the Coal Mines Regulation Act which states that such deductions shall only be from the weight of mineral ?—That is so.

8090. Of course subject to an agreement between the employer and the workmen ?—Yes.

8091. You speak of employers' houses. Is the tenancy of those houses a condition of employment ?—Well, I should say it is.

8092. Is the retention of the tenancy a condition of employment also ?—Yes, equally.

8093. That is to say, if a man leaves an employer's house, he must also be prepared to leave his employment: is that so ?—There is no doubt about that.

8094. Do you know any cases where men have been evicted because of leaving their employers' service?—I cannot give you specific cases. I know of men who have been compelled to leave private property to go into the property of the company.

8095. I was rather directing your attention to the point as to whether men have been compelled to leave the houses of the company when they leave the employment of the company ? Do you remember any cases of that sort ?—I could not give you a specific case of that.

8096. Have you any objection to stating the particular company you have in your mind ?—Not in the least. The company I have in my mind is M 4.

8097. Speaking entirely from your own knowledge, what area do they cover, so far as their ownership of houses is concerned ?—Their collieries extend over an area say of half a dozen miles, taking in several villages. In some villages they are almost absolutely the sole owners of the property. In others they possess a very large number of houses, and in others not so many. At H., they are almost absolutely the owners of the village, so far as property is concerned, and at G. I should say quite 50 per cent. of the property belongs to the company.

8098. You are aware that this matter is one which has been referred to us because of a debate which took place in the middle portion of the Parliamentary session ?—Yes.

8099. This is an important matter, and we should be glad to have your information with regard to it. What population, roughly speaking, would be covered by those villages to which you have referred ? What is the population at H. ?—About 7,000.

8100. And G. ?—Another 7,000.

8101. And E., and round there ?—They do not get into E. They get more into A.

8102. Just give the Committee roughly what you think would be the population directly affected by the company's ownership of houses ?—I should say about 20,000.

8103. And a very large number of those people are really tenants of houses belonging to that colliery company ?—Yes, a very large number.

8104. Do I understand that they must be prepared to vacate that property if at any time they desire to leave the employment of the company ?—Yes. There is not the slightest doubt about it that if a man leaves the employ of the company he may get ready to leave the house and find another.

8105. You speak here of sick and accident societies being practically compulsory. Do you know of any sick society in connection with that colliery ?—Yes, I have very intimate knowledge of the sick fund associated with that company.

8106. Would you tell the Committee very briefly the conditions under which that sick club is carried on ?—The condition under which that club is carried on are very obnoxious. The men are compelled to pay to it. They pay 6d. per week. If they receive an accident, or fall sick, they get 9s. per week. But the society is used for the purpose of keeping the men from either claiming or obtaining compensation.

8107. How is that ?—If they claim compensation the payment from the sick society ceases, but if they do not claim compensation, they can continue to have the benefits of the society.

8108. What benefit does the society itself give ?—They give 9s. less 6d. contribution, 8s. 6d. per week.

8109. So that we are to understand that if a man puts in a claim for compensation, as he is entitled to do by law, he forfeits the benefits for which he has been paying into the sick club ?—Instantly. And if a man allows more than the ordinary fourteen days to run before he claims, they will continue to pay him from the funds of the society; but if he should subsequently claim compensation, they deduct from such compensation all the club money he may have received in excess of the two weeks.

By Mr. Delevingne.

8110. I understood you to say that in the case of breaches of the special rules, you think it is better all round that the punishment should be by way of prosecution in a court rather than by fine ?—Yes, we do.

8111. You are aware, of course, that many owners and managers are disinclined to prosecute their men on account of the time and trouble involved in taking proceedings in court ?—Yes; and also on account of the risk of losing their case.

8112. Whatever the cause, there is a disinclination on the part of the owners and managers to take proceedings in Court ?—Yes. I think they feel that to take deductions from the men's wages is an easier way.

8113. Do you think if fines were abolished managers would resort to prosecution instead ?—In some cases, for breaches of special rules, they would, no doubt. In the cases which are very trivial, and where the offence is very small, I do not think they would in the majority of instances.

8114. You do not think they would take proceedings ?—No.

8115. Do you think there is a danger of discipline falling between two stools ? A man cannot be fined, and is not prosecuted; might not that have the effect of lowering the standard of discipline ?—I do not think so. In those cases which did really affect discipline, and jeopardise the lives of the men, or the safety of the men employed generally, they would not hesitate to take steps to prosecute.

8116. I suppose every breach of a special rule is a matter which affects the safety of the men and of the mine ?—In some degree.

8117. There are differences of degree, of course ?—Yes.

8118. Apart from breaches of special rules, I suppose you would say there are a great number of matters occurring in a mine which are possible sources of dangers, but which are not in the rules ?—I think they try to cover as far as possible by their special rules, of which there are a very large number, every conceivable act or omission which would be likely to result in danger to life.

8119. You think the special rules at present do cover practically all the acts which can be committed by men which may be a source of danger ?—Yes ; I think they are very exhaustive.

8120. With regard to those cases to which you drew attention of contracts being made after the offence has been committed, you think that is illegal ?—As a layman I feel that it is.

8121. Have you ever taken steps to test that in the courts ?—I could not give you a case. Usually the employer will not let us. We go and interview him and point out that it is illegal. "All right," he will say, "Here is his money back ; let him go about his business."

8122. I understood from you, and we have understood from other witnesses, that this system of making contracts after the offence has been committed is very prevalent in Lancashire ?—Yes ; it is universal, practically.

8123. Yet I understand that no case has been taken into Court to test the legality of that system ?—There may have been one or two, but I cannot give you them now. I have a hazy idea that there have been one or two cases, but I could not speak positively.

8124. I want to ask you one question about those cases of improper filling. Improper filling is dealt with in the Coal Mines Regulation Act ?—Yes.

8125. Regulations are made there with regard to deductions for improper filling ?—Yes.

8126. Under the Coal Mines Regulation Act no other deductions may be made except those provided for in the section which deals with the matter ?—That is so.

8127. Yet, I understand from you that the managers impose fines for improper filling which are outside the provisions of the Coal Mines Regulation Act ?—They do, very extensively.

8128. Have you brought that system to the notice of the mines' inspectors ?—I could not give you a specific case. In the cases I have in my mind, we have not.

8129. You know the mines' inspectors are charged with the duty of seeing that those provisions of the Coal Mines Regulation Act with regard to check-weighing and deductions are enforced ?—Yes. Our difficulty is this. The man says, "Look here, I have a good place ; I am making good money. For Heaven's sake do not say anything ! Do not give publicity to it. I would rather pay it."

8130. But the custom of imposing fines for improper filling is a general matter which ought to have been brought to the notice of the mines' inspector ?—Yes, I must confess it ought.

8131. It has not been done ?—No, not generally. There are cases where we have brought his attention to it, and he has come down and investigated, and put the thing right.

8132. As regards those deductions for oil and explosives, which you say are excessive, have those been brought to the notice of the mines' inspector ? There is no question there of any individual man having his employment endangered by the complaint ; it is a general matter affecting all the men in the colliery ?—Yes.

8133. Have you brought those matters to the notice of the mines' inspector ?—In very few cases.

8134. What officials impose the fines in the collieries ? Is it the under official, or the manager of the mine ?—Usually the under official will report a man for having done a certain thing which he considers to be an offence. Then the under-looker, the man between the foreman and the manager, will decide that he shall be fined so much. He will say, "All right ; we will fine him so much," or, "We will not fine him ; you must warn him," or, "Call him in to-night and ask him to sign for a fine of 2s. 6d. Tell him if he does not sign for it he can go about his business."

8135. Does that fine have to be approved by the manager ?—In some cases it is, and in others it is not.

8136. Is the man given a hearing at all ?—No ; he is simply walked into the office, and the form is put before him.

8137. In the case of B. 11, which you mentioned to us, where they have abolished fines, what is their system of enforcing discipline ? How do they deal with breaches of special rules and other matters ? They simply give the man a warning at once, if he commits a small offence : "The next time, you are either in the Court or in the street ; you are either discharged or else you go to Court."

8138. Do they have a system of suspensions there ?—No ; they used to do, but that also has ceased.

8139. What is your view of the system of suspension ?—I think it is cruel. A man may just sleep a little too long, and have a long way to travel, and therefore cannot get there in time, or he may be a little indisposed. He cannot send word, living out in the country, perhaps, at a distance from the colliery, and cannot see anybody going by whom he can send a message. For that, sometimes he is sent home for a day, or even a week, although he may have put in full attendance for five or six months. It is positively cruel.

8140. Do you think that if fines were abolished the suspensions would increase—that managers would resort to it as an alternative ?—I could not say whether they would or not. It would depend upon the attitude the managers took up. I hardly think they would, because they depend upon the men being there to keep up their output.

8141. As between fines and suspensions, which do you think is preferable ?—They are both very distasteful. I do not suppose there is very much to choose between them.

8142. The Chairman asked you whether you thought a system of dismissal, after preliminary warning, was better than a system of fining, and I think you said yes ?—Yes and I still say yes.

8143. Would your opinion extend to a system of suspension, as well as to a system of dismissal, as an alternative to fines ?—Yes ; for it is just as cruel to cause a man to lose a day's work as to fine him half-a-crown.

8144. You do not catch my point. You told the Chairman that dismissal after warning was in your opinion preferable to a system of fining, from the men's point of view ?—And I believe that.

8145. Do you also say that a system of suspending for a week or a day, whether after warning or not, would be better for the men than a system of fining ?—I cannot agree that one would be better than the other. It seems to me that they are both equally cruel and injurious, and I do not see how a salutary effect can be attained.

8146. On the question of rents, you said that the practice of making deductions from the wages for rent led to imposition ; will you explain very briefly what you meant by that ? In what way do deductions for rent at the office lead to imposition ?—Well, a man goes into a house belonging to a colliery company, and his rent is raised. He feels or he knows that if he gives notice to leave, although there may be a better house over the way belonging to a private owner for which he would not be called upon to pay so much rent, he would be dismissed. Therefore he has to suffer from the increased rent and he is no party to the bargain at all. He simply receives the notice that so much will be added to the rent, and it is deducted from his wages the following week. I think that in itself is tantamount to imposition.

8147. But suppose, instead of a system of deductions, the owner collected his rents in the way you recommend, that would not touch the employer's power to make it a condition of employment that his men should occupy his houses ?—He would still have a power over them, but not so great a power, it seems to me.

8148. He would have the power of raising his rent ?—Yes, upon giving notice.

8149. The question of imposition will arise just as much under a system of collection of rent as under a system of deduction in the office ?—I think it would be diminished.

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8150. I suppose in many cases in the past, and possibly also in the present, when a colliery is started in a new district where houses are few, the colliery company is almost compelled to put up houses for the accommodation of its men?—I hardly think so. I do not know of any colliery which has been started so far out in the country that it has been necessary to put up any large number of cottages.

8151. I know of collieries being opened up in purely agricultural districts, near small villages where there is no accommodation for the men. Some accommodation has had to be provided, and in the past I think it has often been provided by the owners. That is a convenience to the men, of course?—Yes; perhaps that is so in some cases, but one usually finds that if a public works is going on, or a pit is put down, houses are built—perhaps slowly—and the need is met. Perhaps it is not met so promptly as it might be, but still the houses are put up by private owners.

8152. Do you object *in toto* to the owners leasing houses to their men?—Yes.

8153. Is the benefit scheme at the colliery which you mentioned (M 4.) certified under the Compensation Act as a contracting-out scheme?—No; the Registrar refused to certify it.

8154. Do you happen to have gone into the question as to what power the company has of deducting from compensation paid under the Compensation Act any sums paid out of the sick benefit fund?—It is here stated in the Rule.

8155. Have you ever taken any advice as to the legality of that?—Yes; we have taken a case into Court.

8156. What was the result?—The result was that we won, and the Judge told the company that they were practically compelling the men to pay their own compensation.

By the Chairman.

8157. With regard to suspensions, of course the term is one which covers the case of dismissal for a temporary period?—Yes.

8158. You see no way of compelling people to keep up the relation of employer and employed by force?—No, I do not.

8159. Suppose an employer dismisses a man, it is open to him to say either "You are dismissed altogether," or "You are dismissed for such-and-such a period"?—Yes, I suppose it is.

8160. And that is really suspension? You see it is a serious matter, either way. Do I understand you to say that you think it would be better for all parties that that serious view should be taken rather than this nagging system of fines?—I am quite sure of it.

8161. I should like to ask you about that case which you mentioned: could you hand in to us the rules of the Society which you referred to which compels the forfeiture of its benefits if compensation is received?—I shall have the greatest pleasure in doing so. I have a copy here. (*Handed to the Chairman.*)

8162. Will you point out the particular rule?—The particular rule is underlined. I have at the present time a case in hand where a man has been on the funds of the Society for sixteen weeks, and has not claimed compensation, and there is a dispute pending.

8163. The particular rule is Rule 21 on page 11?—Yes.

8164. You know of course quite well that under the Act of 1897 contracting out is forbidden?—Yes.

8165. That is to say, it declares against forfeiture?—Yes.

8166. Under this contract, apparently, a very opposite policy is pursued: it compels forfeiture?—Yes.

8167. It may be from the other end of the scale—not from the Statutory end, but from the Association's end of it—but the result is the same to the man, namely, that he is deprived, at one end, of the compensation to which he has contributed?—In that particular firm a good many men are being deprived of their compensation. There are more than we have knowledge of, but we know of a good many, and we feel that that company is saving thousands of pounds a year by that method.

8168. The last question I want to ask you is one which has been suggested to me by a member of the Committee. It is with regard to that case to which you referred in which a fine of £1 was imposed. What was that fine for?—In one case it was for a little dirt in a box of coal, and in the other case it was for a little coal in a box of cannel.

8169. The amount of the fine was a serious one?—Very serious.

8170. Do you know anything with regard to an attempt being made to get the opinion of the inspector upon that subject?—No. At that particular colliery, a fortnight ago, I arranged with the management that all fines and confiscations and suspensions should cease, and we entered into an arrangement by which in future deductions shall be made according to the Coal Mines Regulation Act. But this has been going on for some time.

8171. What I was trying to get at was a case in which they had attempted to get, in a handy way, the opinion of the inspector: do you remember any case of that kind?—I do not.

8172. Do you know the case of S—— B——?—I know that S—— B—— has written, but I could not tell you what the case was which he wrote on, or what the opinion of the inspector was in that case.

8173. Then you cannot testify as to that?—No. I have it from hearsay from others and also from the man himself that he did write, but I do not know the particulars of the case.

8174. You do not know the result?—No.

8175. Did the inspector interpose?—I believe he did.

By Mr. Walsh.

8176. What do you mean by saying "I believe he did"?—I am not sure whether he did or not. I am not acquainted with the particulars of that case.

THIRTY-SECOND DAY

Thursday, 21st February, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. EDWARD CADBURY, called; and Examined.

Mr. E. Cadbury.

21 Feb. 1907.

By the Chairman.

8177. Will you please state your position with relation to the well known firm whose name you bear?—My position is practically that of managing director; technically I am one of the managing directors of Cadbury Brothers, Ltd.

8178. What is the number, all told, of the employees?—About 4,200 at the present time.

8179. In what part of the country are they employed? They are practically all employed at Bournville, near Birmingham, with the exception of travellers and outside representatives.

8180. I suppose we may take it that in the main business the industrial part of the concern, you employ between 3,000 and 4,000 persons?—Yes.

8181. In the manufacture of cocoa, chocolate and sweet stuffs?—Chiefly cocoa and chocolate.

8182. Have you that number employed in one building or in a set of buildings?—They are in a set of buildings, grouped on one site.

8183. What is the extent of the site?—I believe it is about sixty acres.

8184. I suppose the buildings are graded according to the various departments of the work?—They are all one or two storey buildings spread over a considerable area.

8185. Does the number of work people you have mentioned include not only those engaged in making the articles sold, but also in packing, etc.?—Yes, and the subsidiary industries, inclusive of engineering and so on.

8186. How far back does your connection with the firm date?—My connection with it dates back about thirteen years.

8187. Has the firm been a limited liability company during the whole of that time?—No, only for about seven years.

8188. During the early part of your connection with the firm were you acquainted with the system of fines and deductions from wages?—Yes, I was.

8189. You are, no doubt, aware of the objects remitted to this Committee for enquiry and in that connection I should like to ask you what was the system which existed when you entered the firm?—There was the usual system of fines and deductions with various penalties for infractions of different rules, and there were deductions for spoilt work, etc.

8190. You have been kind enough to frame certain schedules or statistics for us—may I say, in view of these, that prior to the year 1898 there was in your firm a system of fines for lateness in attendance, badness of work or bad conduct?—Yes.

8191. Were these, speaking generally, the three principal categories?—Yes, that would be so.

8192. Will you please tell us now what was your experience of that system?—In the first instance, it was not in any way reformative. It had practically no influence upon the character of offenders. If a fine was imposed, the fine was paid and the matter was dismissed from the mind, with no remaining influence on the character of the delinquent. The payment of the fine was felt to have wiped out the offence and then the offence could be repeated on the same condition.

8193. From the point of general efficiency, apart from the individual fines, you secured substantially no benefit from the old system?—No. The system of fines did not necessarily weed out the worst offenders.

8194. Was it, roughly speaking, your experience that the habits of the workers were not improved by the system of fines?—I do not think they really were.

8195. Did that partly arise from a consciousness on the part of the offender that he or she had satisfied the demands made in regard to the individual delinquency?—Yes.

8196. And that they could then go forward as if nothing had happened?—That was largely the effect; not entirely, perhaps, but that was the tendency.

8197. Did your firm seriously consider that situation?—Yes, we considered the reorganising of our fines when that question came up on account of the passing of the Truck Act of 1896.

8198. It would be interesting to us to know exactly the lines upon which you proceeded, if you would be so kind as to explain them?—In the first place, we made up our minds to entirely abolish all fines, and then we had to substitute some system of discipline in place of fines.

8199. Before you go on to the substituted system, will you please give us in general terms, your reasons for the abolition of the system of fines?—I have already stated our main reason. The old system did not lead to efficiency and did not weed out the real offenders.

8200. So that, both from the workers' and employers' point of view, the effect was not satisfactory?—Not satisfactory compared with what we have been able to effect since.

8201. What was the system you substituted in 1898?—We abolished fines and the power of forewomen to dismiss. Previous to that they had power to dismiss workers.

8202. On the spot?—Yes. Now we leave the right of punishment and dismissal in the hands of the directors.

8203. Constituting yourselves as a sort of court of appeal?—Yes, foremen and forewomen could only report to us.

8204. With regard to fines for lateness in attendance, I may inform you it has been represented to this Committee that fines in respect of late attendance are almost a necessity. What do you say with regard to that?—Our time-keeping has very much improved since we established our present system and abolished fines, as will be shown by the figures which have been prepared—the effect has been a gradual improvement.

8205. You might now describe the system you substituted?—We began by having record books in which were entered the names of individual workers, cases of

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misbehaviour, or bad work, etc.; lateness of attendance was, of course, booked by the time-keeper, and afterwards recorded against the individual in the book which I have described; but latterly we substituted cards for these record books, and the cards form a much better system. I look after the girls' department; each month one of the directors sees the alleged offenders. In the case of the women, I see them, and I have present the offender, the forewoman of her department, and the head forewoman. If there is no doubt about the offence we settle what the penalty is to be, and the offender has the right to speak on her own behalf; so justice is done and a hasty decision is not taken. In the first instance, we are usually content with a caution, which is often effectual; a large proportion of those cautioned never come up again. If the offenders do come up again, it would mean suspension or might mean dismissal, but the offender would probably be sent home for a week. There is no hard or fast line, it depends on the nature of the offence, and the character of the offender. The whole system is designed to be purely reformative and not vindictive.

8206. You have mentioned a system of cards—have you got any samples of these cards? (*see Exhibit No. 2 of Appendix IX.*)—I thought some had been sent, and I am afraid I have not brought any with me. I may explain that after two years the card is destroyed in order to give the person to whom it belongs the opportunity of starting again with a clean record. After a clean record of two years we do not think it quite fair to keep a continual black mark against an employee for an old offence, so we destroy the record.

8207. So you have a complete record of the attendance and conduct of your workpeople?—Yes, except that we destroy the record after a period of good conduct.

8208. Would you please tell us how the general result of the system which you have adopted compares with the general result of the system of fines?—The general result is very much better. We have often found that the character of an employee has been improved after caution or after the offender has been sent home for a week.

8209. The worker is stimulated to do better?—Yes. In many cases to do better work and to behave better. We take on females without requiring a character. I engage all the women. Of course we have a large number pass through our hands every year—indeed, we lose about 10 per cent. by marriage, etc., which may make the record appear more than would otherwise be the case.

8210. What is the attitude of the workers towards the change of system?—At the beginning the workers would have much preferred to keep on the system of fines.

8211. Can you explain their attitude of mind?—Their attitude of mind was this—that when they had paid their fines they were done with the offence, whereas they regarded the record system as more severe in some ways.

8212. Has that attitude of mind at all changed?—I think so. I don't think now they have any objection to the present system.

8213. You have now been engaged for seven years in the actual administration of the work?—Yes.

8214. Are you able to testify not only to the moral but also to the industrial effect upon the individual?—Yes, the industrial effects are undoubtedly good. The new system has led to greater efficiency, because we have been able to weed out the inefficient.

8215. And there are others who have taken a thought and mended?—Yes, we have improved the industrial efficiency and the moral status of the people, and for these, amongst other reasons, we get a higher class of workers. We believe that by weeding out the inefficient or the lower class of workers we are enabled to get a higher class to come to us.

8216. Have you any knowledge of the workers' homes?—Yes, to some extent.

8217. Are you able to testify as to whether the abolition of fines is approved in their homes?—I could not speak positively upon that because I have not had much evidence either way.

8218. You have described to us that the substituted system is one of beginning with a caution and going on when necessary through suspension to ultimate discharge, but I suppose we may assume that under the previous system offending workpeople could, of course, be discharged?—Yes, the discharges for women were really more frequent under the old system than they are now.

8219. The discharges were more frequent and more haphazard?—Yes, more haphazard. We have the percentages of discharges for women for some of the years under the previous system.

8220. I am still on the general question. Before you come to your figures I wish to know whether you ever had a system of deductions for bad work in this sense, that you compelled any of the material to be bought or taken over at a valuation by your employees?—No, not that system.

8221. You are aware that in some trades that system is adopted?—Yes.

8222. What is your view with regard to it?—I should be against that system, I think. It is not necessary for us, at any rate.

8223. Still avoiding your statistics for the moment, will you kindly tell us what the category of bad conduct includes, generally speaking?—Bad conduct includes untidiness of person, noisiness, impudence to superiors, or moral delinquencies.

8224. Lack ot discipline?—Yes.

8225. Of course in your work, untidiness or anything of that kind is most offensive?—Yes, untidiness and uncleanliness.

8226. Because cleanliness is an absolute condition of employment?—Yes. We are extremely strict with regard to cleanliness.

8227. Now we come to the statistics. You have been good enough to give us tables, and I am going to ask you to allow us to append them to your evidence (*see Exhibit No. 2 of Appendix XI.*) which will save some time, but there are several facts which I wish to bring out from you. You have a table made up for the years 1899 to 1905 inclusive, which contain instances, as I understand, of bad marks put on the record?—Yes.

8228. In fact these are black lists, in a certain sense?—Yes.

8229. For late time, bad work, bad conduct, and then the total offences and the total offenders are given?—Yes.

8230. Now, as to late time, in 1899 there were forty-five cases?—Yes.

8231. Now will you tell me the reason for that kind of thing?—I do not think our system was working properly in 1899. I doubt if those first two years are so trustworthy as the rest. The system was only just being adopted.

8232. Might we for all practical purposes take 1900 to begin with?—Yes. In the later years we got the records better and more systematic.

8233. Substantially, then, we will take out 1899?—Yes, I think so.

8234. Beginning with 1900, in that year the late-time cases were 115?—Yes.

8235. I want you to illustrate that. Your employees are mostly women, are they not?—We have about 2,600 women and the rest men.

8236. You have a gateman, of course?—Yes.

8237. And he records the time when they enter?—Yes; they hang up a check.

8238. Have you any system by which they are kept out of work for, we will say, a forenoon or a day, or anything like that?—No, half an hour would be the most.

8239. That is to say, you reckon the period in half-hours?—Yes.

8240. In the year 1900 you had 115 late-time cases?—Yes.

8241. That increased in 1901 to 208; what is the reason of that?—I am afraid I could not give the reason offhand. I could look it up.

8242. From that time onwards the late-time cases have gone down very much, until in 1905 they are only thirty-three. There are thirty-three late-time cases for the

twelve months of 1905 in a body of workers numbering how many ?—These figures are for the girls—about 2,500.

8243. So that so far as late time goes this system of records seems to have produced next door to perfection in punctuality ?—Yes, I think so.

8244. I wish to bring this to a point. What is the average of those thirty-three cases with regard to the time lost; is it ten minutes ?—Yes; the bulk of the late time is five or ten minutes. They come five or ten minutes late. It is carelessness.

8245. That is 330 minutes, which is five and a half hours ?—Yes; but that would not be the total late time. If you will look a little lower down the table you will see there are several allowances made. Therefore that would not be the total late time.

8246. It was the total late time recorded ?—Yes, the total late time dealt with; but we make allowances in the case of girls.

8247. I know; but so far as your record of offences goes, offences which in your opinion should be properly chronicled, in the case of 2,500 people employed for twelve months, there are only five and a half hours lost altogether ?—Yes.

8248. How many hours a week are they employed ?—From forty-four to fifty hours a week.

8249. Say forty-five hours a week. All that you have of lateness worthy of record amounts to five and a half hours altogether, so that substantially you have eliminated lateness by the record system ?—Yes, substantially we have eliminated lateness. We have eliminated the habitual offenders.

8250. Now we come to bad work; in 1900, you recorded 129 cases of bad work ?—Yes.

8251. And these have gone down and down under your record system until there are only nineteen cases in 1905 ?—Yes.

8252. I want you to tell me the kind of offence which was considered worthy of being chronicled here under the head of bad work ?—If you take the example of a box, it would be bad packing—careless packing, in a box; that would be chronicled under the head of bad work. Taking the card box department, where we make boxes, the careless glueing on of labels or marking with a finger or something of that kind would be bad work.

8253. Such cases were reduced to nineteen instances in 1905, for the same number of workers, 2,500 ?—Yes.

8254. So that again you have practically eliminated bad work by the record system ?—Yes.

8255. Then take cases of bad conduct; they have gone down from 532 in 1900 to ninety-three in 1905 ?—Yes.

8256. Under the head of bad conduct there are all these elements of lack of discipline and so on which you referred to in your evidence ?—Yes.

8257. Again, bad conduct has been substantially eliminated ?—Yes, it has. There has been a contributory cause to eliminate that.

8258. We will come to that, but so far as this record goes, of cases where you thought it was a fair thing as between employer and employed to chronicle bad conduct, those instances have substantially disappeared under the record system ?—Yes, they have.

8259. Let me put this point to you. Supposing you had kept up the system of fines, have you any reason to doubt that you could never have got down to that figure ?—I do not think it would have been possible to have got down to these figures by a system of fines.

8260. With the best supervision possible you think the affair would have gone on pretty much upon the range of the 1899 or 1900 figures ?—Yes.

8261. I will now take your explanations with regard to these tables ?—I should like to say with regard to bad conduct and so on, that since we have had a system of compulsory gymnastics for our younger girls it has very much diminished the offences. It has improved the discipline. I consider that a contributory cause.

8262. You have gymnasia in connection with the works ?—Yes; and from thirteen to fifteen years of age they have gymnastic instruction, including swimming three times a week, in our time, under the Swedish system. That is really a contributory cause, and has undoubtedly very much improved the discipline.

8263. That is very satisfactory. Would that affect the lateness of attendance ?—Yes; I think it improved the discipline all round, especially of the younger girls.

8264. It would be most marked with regard to bad conduct ?—Yes.

8265. At what age do they come into your employment ? Do they come straight from the primary schools ?—They come straight from the primary schools if they have worked in Standard VI. We do not take them under Standard VI. That is one of our own rules.

8266. We see the physical training which goes on for these three years; have you any arrangements for mental training ?—Yes. It is now practically compulsory to attend a course of evening classes from thirteen to sixteen, during the winter.

8267. Are they charged for them ?—Well, they just pay the fees, which we largely refund. I think that comes lower down on these tables.

8268. You have made certain statements with regard to not putting upon the record all the cases of late time: will you tell us about that ?—In the case of women we allow them to be late once or twice a month, if it is not habitual, without any record being made.

8269. Of course in individual cases, of people travelling by train, for instance, their train might be late, or there might be exceptionally bad weather, and things like that ?—Yes.

8270. Or there might be some exceptional case like illness ?—In the case of illness they can come and give a reason on the following day. There is a stated time during which they can come up, and if they have been absent an hour or two, or half a day from illness, if they can give sufficient reason it would not be recorded against them.

8271. The late time is recorded by the gate-keeper ?—It was until the end of last year. We have now another system.

8272. To whom is the explanation given ?—The explanation is given to the works forewoman.

8273. Is she consulted before an entry is made in the record book ?—No. Suppose they are late from illness or something of that kind they have to go to her with their explanation; otherwise the entry would stand.

8274. If the explanation is satisfactory no entry is made ?—That is so.

8275. Are there any cases of bad work or bad conduct which are not entered ?—That is at the discretion of the forewoman. No doubt they very often deal with offenders by cautioning them and so on. They would not enter every case of bad conduct which they had to speak about.

8276. You mean a particular case where a person is had up ?—I mean that in the case of new hands and so on, a forewoman would, no doubt, prefer to maintain discipline without recording the offence, because I regard a forewoman who is not able to maintain discipline without constantly resorting to the record as incapable of properly looking after her department. Moral suasion should be sufficient in most cases to maintain the discipline of a department.

8277 Then as to bad work, you do not record the first offence unless it is very flagrant, I understand ?—It would be recorded if it were flagrant, generally.

8278. You have given us the general lists from which I see the total offences in 1905 were reduced to 145, and the total offenders is the same number: now tell us about the number of each division of punishment. I understand the numbers of punishment recorded is divided into three classes, caution, suspension, and discharge ?—Yes.

8279. Have you anything to say with regard to this ?—In the year 1901 there was a specially large number discharged; that was owing to exceptional circumstances.

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8280. In the case of this table also the figures come down from the year 1900 or 1901 to the year 1905?—Yes.

8281. You might give us the percentage of employees who have been in the record book for each year. In 1900 there were 2,177 employees, and in 1905 there were 2,472, a slight increase in the number?—Yes.

8282. In 1900, out of 2,177, there were 328 cases on the record book, being 15·06 per cent.; and in 1905 there were only 145 cases out of 2,472, being 5·86 per cent.?—Yes.

8283. Then there is a part of your *precis* which I do not quite follow, with regard to "money transactions?" —Of course most of these do not come under the Truck Act, but only a very few of them; but we understood we could send up all particulars and then what was not necessary could be cut out. I should say that a good deal of this does not come in.

8284. I think we now have your view with regard to the substituted system in lieu of the former system of fines?—Yes.

8285. That is with regard to bad work and the like. Now there is a branch of the inquiry with regard to deductions from wages for any cause whatever: have you any system of compulsory deductions?—We have. In the case of both girls and men we have deductions for Hospital Saturday and in the case of men we have also deductions for a pension scheme, but the pension scheme is not actually compulsory.

8286. Is the deduction for Hospital Saturday compulsory?—Yes.

8287. What is the system?—The system is this: instead of having a weekly collection of 1d. from those earning 6s. a week and over, ½d. in the 1s. is deducted twice in the year. "Employees sign authority for deduction of ½d. in the 1s. half-yearly if wages exceed 6s. per week and have been employed by the firm for more than six months. Receipt is given."

8288. You give a signed receipt in accordance with the Act of Parliament?—Yes, in accordance with the Act.

8289. What is the view you take with regard to compulsory deductions for this particular object?—It is a very old system. It has been instituted a great many years. In the first place it was instituted instead of the system of deducting 1d. a week as being a fairer system, as those earning more would pay a greater proportion than those earning less. Previously, whatever amount they earned, they would pay the same. Under the present system those earning more pay a larger proportion.

8290. What would a person earning 18s. a week have deducted from him each half year?—9d. It is for the hospitals in Birmingham—the Hospital Saturday collection.

8291. What is the view the employees take with regard to that?—They do not have any objection. We considered it quite recently and we asked our representative committees to consider it, and they suggested it should be continued.

8292. What do you mean by representative committees?—We have two committees of management, the men's committee and the women's committee, which meet weekly. They take a great deal of the management of the place. They are composed of nominated members and two elected members—elected in each case by the foremen or forewomen as the case may be.

8293. You nominate the other members?—Yes, and one of the directors is chairman.

8294. That is really for the purpose of co-operating in any mutual scheme?—Yes, for the purpose of organising the departments and the work, and so on.

8295. Does this system of subscription seem to be acceptable or does it not?—It seems to be acceptable, but I cannot say that I personally feel strongly upon it one way or the other.

8296. If it were left to the old voluntary system, do you think there would be a deficit in the revenue of the hospitals?—Yes, no doubt.

8297. Is the hospital available to your employees?—The hospitals are all available for our employees, and also the convalescent homes. The Hospital Saturday collection in Birmingham gives a fixed sum annually to the hospitals and supports the convalescent homes also, and our people make use of both.

8298. That is the one instance of compulsory deduction?—Yes.

8299. What are those which are voluntary?—There is the pension fund (*see Exhibit No. 3, of Appendix IX*), the membership of which is voluntary, but practically the whole of the men belong to it.

8300. How is it managed?—It is a contributory scheme, a percentage of the wages being paid by employer and employees.

8301. Will you explain it?—I can give you full particulars. An amount ranging from 2½ per cent. to 5 per cent. on the wages is paid in equal amounts: supposing the employee pays 2½ per cent. of his wages to the fund we should contribute another 2½ per cent.

8302. How is the system administered?—It is administered by trustees, four of whom are nominated by the company and two by the men in the works, and one is elected by the staff; there are seven trustees.

8303. What is the scheme of pensions?—Commencing at sixty we give a pension varying in accordance with the wages earned and the length of service.

8304. We have the rules and regulations here?—Yes. It is not compulsory, but we take this precaution that those not joining sign a declaration saying that they understand that in case of old age or disablement we have no liability towards them. I am not speaking of liability of a legal nature, but no liability to help them unless they take advantage of the scheme we offer.

8305. Is there any particular period during which they must remain in your service before they get the advantage of the scheme?—I have not come prepared to give you all the particulars of the scheme.

8306. The pension begins at sixty?—Yes.

8307. What do they get?—It is a varying proportion. It is an actuarial scheme based on the wages and length of service.

8308. Do they continue in your employment after sixty?—We have the option of continuing them in our employment after sixty.

8309. And if they do not continue in your employment they are pensioned?—Yes; then they come on the fund.

8310. Supposing a man has been in your employment for the requisite period, two years or whatever it is, and he has had a wage of 25s. a week, what would his pension be?—I should be glad if you will allow me to supply these particulars later. I have not them sufficiently at my fingers' ends at the moment. I shall be glad to give you any particulars you require.

8311. The management of the fund is done by these trustees?—Yes.

8312. And it is voluntary?—It is voluntary with this proviso, that we make it plainly understood that we shall not assist anyone in their old age unless they join.

8313. To the extent of your contribution it is practically an addition to the wages of the employees?—Yes, it is.

8314. Will you tell us about your other schemes?—We have no sick club. We had a sick benefit scheme, but on the passing of the Shop Clubs Act that was given up. We now pay half wages practically during absence for sickness. There is no contribution made by the workpeople.

8315. Are there any other deductions?—We deduct for belonging to the athletic club from the men if they ask us to do so. We have a voluntary athletic club, and the employees authorise us to make deductions quarterly or half-yearly. That is for the convenience of the club.

8316. They get the advantage of your book-keeping?—Yes. The club is run entirely by the workpeople. The arrangement of which I have spoken is for mutual convenience.

8317. Have you other clubs of that kind ?—Yes; the girls have a club, but they pay in cash for everything; we make no deductions from them. The various transactions, kitchens, overalls, and so on are all paid for in cash.

8318. It has been represented to us that the payment for overalls and that sort of thing is most conveniently managed by deducting from wages: you find it can be quite well done by payments in cash ?—Yes. Food, for instance, is paid for in cash entirely.

8319. There is cooking on the premises ?—Yes. We have a kitchen department. I would not like to give the amount we take from our kitchen department, but it amounts to some thousands a year.

8320. Will you explain that to us. In the first place you do not deduct from wages ?—No.

8321. You take cash for the articles supplied ?—Yes.

8322. Is there any compulsion, direct or indirect, to make them buy from you ?—Not at all, because we sell at a loss.

8323. You are able to testify that you do sell at a loss ?—We do to a certain extent; that is to say, we do not charge the kitchen department with wages, rent, or fuel.

8324. Before I pass from the payments during sickness, will you allow me to supplement what you have told us by asking you this: for how long does your payment of half wages continue ?—I have the exact particulars of the sick fund here. There are two scales of allowances, one for men and boys, and one for women and girls. From thirteen to fifteen it is 3s. a week; from twenty-three it is 12s. a week, with a funeral donation of from £3 to £8.

8325. How long does the allowance continue ?—Full pay continues for twelve weeks—that is the maximum allowance—and twelve weeks half pay.

8326. With regard to the payments that are made for overalls in cash, I understand you supply the overalls ?—We supply the material. We supply a considerable variety of articles in fact.

8327. But are they free to supply themselves anywhere ?—Yes, even for materials for overalls, which we supply at two-thirds cost. We require respectable overalls to be worn. We should require them to renew them if they were worn out.

8328. While it is voluntary, as you have described and while they pay cash, as you have described, I understand they have the advantage of buying rather more cheaply from you ?—Yes, in many cases.

8329. And they have every convenience, as for instance the purchase of railway tickets and so on, from you ?—Yes.

8330. That is so simply because you take an interest in the employees and provide them with the conveniences necessary for their work ?—Yes, largely that is so. Of course it has its business side. All these things tend to promote efficiency and tend to enable us to obtain a higher class of employee, a more intelligent and better kind of worker.

8331. What we want to get at is whether there is any kind of indirect compulsion on these people to take these things from you and take advantage of these conveniences—whether they are in any kind of peril of losing their situations if they do not ?—No. There is no compulsion in any of these things so far as I can look them through. With regard to continuation classes, there is practically compulsion there for the younger people to attend from thirteen to sixteen, and of course there is compulsion in regard to the gymnasium. Where we have compulsion, as a rule we make no charge. For instance, in the gymnasium, where the younger ones are compelled to go, we provide the uniform.

8332. With regard to the evening continuation classes, under the age of sixteen the fee is refunded if the attendance is good and a satisfactory report given ?—Yes.

8333. Then between the ages of sixteen and nineteen all the fees up to 7s. 6d. are paid if two-thirds of the attendances are made and a satisfactory report is given ?—Yes.

8334. Is there any grumbling with regard to their paying any of these fees ?—No, I do not think so.

8335. What is the amount they pay when you pay the fees up to 7s. 6d. ?—I am not quite sure what the fees are for the younger ones.

8336. I understand it is only from sixteen to nineteen that any fees are charged at all for the evening continuation classes ?—Fees are refunded from 16 to 19.

8337. Can you tell me what amount they pay per annum ?—I could not tell you off-hand.

8338. May I offer you a friendly suggestion: it would be a nice clean sheet if there were no fees at all. It would not come to much ?—No. In most of our educational work we are acting directly under the advice to a large extent of the Board of Education.

8339. You will think over my suggestion ?—Yes. I entirely understand your point of view.

8340. I see you have a swimming class also ?—Yes.

8341. Then with regard to the Savings Fund, that is financed by you in the sense that you appoint the collector and receiver ?—Yes, and we allow a certain interest. But we do not permanently hold our employees' money; we feel strongly against that.

8342. Who is the actual banker ?—We hold it for a year, and pay it in to the Post Office Savings Bank at the end of each year, to the credit of each depositor's account.

8343. Then I see that they can obtain medicines and dental requisites by arrangement with you ?—Yes.

8344. And these are all checked ?—Yes.

8345. You say there is a nurse in charge who gives a receipt for the nominal amounts charged for medicine ?—Yes; we have a doctor, two nurses, and a dentist.

8346. Employed by the firm ?—Yes, entirely.

8347. Do they pay for medical attendance ?—They do not pay for medical attendance; they pay for certain medicines. They do not pay for dental requisites, except in the case of fillings and so on.

8348. Of course we do not conceal from ourselves that it is manifest that the well-being of the workers is very carefully before your firm. Might I ask you one general question: do you find that the feeling on the part of the workers is one reciprocating those sentiments ?—Yes, I think so. We have never had any trouble of any kind in our works.

8349. With regard to the personnel, do you find them on the up-grade in physique and character ?—Yes, decidedly so, especially in physique, because they have to pass a strict medical and dental examination now before we take them on.

By Mrs. Tennant.

8350. In your experience, fines have had a bad effect on the character of the workers ?—Yes.

8351. Therefore in that sense they were no deterrent ?—That is so.

8352. Can you explain why they were no deterrent in the sense that the workers did not feel the consequences in their pockets ?—I would not say they were a deterrent there. They were a deterrent for the time being, but not a lasting deterrent; that is my opinion.

8353. Have you any recollection as to the amount of the individual fines imposed; were the sums considerable in any case ?—I would not like to say off hand, but I do not think a fine exceeded 2s. 6d., I think 2s. 6d. was the maximum fine, but I could not say without further reference.

8354. Can you say without further reference what the commonest amount would be ?—I think 6d. was the usual fine.

8355. It has been suggested to us that if the amount of the fine were regulated in proportion to the amount of wage earned it would be a great improvement for the worker: I gather from your evidence that although it would be an improvement to her to be fined 6d. rather than a shilling, still, the fact that she was fined a smaller amount would, if anything, be a smaller deterrent: therefore, a modified system would be still more likely to fail in its deterrent object ?—Yes, I think so; that is, against those that specially needed it—against the habitual offenders.

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By Sir Frederick Cawley.

8356. Will you kindly tell us exactly what the old system was if the employees came late? In the first place, how much grace are they allowed now before being reported?—They are allowed to be late once or twice a month, if it is not habitual, without being reported. I am dealing with the women at the present moment.

8357. That is not what I mean. Are they allowed three minutes' or five minutes' grace?—No; there is no grace at all.

8358. At what time must they arrive?—Our women come at a quarter to eight, at the earliest.

8359. If they were not there at a quarter to eight, under the old system they were fined?—Yes.

8360. How much?—I have not the particulars of those fines with me.

8361. It might be 6d. or 7d., I suppose?—Yes

8362. Then they were allowed in the works?—Yes.

8363. If they are five minutes late now, what is the system adopted?—They are booked if they are late.

8364. And you allow them to go into the works?—Yes. From the beginning of this year we have another system which is not down here. We have altered our system. I do not know whether you wish to go into that point, but I can explain it. Under our present system they are booked in each room and not in the lodge at all.

8365. That does not make any material difference, I think. If they are three or five minutes late they are simply booked, and allowed to go into the works as they were before?—Quite so.

8366. Then what do you mean by suspension?—That is for habitual offenders.

8367. That does not mean suspension for half an hour?—No; for a week.

8368. You have no suspensions at the particular time for half an hour or an hour?—No, we have no suspension for the particular time.

8369. If they were late twice or three times they might be suspended a week?—No. If they were late three times they would probably get cautioned, and if it occurred again within a year they would be liable to suspension for a week.

8370. They would lose a whole week's wages in that case?—They would, but such cases are rare.

8371. And would have nothing to do?—That is so; they would not come to work at all.

8372. That is a severer system than a system of fining?—It is severer on the habitual offender because it means eventual dismissal, I think.

8373. You had dismissal before?—Yes, but there was no such complete record kept. The offences were not cumulative before in the same way. Now, if a habitual offender is frequently late one month and cautioned, and is again late and suspended, if he or she were late again two or three times within a year, he would be liable to be dismissed.

8374. With reference to this table of continuous progress which you have put in, am I right in saying that that improvement is obtained because you have now a better system of finding out how many times people are late and dismiss the real offenders, and so make your record better?—It has two effects. We dismiss the really incorrigible offenders, and the present system has a moral effect on the rest, because they are personally interviewed.

8375. It has a moral effect, and the fact that those who offend most are dismissed makes the record better?—Yes; I think it is quite fair to look at it in that way.

8376. I presume in regard to fines for bad work discipline is helped by the forewomen threatening to record the offence; it is in the nature of black marks at school, I suppose?—Yes. Not every offence is recorded in that way, but the forewomen may threaten to record them.

8377. Just in the same way as a master at a school would say, "If you do not do so and so I will give you a black mark"?—Yes. Our object is not to get the maximum amount of punishments, but to avoid punishments altogether.

8378. You do not consider a forewoman is a good disciplinarian who has to resort too much to the record?—That is so.

8379. These overalls and other things are compulsory?—Yes. We give the material. When a girl is taken on she has the material for two overalls given her, which she has to have made up; and afterwards we sell the material at two-thirds cost. She has to have a clean overall each week. We also often lend overalls for limited periods.

8380. She has to pay two-thirds of the cost of the material and make them herself after the first time?—Yes. Of course she could buy the material elsewhere.

8381. Your system is wonderful in its organisation, if I may say so, but you would not suggest that anyone starting in your business, if anyone could do so, could carry out that system? It would take them a long time to arrive at anything like this state of perfection, which is only possible because you have the command of large means that you can give these very great advantages to the workpeople?—Partly so, I think. Of course in a small manufactory you do not need such an elaborate system of organisation; there is no doubt you can deal much more individually with the employees. Here, where we are dealing with such a large number of people, we have to deal with them in the mass. You are speaking with regard to punishments, I take it?

8382. I was talking not only with regard to punishments, but with regard to the different advantages which you give by means of clubs and other things: those could not be given by anyone except large capitalists?—I think we are large because of our system of organisation and discipline, so that it is cause and effect; it is not only one way.

8383. Still, when Cadbury's was in a small way of business they had not such a good system, and they could not treat their workpeople quite in the luxurious way in which they are treated now: is not that so?—Probably so, but it has developed gradually. I quite agree that it has developed gradually, but I do not admit that it is because we are large that we have this system. I maintain that, equally, the system is the cause of our growth, because we are enabled to get more efficient workers.

8384. You really maintain that your system has not only been good for the workpeople, but through being good to the workpeople you have been recompensed?—Yes; I maintain the system is economically sound. It is not charitable; it is an economically sound system.

By Mr. Walsh.

8385. Sir Frederick has touched upon one point I thought of mentioning. Although you say that the discipline has improved greatly, and that there is a higher standard of efficiency, I notice that the proportion of discharges is as great as ever?—The proportion of discharges to workpeople has gone down very considerably.

8386. In 1899 there were only thirteen girls discharged out of a total of 229, which is about 6 per cent.?—The system was not properly working then.

8387. We will take it in a subsequent year. In 1900 you had twenty-one discharged out of 328?—Yes.

8388. That is a little less than 7 per cent. discharged?—Yes.

8389. You have thirteen discharged out of 145 in 1905, or very nearly 10 per cent.?—Quite so.

8390. So that really your proportion of discharges is as great as, if not greater than, even out of the total number recorded?—That is so, but not to the total number of workpeople. I think the test of the system is not the discharges to the total number of records, but the discharges to the total number of workpeople.

8391. Your total proportion of workpeople has not increased in the same ratio. Comparing 1905 with 1900, your proportion of workpeople has increased by about seven to six, whereas your proportion of discharges has increased by ten to seven?—The discharges in 1900 were 1 per cent. of the total number of workpeople; our discharges in 1905 were ½ per cent. I maintain the test of the system is not the proportion of discharges to offences but the proportion of discharges to the workpeople employed.

8392. I am inclined to agree with you. I was only endeavouring to find out as to how far you agreed with me that with an increased efficiency the number of cautions would be less?—Our standard of requirement is higher now, no doubt.

8393. And therefore, the discharges would really be the most flagrant cases ?—Yes.

8394. And they show an increased percentage because of that ?—Because our standard is higher. Probably those who were discharged last year in certain cases would not have been discharged in 1900.

8395. That is the point I wish to bring out, that the suspensions and the cautions really being a limited number of cases as compared with those under the old system, the number of discharges would show a higher proportion to the total number of punishments ?—Yes.

8396. You said that a higher class of worker came to you ?—Yes.

8397. Would you be also inclined to say that you develop a higher standard of efficiency among the workers who remain with you ?—Yes, because of the various factors we have in operation.

8398. You say in your *précis* that in case of accident an allowance is made equal to one-half of the wages previously earned, and that this allowance commences from the date of the accident in regard to men and boys ?—Yes, and girls: the amount in accordance with Act to all employees, and in addition to that, in the majority of cases the worker is paid sick pay as well in a case of accident.

8399. I am speaking of accidents;?—If a worker is absent through accident, not only does he get accident pay, but in the majority of cases he gets sick pay, which is a voluntary payment on our part.

8400. The allowance, therefore, is in addition to what he would receive under the Workmen's Compensation Act. He is entitled after a fortnight to half his wages ?—Yes; but we pay from date of accident, and in addition to that, the men's or women's committee considers the case, and generally an allowance of sick pay is made as well, that being voluntary on our part.

8401. Would that sick allowance really be a very similar amount to what he would receive as compensation under the Act ?—In many cases those earning small wages would practically receive full wages when absent through accident.

8402. In the case of these railway tickets which you obtain from the Midland Railway, does that arrangement apply practically to all your people ?—No; very few use railway tickets.

8403. In those cases where the tickets are obtained for them I suppose they are absolutely necessary to enable the workpeople to travel to and from their work ?—Yes. We made an arrangement with the Midland Railway, and I think it is 1s. 3d. a week into Birmingham, which is about four miles.

8404. There is no forcing a railway ticket upon any of the people ?—No, it is no advantage to us. We get nothing out of it.

By Mr. Maddison.

8405. With regard to dismissals, following upon what Mr. Walsh put to you, it does not appear, having regard to the proportion of dismissals to the total number of offences, that the improvement is due to the increased dismissals as suggested by Sir Frederick Cawley ?—No; we have not an increased number of discharges over what we had previously.

8406. Have you any statistics of the percentage of discharges under the old system ?—Yes; I have statistics of the percentage of discharges under the old system which I have got out for certain years. I have percentages for the years 1892, 1893, 1894, and 1895. In 1892 the percentage was 2½ per cent.; in 1893 it was 2½ per cent.; in 1894 it was 2 per cent.; and in 1895 it was 1½ per cent. The highest percentage in the figures you have under the present system is 1 per cent. There were more discharges under the fining system—there was double the percentage of discharges under that.

8407. With regard to suspensions, would you say that in any system where fines and deductions were abolished, suspensions could also be done away with with effect ?—That would mean an increase in the number of discharges. I have a plan; I would have suspensions and dismissals kept in a register for the inspection of the factory inspector, similar to the accident register, if fines were abolished. But this is merely my own personal conclusion on the alternative. Suppose fines and deductions were illegal I would still allow suspensions, I think, and, of course, dismissals, but I would have suspensions and dismissals kept in a register open to the inspection of the factory inspector, giving the cause. That is for the protection of the worker. Otherwise I think the system might be a little severe.

8408. Do I understand that you, as an employer, would allow the factory inspector, or the law, to interfere in the case of a discharge ?—Not necessarily interfere, but I would allow the factory inspector to inspect.

8409. Would you say the same with regard to suspensions ?—Yes; he should inspect the books, and if he thought any case of suspension or dismissal was unreasonable he would say so, and that would have a moral influence. I do not advocate any legal interference at the present moment.

8410. It has been stated to us that suspensions in certain places are of a very savage kind and are really worse than the fine system, and that men prefer fines because the suspensions are savage ?—I can quite understand that point of view.

8411. But you do not think that suspensions could be done away with in case fines and deductions were made illegal ?—I do not think so; I think that would drive employers into more discharges. That is merely theoretical on my part.

8412. Now with regard to deductions, I take it from you that there are no deductions made for bad work, spoilt material, or for anything which happens in the course of your business ?—It is piece work, and we only pay for good work. You understand what I mean ? I will take a case in point, in regard to covering chocolate creams. These are looked over and only the good work is paid for. The bad work is recorded, and would be sold as waste. The piece rates are based upon the output of good work. If they were paid for both good and bad work probably the piece rates would have to be altered, and in the long run the workers would not necessarily be any better off.

8413. You pay a worker for producing a certain article, and if he does not do it he has not executed his contract ?—That is so.

8414. Have you a printing place ?—A very small one. We do not do much printing.

8415. You do not print your own labels ?—No; we do not do much of that. We have a card box department.

8416. Take the case of a time worker in that department who spoils a certain number, so that they cannot be used ?—They are all piece workers there, practically. There would be no deduction, but they would be promptly recorded.

8417. You would not deduct anything for loss of material ?—No; we do not make any deductions of that kind.

8418. One word with regard to bad conduct. You gave us a general idea of what bad conduct meant. Under any circumstances would bad conduct include girls singing at their work ?—Yes, if it disturbed the room. They either sing together, which we allow in some rooms, or not at all. One looks upon the question as one of benefit to the whole room. We would not allow one girl to be a nuisance to the whole department.

8419. Take the question of girls talking: I suppose if many girls were talking, that would be regarded as a nuisance ?—We allow talking, but we do not allow loud talking to the disturbance of all, making a sort of pandemonium of the room. We expect them to behave as ladies.

8420. Casting your mind back to the beginning, when you were a small firm, could you with confidence say that you could have done without fines and deductions from the start, and that the fact that you can do so now is not dependent upon your great position ?—I do not think our economic position makes any difference with regard to the question of fines and deductions.

8421. You have told us what you do with regard to those who join your pension fund; suppose a man after he has been with you a little time, wants to leave the pension fund, could he do so ?—Yes. He gets his contribution back, with 2½ per cent. interest. He also gets it back if we dismiss him.

8422. He gets all his money back ?—Yes; on dismissal, or resignation, he gets his own money back with

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2½ per cent. interest, and our contribution goes to the benefit of the general fund.

By Mr. Yarrow.

8423. Do I understand that there is a book kept in which the various complaints against your people are entered, and then they are brought to you ?—Yes. They are kept on cards at the present time.

8424. When you abandoned the fines it appears to me that two things happened ; one was the abandonment of the fines and the other was bringing the person who did not behave well before you ?—Quite so.

8425. As there are two things which deter them from misconduct, I wonder what proportion is due to the abandonment of the fines and what proportion is due to being brought before you. I should have thought that being brought before you was a very serious thing, and that that in itself might have operated, quite independently of the doing away with the fines ?—Yes ; it was meant to be serious.

8426. I do not know whether it is quite right to put the credit to the abandonment of the fines. I should have thought the workpeople would consider that they were being properly treated and that it was a serious matter to be brought before you, and that that would have had the effect of lessening misconduct. I should not have thought that the abandonment of the fines should have all the credit. What do you think ?—There are many factors to take into account, I quite agree. But the broad line which I have tried to indicate is this : that one system did not eliminate the habitual offender, and the other one does.

8427. The two things happened at the same time. Of course suspension is a form of fine, is it not ?—It is, but it is not a deduction, because it is not as if we required a girl to be at business while she is suspended ; she is at her home and her time is entirely at her own disposal during her suspension.

8428. Are none of your people discharged without coming before you ?—No, we do not allow it. We undertake that. We think it is fairer.

8429. With regard to piece work, you pay only for the good work which is done ?—Yes.

8430. That is almost a form of fine, is it not ?—It depends. As I tried to point out, if we paid for all the work which was done, good and bad, the piece rate would be slightly lower. Suppose 1s. per gross, 144 lbs., be the piece rate for good work. If we paid for bad work also, and had, say, 10 per cent. of bad work (which we do not, but I give it for the sake of illustration) there would be between 120 and 130 lbs. good work, and in order to make it the same price to us we should have to make the rate perhaps 11½d. per gross all round.

By Mr. Walsh.

8431. I would like to ask this upon that point. In fixing the piece rates, the workmen and yourself are brought into contact ?—To some extent. We fix our piece rate on the average. To my mind the fair basis of the piece rate is to fix it on the standard wage, not on the fastest. We do not fix our piece rate on the output of the fastest, but of the average.

8432. You fix it upon the assumption that there will be a certain average amount of bad work ?—Yes, on the assumption that there will be a certain average amount of bad work.

8433. On the assumption that, their skill and efficiency being what it is, there will be that amount of bad work ?—Yes ; we keep a record of the bad work.

8434. Are your workpeople allowed a voice in the determination of the piece rate ?—No ; they are not allowed a voice in it. I do not quite know in what way we could do that. They are allowed to appeal from the rate, if that is what you mean. Suppose we fix a piece rate, and it is not thought to be a fair one, we have a suggestion scheme, and they can put their complaint into the suggestion box, and it will come up before the Works Committee the following week, and will be considered.

By Sir Frederick Cawley.

8435. I have not understood quite clearly about the piece-work rate. Take a concrete case. You fix the rate of a set of perhaps six people ?—As far as possible our rates are individual, but in some cases they are for gangs, and then they share it.

8436. We will say it is individual. The price is according to weight, so much a pound ?—Yes, so much a gross.

8437. So much for 144 lbs. ?—Yes.

8438. Suppose an individual does bad work and spoils say 10 per cent. of the stuff, what do you do ?—Suppose the individual makes 144 lbs. and spoils 10 per cent., he would be, roughly speaking, paid on 130 lbs. He is paid on the good work.

8439. You only pay on the good work ?—Yes.

8440. I understood you to say it was reckoned in the piece-work rate ?—Yes, it is in a way ; at the outset, in fixing the rate, it is reckoned in. In fixing the rate we based it on the output of good work, and not on the total output of work. Suppose there was an average of 10 per cent. waste in a certain article and the rate was on 144 lbs., the rate would be practically fixed upon 130 lbs. ; it is fixed on the good output.

By Mr. Maddison.

8441. That would be only fair to the good worker ?—It would give the good worker the advantage.

By Mr. Walsh.

8442. That standard of payment is really a benefit to the good worker ?—Yes.

By Mr. Maddison.

8443. If you paid for good and bad work the rate would be less ?—Yes. Under our system the bad worker suffers.

8444. And under the other system the good worker would suffer ?—Yes.

By Sir Frederick Cawley.

8445. I wish to be sure that I understand it. I have had some experience of piece-work, and I know it is difficult to understand. I take it the explanation is this, that you know a certain amount of bad work will be turned out ?—Yes. We know the output of good work, and we base our piece rate on the average output of good work. You understand we do not choose the fastest worker and base our piece rate upon that, but upon the average output of good work.

8446. I understand that so far, but if any hand is not an average good hand, and does bad work to a greater percentage than you have allowed for, they are really fined for not coming up to the standard ?—Undoubtedly they suffer in comparison with the good worker. I do not think it can be said that they are fined.

8447. They are not paid for the bad work they have done ?—That is so. It gives the good worker the benefit of his care and efficiency, really. I think it is a perfectly fair system.

8448. And it penalises the bad worker ?—Yes.

By Mr. Maddison.

8449. It does not penalise him, but he is not paid for that bad work ?—That is so.

By the Chairman.

8450. We propose to put the letter which you are going to send to us in an appendix to your evidence along with the tables in your *précis*. In that letter, will you kindly include those three things which have been referred to ?—Yes.

8451. You will give us any details with regard to pensions which you think would be to our advantage to know ? At present we are quite in the dark as to pensions ?—Yes.*

8452. In the second place, will you oblige the Committee by giving us the schedule of fines which were formerly imposed, the amounts, and the kind of things they were for ? That would make your evidence more luminous upon that point ?—Yes.

8453. Then for my own part it would be an obligement to me if you would consider whether you could not also give us the amount of the continuation class fees paid by your students, in the hope that when you see how small it is you may think it right to abolish those fees altogether ?—I will send you information with regard to the amount.

By Mr. Maddison.

8454. May I ask this one question, which appears to me to be rather important. How does this system which we have been talking about in reference to piece rates apply, if at all, to any time work which is done on task work, if you have any ? I mean a case where a man is paid so much, but is expected to do so much ?—We have not that system ; we have not the task work system.

* *See* Appendix IX.

THIRTY-THIRD DAY.

Wednesday, 27th February, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

Mr. JAMES WASLEY, called; and Examined.

Mr. J. Wasley.

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By the Chairman.

8455. You are, I understand, Deputy Chief Constable of Worcestershire ?—I am.

8456. And I understand that in that county there are two districts, viz.: (1) the manufacturing district, which is chiefly to be found in the central and northern parts of the county; and (2) the agricultural district, which is chiefly confined to the southern part of the county ?—That is so.

8457. And your evidence with reference to the Truck Act bears more especially upon the agricultural districts ?—Yes.

8458. I believe the chief constable recently called upon each superintendent in the county to furnish him with a few particulars bearing upon this Act ?—He did.

8459. And does the result enable you to testify that there have been no proceedings taken within the last ten years ?—None, with the exception of my own proceedings in the Worcester Division.

8460. Please give us details about your own proceedings. Am I right in saying that the first case is dated April 16th, 1901, when proceedings were taken against Mr. David Harvey Smith, farmer, Wichenford, who was fined 40s., and costs to the amount of 14s. 6d. ?—Yes.

8461. Kindly tell us what was his delinquency and how you proceeded against him ?—In that case David Holmes was proceeded against by his late master, Mr. Powell, for leaving his employment as a labourer without completing his work. The defendant was sued before the justices and in the course of examination it was elicited from him that he had obtained employment elsewhere and was receiving 2s. less than with Mr. Powell, viz., 11s. per week and two quarts of cider per day. That was in his verbal agreement. A hint was given to me that it seemed a case of which I should take notice. I obtained evidence as to the cider being supplied to him, and when the case came before the justices there was a conviction and a fine of £2 with costs.

8462. Under what section did you proceed ?—I have handed in a copy of the information.

8463. Was there no appeal ?—No, none.

8464. The next case appears to have been on July 9th, 1901, where Mrs. Elizabeth Jones, farmer, Grimley, was fined £5, and costs amounting to £2 18s. 7d.?—In that case William Cooper, a waggoner, had his attention drawn to an advertisement in the newspaper. He saw the defendant's son, David Jones, and agreed with him that although the advertisement had said 16s. per week he would take 14s. per week with three qu rts of cider a day. That was in the verbal contract. A time came when the employer did not supply the cider, whereupon the man left the employment and sued Mrs. Jones for the value of the cider that should have been supplied, as well as for a portion of his wages. When the facts came out in Court I took proceedings against Mrs. Jones under the Truck Act, and, as already stated, she was fined £5 and costs. In that instance they applied for a case to be stated for appeal, and the documents were prepared, but apparently the appeal was not proceeded with and the conviction stood.

8465. The next case appears to be on September 12th, 1905 ?—Yes, that is so.

8466. What was its result ?—A farmer named Robert Jackson was fined 20s. and costs.

8467. What were the circumstances ?—In that case a labourer agreed with Mr. Jackson to cut 2½ acres of wheat at 15s. per acre and five quarts of cider for each man. A dispute arose as to the supply of the cider and eventually the case came into court. That is how I obtained information of the circumstances.

8468. The cutting of an acre might be done by the labourer with assistance ?—Yes, he had assistance.

8469. That would probably account for the five quarts ?—It was five quarts for each man for the job, and there were two or three men.

8470. Five quarts per day ?—Yes.

8471. A conviction was obtained ?—Yes.

8472. These cases seem to be very plain and, if I may say so, rather gross, but they are very few in number. Can you explain that ?—I know of no other division where any prosecutions have taken place. It is very difficult to get the necessary information, unless cases come into court, and evidence has been given which discloses the facts. There are undoubtedly many similar contracts between employers and employed about which we know nothing. There is an understanding when a certain amount of drink is to be supplied.

8473. Is the average wage of a labourer in that part of Worcestershire from 12s. to 15s. per week ?—That is so.

8474. Is a cottage provided for the labourer ?—In many cases a cottage is provided, and I don't think many men get more than 15s. per week. It must be a good man who can get 15s. a week and also a cottage.

8475. But in addition you say that a practice prevails amongst the farmers of giving cider and beer ?—There is no doubt about that.

8476. Is that given during busy seasons ?—Yes, very commonly. There is an understanding between the farmers and the labourers that the latter can have some drink, and if not a specified quantity the workman gets it when he wants it.

8477. Supposing the supply of cider were knocked off, would the labourer in your opinion have a just cause for considering that his bargain was broken ?—I really think, conscientiously speaking, that if all supply of drink was taken away from the labourer, farmers would often have great difficulty in finding sufficient labour. Good men get into the towns as soon as they can, because they have there a better chance of finding employment for their children or giving them a better education or earning more money. It is, in many cases, the drop of drink they get in the country that keeps labourers with the farmer.

8478. Do you know any cases where there is system of what I may call abstinence from giving cider ?—Yes, there are some cases in which the farmers give no cider at all.

8479. How do the wages stand in those cases ?—I don t think the labourers get more than 2s. 6d. per day in any case.

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8480. Cider or no cider ?—Yes. Where a labourer is a good man, the farmer is generally willing to give him a drop of cider, in fact, one of my constables told me a few days ago that he knew of two places where the men had a key and went to fetch the cider as they wanted it.

8481. You have quoted one case where a man sued not only for his balance of wages, but also for his balance of cider, so to speak ?—Yes.

8482. Did he get any decree or judgment in consideration of the cider ?—I do not think so.

8483. Can you tell us the date of these legal proceedings? —William Cooper summoned Elizabeth Jones under the Employers and Workmen's Act for wages. I think the amount was, in the end, considered as wages, although 6s. 8d. was mentioned for cider. That case was heard on June 11th, 1901.

8484. I rather think you were wrong about the appeal. That case seems to have been appealed ?—There was notice of appeal, but I was unable to trace that it was proceeded with.

8485. We have information here of a case "Jones *v.* Wasley," reported in March, 1902, where a workman was engaged under an agreement in writing at a fixed rate of wages, but a verbal agreement was entered into at the same time under which the justices found that the workman was to be supplied with a certain quantity of cider in part payment of wages. I believe that is the very case to which you refer. It was held that the justices were entitled to receive evidence of the verbal agreement and to find that an offence had been committed ?—Yes.

8486. So that in all these cases when cider has been given it has been given not under a written agreement, or as food, or anything of that kind, but by a private verbal arrangement between the parties ?—Yes. In the case of Jones there was said to be some agreement, but it could not be found although they were called upon to produce it.

8487. Is it your opinion that the giving of cider is still a prevailing practice ?—No doubt it is commonly done, but I don't think so much cider is given as was the case some years ago.

8488. How much cider would an ordinary Worcestershire labourer get ? Would it be a couple of quarts ?—Yes, that would be about the allowance.

8489. What is the value of that, supposing he had to pay for it ?—About 4d.—not more.

8490. About 2d. per quart ?—Yes, you can buy it at 6d. or 8d. per gallon.

8491. Suppose it is 2d. per quart, and two quarts are given on six days, that would mean 2s. ?—Yes.

8492. Do you know any cases where there is no cider given but a little extra in wages instead of it ?—I cannot say that I do.

8493. I believe that in 1892 a notice was issued by your county authorities calling the attention of farmers and agriculturists to the provisions of the Truck Act ?—Yes.

8494. Do you think these provisions are understood throughout the county ?—Yes, I think they generally are.

8495. Nevertheless, you think that there are contraventions going on ?—No doubt, indirectly.

8496. I understand that in 1893 the clerk of your County Council (Mr. Thornley), conducted a prosecution for the county against John Henry Crane for an infringement of the Truck Act ?—Yes.

8497. That was a case tried under the name of Long *v.* Crane in the Queen's Bench Division on June 9th, 1893, and numbered I. in the list of decisions upon the separate paper prepared for the use of this Committee ?—Yes.

8498. In that case the decision was that the cider was a free gift, and so there was no offence ?—Yes.

8499. Is that exactly where your difficulty comes in, that, according to the habits of the people, it seems that they prefer a small wage plus cider ?—Yes.

8500. Cider being the inducement in many cases that leads them to remain in the country ?—Yes.

8501. If the workers did not get the cider they would get only the same small wages, therefore the transaction is considered as a gift of cider instead of as a contract for cider ?—Yes; they will usually go where they can get the cider, if possible. I heard the other day of a farmer employing many labourers who said, "If I pay a man 2s. 6d. a day without cider and another farmer offers him 2s. 3d. with two quarts of cider, he will go where he can get the cider."

8502. Does that habit, do you think, conduce to better labour or to worse labour ?—I really think that a good man does more work if he gets a little cider, especially at harvest and hay making times. There are, however, some men who will go simply for the drink they can get; that is all they care for; but I think a good honest labourer does benefit from a small allowance of cider.

8503. How are they fed ?—They generally keep themselves.

8504. Is there no allowance of oatmeal, such as we have heard of in some other parts of the country ?—Yes, I know of one case, and have heard of other farmers giving oatmeal, and no intoxicants. They get whatever oatmeal water they like to drink.

8505. Is that done in your part of the country ?—Yes.

8506. There is no cider given in such cases ?—There are no intoxicants on the farm.

8507. How are the labourers paid in that case ?—Not more than 15s. per week.

8508. Is there a bargain made for the oatmeal in such cases ?—No, I think not. The farmer simply provides it.

8509. You are speaking of the meal and water potation used on harvest days ?—Yes, that is so.

8510. Suppose a labourer drinks a quart of cider and goes on with his work, is he in any degree under the influence of intoxicants ?—Some cider is very strong, indeed; but the men do not often drink a whole quart at a time whilst at work. I have seen them scores of times drink a comparatively little at a time from a horn and return to it from time to time whilst at work.

8511. Do you see any way of abolishing that system; but first let me ask whether you think it would be a proper thing to have the system done away with ?—I think that, if it were abolished, the farmers might have difficulty in getting their harvest work and hay making and such work done. I do not say that intoxicating liquor does the workers the slightest good, the quality in many cases being poor; but many men think it does; and some difficulty would probably arise if it was not given.

8512. About what age are the young people put to agricultural work—say in the harvest field ?—I do not think the farmers would usually engage boys under fifteen or sixteen years old.

8513. And girls ?—Very few girls.

8514. Are the boys also given cider ?—Yes; in the case of Smith, the evidence showed that the boy had cider.

8515. Was that a case where two quarts a day were given ?—Yes—the case of Mrs. Jones. See the evidence of John Cooper, son of Mr. Cooper. He said, "I used to have a quart of cider."

8516. One quart ?—Yes.

By Mrs. Tennant.

8517. Do you think if the wages were higher in proportion to the extent of the value of the cider, that the farmers would then have difficulty in getting labour ?—If that could be carried out generally it would probably suffice; but at present it is an open question; some men get cider and some do not.

8518. I understand that those who do not don't give the equivalent in money, so that if one farmer gives 13s. per week with cider and another offers 13s. per week without cider, the labourer naturally prefers the former ?—Some farmers might give a trifle more in wages if cider had not to be taken into consideration.

8519. You spoke of a farmer who paid 2s. 6d. per day without cider and contrasted his chances of getting

labour with that of a farmer who gave 2s. 3d. per day and two quarts of cider. The latter farmer is giving the equivalent of 2s. 7d. per day, or 1d. per day more than the other man, so that naturally his chances among men who like cider would be better than those of the other man ?—Yes.

8520. If he offered 2s. 7d. per day in cash, do you think his chances would still be less good than those of the man who gave 2s. 3d. in money and also cider ?—Yes, in most instances.

8521. That is contrary to the experience of those who engage domestic servants, as most men and women servants prefer beer money to beer ?—If the practice could be made general, perhaps it would work out all right, but at present most labourers seem to prefer to go where they can get the drink.

8522. Do you think that if there was a general rule, it could be made to work ?—Yes.

8523. There would be no reason, if a labourer received the money value of the drink, why he should not buy his own cider ?—No ; in many case they do so. The farmer sometimes sells cider to his labourers, when it is not given to them ; but in every such case I think it should be immediately removed from the farmer's premises. I think that in some cases the farmers sell more than 4½ gallons.

8524. In the case you quoted in which 5 quarts was the cider allowance, were the 5 quarts consumed by men during their work or did they take it home ?—I could not say. A man might take some of it home.

By Sir Frederick Cawley.

8525. Is it a practice to take the cider home ?—I don't know of cases. If the purchasers were required at once to remove whatever cider they bought, they would not have the opportunity to drink so much.

8526. No smaller quantity than 4½ gallons can be sold ?—That is so.

8527. If the farmer sells smaller quantities he is infringing the law ?—Yes ; we should proceed against him.

8528. He does so sometimes, I presume, without being found out ?—I think it is done more with the 4½ gallons. It is stored upon the premises and they fetch it from the premises.

8529. The 2 or 3 quarts a day that a man would drink in the ordinary way when working would not have any effect in the way of intoxicating him ?—I do not think it would. I do not think that in the case of a man working all day, 2 quarts would make him intoxicated ; in fact we have a decrease in drunkenness.

8530. A man goes to a farmer and the farmer tells him he is going to give him so much wages, and the labourer knows that would include so much cider. I suppose in nine cases out of ten the wage offered includes a certain amount of cider ?—Indirectly it does, in many instances.

8531. I do not mean indirectly, but when a man is being engaged, in nine cases out of ten the offer of so much wages really means so much cider as well, and the labourer perhaps says, "How much cider will you give me ?"—It is an understood thing, there is no doubt.

8532. Unless it is specified that no cider is included, the wage includes cider ?—That is so.

8533. With all the farmers ?—There is no doubt of it.

8534. And that extends into Herefordshire as well ?—Undoubtedly.

8535. I wanted to ask you a question with regard to wages : the average wage is about 12s. a week ?—About 12s. or 13s., I think 13s. would be nearer than anything else.

8536. Which includes 2 or 3 quarts of cider per day ?—Yes, in some cases ; I do not say they get it in all cases.

8537. Take a man earning as low wages as 12s. to 13s. a week : would not that wage in the great majority of cases include so much cider ?—It would be an understood thing that he would have some drink ; there is no doubt about that.

8538. Does that include a cottage ?—The 13s. a week may include a cottage. The cottage would be worth about 1s. or 1s. 6d. per week.

8539. Supposing it included a cottage, I presume that if the man loses the situation he immediately loses his cottage ?—That is so ; he has to turn out of his cottage.

8540. Immediately ?—As soon as possible. It just depends upon his agreement. I have known lots of cases in which they could not get them out, and have had to get an ejectment order. They can stop twenty-one days afterwards if they like to put the farmer to inconvenience, if there is any friction between them.

8541. Do you think that system of letting cottages to labourers is a good one ?—Well, it is frequently done. I could not tell you whether it is a good system or not.

8542. Would the labourer be better off if he had 1s. 6d. or 2s. a week more without his cottage, and was able to work for whom he liked ?—I think so. Strictly speaking, I think a labourer would be better off if he was paid a certain wage for everything and allowed to spend his own money. That is what I candidly believe in myself, although I am sorry to say it does not exist.

8543. I want to get at exactly what you think the wages of an ordinary Worcestershire labourer are. Suppose you reckon that the cottage is worth 1s. 9d. a week and the cider is worth 2d. per quart : he has two quarts, which is 4d. a day, making 2s. a week, making 3s. 9d. in all ?—Yes.

8544. What would you reckon the usual wage of a Worcestershire labourer to be ?—If he got those allowances I do not think he would get more than 12s.

8545. Then he gets 15s. 9d. ?—With the allowances, yes. Of course in many cases the cottage would not be worth 1s. 6d. a week, perhaps. They are poor cottages, some of them. 1s. 6d. is very low I admit.

8546. That is only £3 18s. a year ?—Well, 1s. 6d., I think, would be a fair average.

8547. That is about it, is it not ?—Yes, that is about it. Of course a waggoner or cowman would get more money than an ordinary labourer.

8548. You are speaking of the ordinary labourer who works on a farm, and not a waggoner or cowman ?—Yes.

By Mr. Maddison.

8549. I suppose he would get a little extra for harvest ?—Yes.

8550. I gather from your evidence that you do not know of cases where the wages are higher in consequence of giving the men no cider or beer : I suppose it is chiefly cider, is it not ?—Yes ; it is chiefly cider and they can make it very cheaply. That is why it is given, no doubt.

8551. You do not know of any cases where higher wages are paid where no cider is given ?—I cannot say that I do. I know of one case, but it is only a very small farm, where oatmeal has been given and no cider. I believe the farmer pays them 2s. 6d. a day in that case.

8552. They will not have a cottage in that case, I suppose ?—No, I think not. There would be no cottage included in that.

8553. With your knowledge of farmers would you say they reckon the wages to cover the cost of cider ?—There is no doubt it is an understood thing between them.

8554. Mrs. Tennant asked you whether it was at all the practice to take cider home ?—Yes ; there is no doubt they do take it home, but I do not know of any case.

8555. Of course many of these men would be married ?—Yes.

8556. Obviously if they do not take it home specially, the 2s. a week represented by cider is consumed by the men themselves ?—Yes.

8557. Would you say that that 2s. could be used much better in the home ?—Undoubtedly. If he could be paid his wages in full and allowed to spend his own money, that would be better.

8558. And you do not regard the present system as paying the men in full ?—It is not paying them in full because there is no doubt it is an understood thing that they go for a certain wage and are to have drink. That is the understanding between them.

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8559. And having regard to the poorness of the wages, if the money which the cider cost was given to the men, the wives could use it to better advantage ?—There is no doubt about that, if it could be made a general thing.

By Sir F. Cawley.

8560. The men work till six o'clock on Saturdays ? They do not have any half-holiday in the week ?—The labourers do not.

8561. They work just the same on Saturday as on other days ?—Yes ; I know of no case where they leave off earlier in the labouring class.

By the Chairman.

8562. What are their hours ?—I think now they are from 7 to 6. When March commences I think they are from 6 to 6.

8563. What meal-hours have they ?—They have half an hour for breakfast and an hour for dinner. In some very rare cases they may have an hour for breakfast. I do not know whether they allow them any short time in the afternoon about half-past four. I know in hay season and harvest time, they do have a short time then.

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By the Chairman.

8564. You are a farmer and you live at the Snead, Pensax, Worcestershire ?—Yes.

8565. You have been engaged in agriculture in Worcestershire and elsewhere for upwards of thirty years ?—I have.

8566. I see your *précis* is dated from the Worcestershire Farmers' Association ?—Yes.

8567. Will you explain to me what that organisation is ?—It is an association which was formed some five or six years ago for the purpose of dealing with this very question. There was a very large meeting at Worcester to protest against the decision arrived at by certain magistrates in the county. The association was found to do good and it now comprises several hundred farmers in the county.

8568. You say it was formed for the purpose of dealing with a particular question ; what particular question do you allude to ?—There had been a prosecution in the county in which a farmer had been summoned for a breach of the Truck Act, which was felt to be such a hardship that this organisation was formed to protest against it.

8569. To protest against the decision ?—Yes.

8570. Then you say that ever since the passing of the Truck Amendment Act 1887 there has been considerable doubt as to the meaning of the provision of Section 4 ?—Yes.

8571. Now I call your attention to Section 4 : "That nothing in the Truck Act or this Act shall render illegal a contract with a servant in husbandry for giving him food, drink not being intoxicating, a cottage, or other allowance or privileges in addition to money wages as a remuneration for his services." That is the section to which you refer ?—Yes. May I inform you how the matter worked ?

8572. Yes ; we should be every glad to hear it ?—Previously to the passing of the Truck Amendment Act it was usual for farmers in making a contract to agree to give so much wages and so many quarts of cider per day. Although the farmers resented the passing of the Act they are now all in favour of it, although the Truck Amendment Act made it illegal to make a contract of that kind. We say now that we claim the right, having undertaken to give 15s. or 16s. per week to a man, to make a free gift of cider to him if we think fit. This case rather arose by a large landowner having converted all his apple trees into potting fruit. He had some difficulty with his men. He got the police to issue a summons, and got a conviction. We ask that it shall not be made illegal for a free gift of cider to be made.

8573. Let us see that we understand each other. In the first place, in the legal proceedings to which you have referred, cider has been taken as being under the category of an intoxicating drink ?—Yes.

8574. I suppose there is no doubt that in practice you did give this intoxicating drink to your labourers ?—Up to the passing of the Act. He demanded it by right of his agreement.

8575. Since the passing of the Act, what difference has been made ?—We now give them it or stop it just as we like.

8576. Did the passing of the Act make any alteration in the wages of the labourers ?—Undoubtedly.

8577. In what way ?—There is a higher level of wages. I would not say that took place immediately, but wages have gradually increased ever since.

8578. I must put it quite frankly to you. What you were in the habit of regularly giving to the labourer cost so much ?—Yes.

8579. When you were prevented by law from giving that did you increase the wages ?—The wages increased, not perhaps just immediately, but they certainly increased.

8580. Can you give us the figures ?—They have increased about 2s. per week.

8581. The wages increased ; roughly speaking, do you attribute that to the fact that there is now no contract to give cider ?—Yes, undoubtedly.

8582. What we are anxious to know is what the system is now ; do you still give them cider ?—We give them cider occasionally. We do not give it to them regularly. In the winter months we hardly ever give cider.

8583. What is the practice in the summer months ?—In the summer months we give it to them whenever we are hauling—whenever we are doing extra work we give cider.

8584. What is the allowance you give per day ?—We make no regular allowance. We much prefer to be able to make a gift of cider than that they should have to go to the publichouse to obtain drink.

8585. Evidence has been given before us—we will take the hot weather so as to be on common ground—that the labourer gets 2 quarts a day ?—We never give any regular quantity.

8586. Can you give the Committee any idea of what the actual quantity is on an average, taking a full-grown labourer engaged on a hot day on a full day's work ?—If he were working a long day he would get perhaps from 2 to 3 quarts.

8587. Does he expect that ?—I should think he did. In a district where cider is given he knows perfectly well that he must have it as a gift or else he must provide some himself.

8588. He knows his wages ?—Yes.

8589. And he knows that he will not have to buy his cider out of his wages because according to the custom of the country he will get it given to him ?—Yes.

8590. So that although you have not any express bargain there is an understanding which you both act up to ?—Yes, I think that is so. It is a custom that is understood.

8591. Suppose a farmer was suddenly to announce to his labourers "No cider," what would happen ?—I think things would go on because we frequently do say so when we have had a short year of apples—this last summer, for instance.

8592. Take the case I am putting to you where a man has been working a long hot day and gets, according to your evidence, from 2 to 3 quarts ; suppose men in that position engaged in that occupation suddenly had the announcement made to them "No cider ?"—I do not think there would be any difficulty.

8593. You think they would just accept that ?—Yes.

8594. I may tell you we have great difficulty in taking that from you. It appears to us that you might address yourself to the question whether there would not be great dissatisfaction ?—They might grumble, but they would

not get any more money. I think it would pass away with grumbling. I think grumbling would be all.

8595. May we take it from you as your evidence that you get labour as easily without cider as with it?—Certainly. I have had the management of labour where we have given none and I have never had a difficulty.

8596. If the law stepped in to prohibit this kind of transaction or understanding being acted up to you think that no harm would result?—I think not.

8597. Are you in favour of its being prohibited?—Certainly not, not as a gift. I am not in favour of any contract being made by which the men can legally demand anything, but while I may give a passer-by a cup of cider I am strongly against being prevented from giving my own workmen one.

8598. I want to get your reasons. Do you think it produces better work to give them cider?—I think my chief reason would be this, that you have control. The men will have some refreshment, and if you do not give it to them they will simply go to the public-houses and get it.

8599. Take the case of a man expecting his cider, accustomed to get it, doing work in circumstances where he was wont to get it, and you refused it, the result would be he would have to buy it at his own expense?—He would have to buy it at his own expense, certainly.

8600. That would be a reduction of his wages?—He would reduce them.

8601. Do you tell us that that would be accepted with satisfaction by the workmen, that they had to pay out of their wages for supplying themselves with what they expected to get free according to the custom of the country?—I do not quite follow you. I frequently stop it myself if I am not satisfied with their work.

8602. What we are striving to get at is your view as to stopping it. If he goes with his own money and buys it he is entirely at his own liberty?—Yes; and if he wants more than you like to give him he has liberty.

8603. Yes, but if there is a general understanding such as you refer to then of course that general understanding is substantially to all intents and purposes an addition to his wages?—I cannot quite accept it as that, because when I engage to give a man 15s. a week and no mention is made of any cider being given to him, and he cannot demand it as a right, I do not see that because I choose to give him a little as an incentive to work hard, or do his work well he can claim extra wages in lieu of the cider if I do not give it.

8604. Apart from anything being said you admit there is an understanding and a custom; you have admitted that?—Yes.

8605. And you act upon that fair understanding and he acts upon it. Now if that understanding is broken I gather from you that he gets the cider, which he understood he was to get from you, at his own expense elsewhere?—Yes; he would be sure to provide himself with some.

8606. Then he does that at his own cost?—He does that at his own cost.

8607. The result is that when the understanding is broken (you may call it a free gift; I quite understand your position) and your free gift ceases, the man's wages are reduced by his having to disburse sums for the purchase of cider?—They are not reduced by his employer.

8608. There is less going into his home?—Yes, that would follow.

8609. That is on the one hand. On the other hand, do I gather from you that you do not think that the cessation of the practice of giving cider would affect the supply of labour?—I do not think so myself.

8610. If he had to supply cider at his own cost, there is of course the probability that he might not spend so much in drink?—In some cases in our own district there are gentlemen who do not give any cider, but sell it to their men. We find that very objectionable.

8611. Will you explain that?—You can only sell it in quantities of 4½ gallons to him, and when he gets the 4½ gallons you have no control of it. I have known cases where they have simply sat down and drunk the whole lot. On the other hand, when we give cider we have absolute control over it.

8612. I see that. I believe that in some instances the magistrates have not convicted the farmer when they were satisfied that the cider was produced on his own farm and was not a condition of the contract of service affecting the employee's wages?—That is so.

8613. Then you say on the other hand when any dispute has arisen, labourers have sometimes persuaded the magistrates that they were entitled to a certain quantity of cider as part of their wages?—Yes.

8614. That is your way of putting the fact that the magistrates have so found, I suppose?—There have been a few isolated cases where a man, in order to spite his master after being discharged, has gone and sworn to the police that it was part and parcel of the wage, for the sole purpose of getting his master convicted.

8615. And the magistrates, after hearing the evidence on both sides, have convicted?—Yes.

8616. The evidence of the men was that in all the circumstances they considered that it was part of their wages?—They have sworn so.

8617. And the evidence has been found by the magistrate to be such that he could proceed upon it?—Yes. I have no doubt there are some isolated cases, and we have no objection whatever to prosecution taking place where that is so.

8618. Such cases as what?—As making a bargain with a man. We want to do away with that practice, which we strongly object to.

8619. I should like to be clear about this. You think it is wrong to have a bargain about it?—We are against the whole idea of there being any competition. I have known cases, and could give you one in point, where farmers have been scarce of hands for mowing, say; one farmer had been giving a gallon of cider, as he could legally do before the Act was passed, and 5s. per acre. The next farmer, in order to get the men, would give perhaps two gallons of cider, and I have known cases where three gallons have been given on purpose to get the men. We say that is wrong. We very much disapprove of it. We much prefer to have a money bargain and undertake to give so much for the job, and then if we choose to give cider afterwards we want the right to give it.

8620. You put me in a difficulty, because I gather that you are very strongly against a bargain which should include cider?—Yes.

8621. But you do not seem to be at all against an understanding by which both parties know that cider is going to be obtained?—In a cider district they know that some cider will be given; we cannot get over that fact.

8622. You are further of opinion that if the custom were prohibited a farmer who has less expenditure on his farm would not give his labourer any more wages?—Certainly not, because we have several cases where farmers do not give cider now, and the wages are the same.

8623. Do they get labourers?—Yes, they get labourers.

8624. With as much ease as where cider is given?—They say so.

8625. Have you any reason to doubt that?—I have not. I think a very strong thing to show there is no disability with regard to men is the way the workmen's wives themselves treat the matter; they are all in favour of their men having cider. I think that is a very strong argument. They much prefer that they should have cider than that they should have to go to the public house.

8626. You think their habits are such that they would be driven to the public houses? That is quite a fair thing to put to us?—Undoubtedly. I live just near a large estate on which there is a public house. The men on going home from their haymaking invariably all go into that public house. Our own men stop away. You can understand that in the case of agricultural labourers getting about 15s. a week it is a very serious thing for them to go into a public house six or seven nights a week.

8627. You think it keeps them out of the public house if they are well filled up on the farm?—If you like to

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put it that way. During a period of some years not a single case of drunkenness was brought against any *bona fide* agricultural labourer in my own petty sessional di ision.

8628. I see you make some rather important suggestions. Under Section 9 of the Truck Act, 1896, there is power given to the Secretary of State to exempt from the provisions of the Act ?—Yes.

8629. I understand you have certain suggestions to offer to the Committee. Will you please gi.. them in your own words ?—The gift of cider and perry by farmers to their workmen is a very harmless custom, and it is very desirable that the custom should be exempted altogether from the operation of the Truck Acts, either under the provision of Sec. 9 of the Amendment Act of 1896, or by Parliament, for the reason, in the first place, that the cider is produced on the farm and is made by the farmer and may be regarded in the same light as food and drink mentioned in Sec. 4.

8630. With regard to that I find that Sec. 4 of the Act of 1887 deals with the case of a servant in husbandry, but especially provides that the drink is not to be an intoxicating drink ?—Yes.

8631. Of course you know this drink is intoxicating ?—Yes.

8632. But notwithstanding that, you think that it should be made an exception to the Act ?—Yes, that is what we think.

8633. What is your reason for that ?—For the general convenience of farmers and labourers.

8634. Then you say that it is a custom which has never been abused and which has always tended to cement the relationship between farmers and their labourers ?—I think I should like to put a point in regard to that. I do not see how it is possible to stop a man from making free gifts, but suppose it was possible to pass a law that one could not give the labourers cider, it would work very hard on the small employer of labour, because he may have some difficulty in getting his labour. A large farmer, who employs twenty or thirty men, in all probability sells cider to his men, but with the small employer of labour it would be very difficult.

8635. Unless he provides what some people would call an attraction and other people would call a temptation ?—Yes. On that point there is another thing which I should like to mention. In all cider districts there is a large quantity of cider produced which has no commercial value, cider that one could not put upon the market for sale. What is being done now by the majority of farmers is this : they sell all their best cider, and this cider which they give to the labourers is a good healthy drink, and enjoyed by cider drinkers, but it is one which the outside public would not touch. In the case of a large employer of labour in my district he was at one time against the giving of cider, and he had to put several hundred gallons of this cider down his drains, while the men were going into public houses to buy beer. He was so struck with this fact, and with the waste, that he altered his views and has given cider since.

8636. Then you say that labourers have been known to refuse to work for an employer who has felt himself obliged to refuse to give cider lest he should be prosecuted by the police. It is a substantial part of the inducement, in addition to wages ?—Yes. The wage for carters is 15s. a week. I think a man would prefer to go to the farmer who would give him a drop of cider.

8637. By a drop you mean on the average a couple of quarts or so ?—Yes.

8638. Can you tell me the cost of that cider to the farmer ?—Of course it would depend altogether upon the season. I buy fruit myself, and I have bought it as low as 1s. a bag. For 6s. you can make 100 gallons of cider. It would cost you about 2s. to make. Roughly speaking, in a plentiful year it would be a 1d. a gallon. Of course in a year like the present, when apples are scarce, it would be four or five times as much.

8639. Would the average be something like 2d. a gallon ? —In a plentiful year it would not cost a farmer more than a penny a gallon to make. Six bags of fruit will make 100 gallons of cider, and I have bought them lots of times at 1s. a bag.

8640. It has been represented to us that the worth of the cider is about 2d. a quart ?—Oh no, that is nonsense. Good cider would make to-day wholesale about 6d. a gallon, but the cider which is given to the labourers has no commercial value. I have known many occasions upon which at sales it has not fetched a farthing ; there has been no bid for it.

8641. What would the labourers pay for it if they went to a public house to get it ?—They would pay about 2d. a quart in a public house.

8642. So that to them it has that value ?—Yes.

By Mrs. Tennant.

8643. I gather that the cider which is given to the men has no commercial value to the farmer ?—It might have sometimes. I would not say that all of it would have no commercial value, but the most of it has not. The farmers sell the marketable cider as a rule.

8644. But it has this value to a farmer in his dealings with his men, that it is an attraction ?—Undoubtedly.

8645. Do you think it would cross the labourer's mind if the cider were withdrawn, that he would like a rise in wages to compensate him for that withdrawal ?—Certainly not ; I do not see how he could possibly claim it.

8646. You do not think it would cross his mind ?—I do not think so at all.

8647. Though he would have to face an expenditure from his wages, as the chairman has drawn from you ?—Yes.

8648. Formerly, before the passing of the Act of 1887, was cider given the whole year through ?—The agreement of so much per week was always made with the men, so much in wages and so much cider per day, and then he demanded it as his actual right.

8649. Did he exercise his right in the winter as well as in the summer ?—Oh yes.

8650. And now that you reckon it to be a free gift it is only given in the summer ?—Chiefly in the summer. If my carter wanted a jug of cider he would go to the house and get one, but he very seldom goes in winter time. We should not give him any in a bottle, but he could have a cupful at the house if he wanted it.

8651. Is there any agreement among the members of your association that there shall be no reference to cider when you are hiring a labourer ?—We should be very much afraid of making a bargain to give them cider. We have been asked a great many times by men to give them cider at task work and we have told them that we could never make any bargain, and that if they had any it would be a gift. We never make any bargain with them that they shall have any quantity.

8652. I understand there have been cases in which convictions have been obtained ?—Yes.

8653. And where the labourer has said there has been such a reference ?—Yes, and I have very little doubt there have been cases where the employer has made a bargain. Then he is liable, and it is a very dangerous thing to do.

8654. In those cases has the farmer not been a member of your association ?—No ; I do not think we have had any prosecution. The last we had we made an appeal and the late Secretary of State ruled that we could make a gift of cider under this Act.

8655. You appealed to the Secretary of State ?—Yes. The Chairman of the Worcestershire County Council was asked to obtain the information, and the Secretary of State ruled that we could make a gift of cider, and since then we have had no prosecutions.

8656. Can you give me the date of that ruling ?—I could not give it to you now, but I could let you have it. I think, roughly, it would be about three years ago.

8657. There was one prosecution as late as September, 1905 ?—Was that Mrs. Jones ?

8658. No, later than Mrs. Jones ; that was in 1901. In 1905 it was Mr. Robert Jackson ?—Yes, I remember the case.

8659. That conviction must have been obtained since this ruling to which you refer ?—Yes, that must have been so ; but I did not think there had been one. But I

remember this Jackson case. It was a clear case of making a bargain, which we say is wrong. But the case to which I referred, which we felt was a great grievance, was the case of Mrs. Jones. It was that case upon which the Secretary of State ruled. I believe it was the Home Secretary.

8660. Perhaps you will send the Committee the correspondence which passed between you and the Secretary of State ?—Certainly I will.

8661. You say there were some cases in which a farmer was prosecuted, and the magistrates have not convicted; have you any details of those cases ?—No, I have no details of them.

8662. Could you obtain them, and supply them ?—Yes.

By Sir Frederick Cawley.

8663. Was your federation got up entirely to meet this difficulty in regard to the cider question ?—It was formed after the prosecution of Mrs. Jones, which was felt to be such a hard case that a large meeting of farmers was held in Worcestershire, and they formed themselves there and then into an organisation, not merely in regard to the cider question, because we deal also with cakes and manures, and things of that kind.

8664. I suppose in every village there are men who would not work unless cider were given ?—There used to be. I do not think that is the case now. For a few years after the passing of this Act there was undoubtedly difficulty; men would come in the busy time and say they must have cider, but I do not think that is at all the case now.

8665. You would not agree that when a man is engaged, and no mention is made of cider at all, it is really understood that he shall have some cider ?—Well, he would know that he would have some in the cider districts; that would be accepted.

8666. And if you did not mean to give the cider it would be more or less taking him under false pretences to say afterwards that you objected to giving cider and did not give cider ?—There are cases in the cider districts where men do not give cider, and labourers who went to work for them would know perfectly well they would not have it. It is well known in the district who gives cider and who does not.

8667. The men who do not give cider are the exceptions, and they are well known, and need not mention it, but I suppose they would mention that they did not give cider ?—Well, we do not get it asked for now.

8668. Do you think that if an ordinary labourer engaged with an ordinary farmer found out after he had gone to work that he did not have any cider given to him, that he would consider it was a grievance if nothing had been mentioned ?—He might grumble, but he would not leave his work.

8669. As a matter of fact, when an ordinary farmer engages an ordinary labourer, whether anything is mentioned or not, it is distinctly understood that cider will be given ?—Yes; he would know the custom of the country.

8670. And really, although it is not mentioned, and the farmers are careful not to mention it, as being part of the wages, it is really part of the contract ?—Well, he knows that cider is given, yes.

8671. You think it would not interfere with the rate of wages if a man did not give cider ?—Undoubtedly not; it does not in actual practice.

8672. Do you say that when a man is publicly known not to give cider at all he can get men as good and for the same wage as a man who does give cider ?—Yes, I think so. If labour was not plentiful I would not like to say that he would, but when labour is plentiful they are forced by force of circumstances.

8673. When there are more men than there is work a man is obliged to go whether he can get cider or not ?—Yes.

8674. But if labour is not very plentiful the man that gives cider gets the labourers and the man that does not give cider does not, unless he pays a little more wages ?—I think we have pretty well an accepted rate of wages and I do not think there is any difference.

8675. I want to get this perfectly clear. If labour was a little scarce do you mean to say that a man who does not give cider could get labourers without giving any more wages ?—The one who gave cider would naturally get the men.

8676. And the other man would have to go without unless he gave more wages ?—Yes, but I do not think they would give more wages. I do not think they take that into consideration.

8677. You admit that wages are governed by supply and demand. When labour is not very plentiful, do you mean to assert that a man who does not give cider could get labourers as well as a man that does give cider without giving more wages ?—That is a case I could hardly answer.

8678. But you know perfectly well ?—I know that in a case of that sort, if a man had the choice of two employers, he would naturally go to the man who gave cider first.

8679. The other man would not have labourers at all ?—Even if the other man offered him more money he would not go to him in the summer time, if it was a cider district.

8680. The other man would not be able to get labourers at all unless he gave more money ? He might not, even if he did give more money, but if he did not he certainly would not be able to get labourers unless there was a plethora of labour—more labour than there was demand ?—You might put it in that way. I think my answer is that there is no doubt that cider would be an inducement, and a man would prefer it to receiving more money at the other place.

8681. With regard to wages, you say you give carters 15s. ?—Yes.

8682. What does an ordinary labourer get ?—He gets about 13s. In most cases there is extra money in the summer, and also a house, and very often firing.

8683. That is the point I want to get at. He gets 13s.; does he get his house ?—He gets his house in most cases. I am speaking of the regular men.

8684. The regular men would get their houses, but in the case of the casual labourer it would depend whether it was summer or winter I suppose ?—Yes. I pay rather an extra rate for casual labour.

8685. An ordinary labourer gets 13s. a week, and a cottage worth 1s. 6d. 2s., or 2s. 6d. ?—They are let at from 2s. to 3s.

8686. Are most of the farms in your district let with two or three cottages included ?—A good many are, yes.

8687. A farm of 250 acres would have two or three cottages ?—They are scarce about us; there are not sufficient cottages on the farms.

8688. Do you think it is a desirable custom that there should be two or three cottages attached to a farm ?—Undoubtedly.

8689. Why ?—I think it is a very great hardship for an agricultural labourer to have to walk a long way to his work.

8690. But independently of that, do you think it is a good system that cottages should be let with the farms ?—I think all farms should have one or two cottages for the stock men in any case. For the others I am not so sure. I think there is more freedom for the men undoubtedly when they do not live in the cottages.

8691. Would you agree that the system lends itself to considerable abuse by a farmer who does not consider his labourers very much ?—Yes; I have a case just at the present moment. I have been asked for advice by a working man in a very hard case. He has been working under the owner of the cottage, and because the cottage was in a very bad condition he sought another place. His employer gave him a good character, but when he had a chance to get another man at once, he turned him out of the cottage.

8692. In other words, if the master and the man have a little dispute the master can say, "Off you go! Out of the cottage you go with your wife and family!" ?—Yes.

8693. And in many cases I may take it that leads to considerable hardship ?—Yes, I think so myself. But on the other hand, with regard to stock men, where it is necessary I do not think farmers, if they have a good man, are so hard-hearted as that.

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8694. As the result of your evidence I may take it that you consider that every farm ought to have cottages for the stock-men?—Yes.

8695. But after that you are not quite sure whether the system is a desirable one?—No. I think in other cases a man would have more freedom in choosing his employer if he did not live in his employer's cottage.

By Mr. Maddison.

8696. Taking the year through, what would you estimate the cost to the farmer of the cider he gives?—I should estimate that the average amount of cider that would be given to a man would be about 50 gallons.

8697. In the year?—Yes.

8698. That is a gallon a week?—Yes.

8699. That is 1d. a gallon?—In a year of plenty it would cost him about 1d. a gallon. In a year like the present he would make it for about 3d.

8700. It would not cost him more than 3d. a week?—It certainly would not cost him more than that.

8701. That is to say, taking the average amount given by farmers in your district to their men, it would not cost them more than 3d. per week?—Certainly not.

8702. You have told us that there was a rise in wages after the 1887 Act was passed?—Yes.

8703. And you say now that the wage of the average labourer is 13s. a week?—Yes.

8704. But there would be wages higher than that?—Waggoners' wages were about 13s.; they have risen to about 15s., with the same allowances for harvest. The men had about 12s., with a house.

8705. Under the old system did the cider cost the farmer more?—Yes, it would cost them more, in this way. When the agreement was made with the labourers they demanded a better class of cider, and besides, so much more being drunk in those days, cider was dearer.

8706. As a matter of fact you have given them an inferior kind of cider since it has been a free gift?—Undoubtedly. You see the best is sold off.

8707. Previously, they had cider of a more commercial character?—Yes.

8708. It is clear from your evidence that you are against cider being included in a contract of wages?—Yes, I am not only against it, but I should be very sorry to see the law altered so that there could be any competition between farmers in giving cider, or that the men could claim it as a right.

8709. How many people in your district decline to give cider?—Of *bona fide* tenant farmers I only know of one.

8710. You only know of one in your district?—Yes.

8711. And all the rest will give cider to the extent of about 3d. a week?—Yes, that is how I estimate it.

8712. I mean a rough estimate?—Yes.

8713. You do not think it would be more than 3d.?—I do not see how it could be.

8714. Supposing a law was passed to prevent what you term, rightly I suppose, a free gift, have you in your mind any idea that the farmer might easily evade it by selling 4½ gallons for ½d.?—Yes, and it is being evaded now in that way, and creating a very great hardship. I know of a case in which a large landowner and farmer sells it each week and stops the money. He sends all the best into the town, and the men grumble very much for having to buy this inferior cider.

8715. You said the wives of the labourers were in favour of the men having a gift of cider?—Yes.

8716. Because it keeps them from the public-house?—Yes.

8717. Would you say the same thing, that the wives are in favour of it, if it amounted, as we have been led to believe it does, to some 2s. per week in cost to the labourers—I believe if it cost 2s. per week they would prefer it. I honestly believe that.

8718. You think the wives would like to have the men's wages reduced by 2s. a week, to be given in the form of cider?—Through the summer months.

8719. So that your evidence, I take it, comes to this, that you are against it being a part of the wage contract in any form whatever, but you regard the cider which is now given as a free gift as an inducement and an attraction to the men?—That is so.

8720. It was put to you by Sir Frederick Cawley that in the case of shortage of labour a man who does not give cider would stand a worse chance than a man who does?—Yes.

8721. But I take it in such a shortage there might be other factors coming in besides the giving of cider; for instance, one man might rush his men a good deal?—Yes.

8722. Even in a cider drinking district there would be other factors in the case of shortage of labour which would operate in the decision of a labourer between two employers?—Yes.

Mr. THOMAS WALKER PARKES called; and Examined.

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By the Chairman.

8723. What is your occupation?—I am a large farmer in Worcestershire.

8724. Do you represent an Association?—No. I was President of the Chamber of Agriculture during the year this Committee was formed, but retired at the end of the year. The office is an annual one. I suppose, as I had been President of the Chamber of Agriculture, it was thought that I was the proper person to represent the farming interest.

8725. And they have deputed you to come here?—Yes. I must apologise to you for one thing. I have been asked on two occasions to supply documentary evidence as to what I was going to say, but declined. My only object in declining was that I thought I might write something quite irrelevant to the information you required and might leave out something that you wanted. I would rather answer any questions which you may have to put to me.

8726. You know the object of this Committee?—Quite so.

8727. It is to inquire into the system of truck and of fines and deductions from wages?—I do not think that the question of fines and deductions applies in my case.

8728. What is the point upon which you wish to testify to us?—I should like to say that I do not think there is any breach of the Truck Act on the part of farmers in my county, and adjoining counties with which I am cognisant, with regard to drink given by them.

8729. Do you mean cider?—It is cider principally in my part of the world. I come from South Worcestershire which is a fruit country. In Northern Worcestershire you would find as a rule that beer is given, but it is cider most particularly in our neighbourhood because it is made on the premises in almost every case.

8730. Your view is that there is no breach of the law?—None whatever.

8731. Now I want to ask you with regard to the practice. Substantially speaking, there is a custom of the country, is there not?—If I may be allowed to say so, cider is given, so far as I know, in several ways. There are people who sell their cider in quantities of not less than 4½ gallons. They think thereby, I suppose, that they are outside the scope of the law.

8732. Do you mean farmers?—Yes; I know a lot of neighbours of my own who do that. That is a practice which I do not hold with at all.

8733. Why?—I do not think that selling drink to men in quantities of 4½ gallons is at all a desirable practice, for more reasons than one. It looks to me on the face of it to be an evasion of the law. Secondly, you place in the hands of a man 4½ gallons of cider at once, and if he has not discretion enough to know how to use it he probably drinks till he makes himself intoxicated. If it is of any service to this Committee, I should like to hand in the form of agreement which I have with all the men whom I employ, and which is largely used by other farmers as well as myself. (*Handing in the document.*) I give cider, in common with 99 out of every 100, I think.

8734. You started your evidence by saying there were several ways in which cider is given, and you have given us the first way, namely the sale in quantities of not less than 4½ gallons: what is the second way?—The second is by an absolutely free gift, which I come under myself. I will endeavour to prove to you that it is not in lieu of wages. As you will see, in that agreement there is a clause which says that when I covenant with a man to enter my employ I engage him at so much money.

8735. The phrase is: "The servant shall not be entitled to any other payment or allowance of any kind"?—That is so. That is not an agreement which is only used by myself. I should say it is used, not by 50 per cent. of the farmers, but by a large proportion—certainly by the large farmers.

8736. Is it by arrangement that this agreement has been made?—How do you mean by arrangement?

8737. You say this same form is used by a great many other farmers?—I know it for a fact. Why I say so is this, that that is a form which one can buy at a printer's. He does not stock them exclusively for myself, although that was printed for myself because you see my name there. It is such a form as you can get from a printer's, which he stocks in large quantities, so that it must be extensively used or he would not print it in such quantities and stock it.

8738. It seems clear from the terms of this agreement that there is no title to cider?—That is so, I think.

8739. This is an agreement used in a cider country?—Yes.

8740. Where the custom is to give cider?—Yes; I should say it is given by most people.

8741. So that if you had an agreement to give cider it would be just conforming to the custom of the country—I mean supposing it was lawful?—May I put it in this way. Probably the one thing which has made us Worcestershire farmers a bit more careful with regard to our agreements with our men is the fact that for some years this question has been, from a judicial point of view, rather forced upon us by our county authorities like the Standing Joint Committee. If I am not trespassing on your time too much I would like to say that the Standing Joint Committee six or seven years ago rather impressed upon the Chief of Police to try to get convictions and prosecutions against farmers for giving cider. The then Chief of Police, Colonel Carmichael, would not do so; he said he did not believe that there was any breach of the law, and he was perfectly certain from all he knew about farmers that they did not give cider in lieu of wages at all. That caused an open feud between him and Mr. Willis Bund as to this very question. Colonel Carmichael is dead and gone now, and Colonel Walker is the Chief of Police in our county, and I know they have endeavoured to do the same thing with him. I daresay the case to which I am going to refer has been mentioned to you, because Mr. Davis has given evidence, but the case in point was the Jones case, in which a conviction was obtained. Upon that conviction, the association which Mr. Davis represented to-day was formed. That was the birth of the Worcestershire Farmers' Association. I do not know that I am even a member of that Association now, although I have contributed to its funds, but that association was formed for the purpose of taking action on this particular question, and they took the case to the High Court. There was a technicality about the prosecution as to whether the magistrates could convict on hearsay evidence instead of documentary evidence, and the High Court upheld the magistrate's decision with regard to that point, but they quashed the decision in the Jones case. The Judge said that where cider was given as an incentive (I believe the word "incentive" was the one he used) to get a man to do a little more work it was quite legal to do so.

8742. Will you come back to the category with which you started?—I was leading up to it by saying that all these prosecutions have been vexatious to farmers, and it has made some of us go in for this form of agreement so as to cover ourselves against what we might term a vexatious prosecution. That is what I wanted to lead to.

8743. You wanted an agreement which was in all points lawful?—That was it.

8744. Putting it in another way, you wanted an agreement to get round the letter of the law?—That is your way of putting it.

8745. No; I am suggesting that that might be put. At all events, it was in view of those prosecutions that you found it necessary to protect yourself by an expressed agreement?—I give my evidence without fear or favour; I should not like to say that it is the case with everyone, but I think I may safely say that 90 per cent. of the farmers who give cider away at various times of the year and in various quantities would not give one copper more money in the shape of wages if they did not give cider at all. There are no doubt breaches of the law, but I think that applies to a very small percentage. I am perfectly prepared to hand to the Home Office, if they so wish, a statement of the whole of my wages for the last ten years, as a proof of my contention. There are years in which we make no cider, or scarcely any; there are years when we make but a partial quantity; and there are years when we make an abundance, and it appears to me that the amount of cider that a farmer gives is proportionate to the capacity of his cider cellar. I have distributed as little as two or three hogshead of drink amongst my own workpeople in twelve months, and I have distributed nearly twenty hogshead in twelve months, and the wages book will show that the wages have not varied in any one of those years, and that I have not given any more money when I have had but little cider to give. It is entirely discretionary as to the way it is given.

8746. The size of your cider cellar depends upon the apple crop?—Yes.

8747. And the apple crop is a constant factor throughout the whole district?—Yes.

8748. I mean roughly speaking. So that you and your neighbours have a short year or a full year at the same time?—That is so.

8749. Therefore so far as the labour market is concerned, when the men come into that district they find the same conditions with regard to the giving of cider amongst the various farmers; they know the custom of the country being to give cider it will be a short allowance in a short year and a pretty good allowance in a good year?—I do not think that follows. This may be a generally accepted custom, but it does not apply to all. There are plenty of people who do not give cider.

8750. We are anxious to find out about that. What percentage of the farmers would you say do not give cider at all?—I should think that perhaps 20 per cent. to 25 per cent. of the farmers do not give cider at all.

8751. Do they give anything in lieu of it?—Not at all that I know of. The standard wage is about the same with everybody; there is the same price for labour. I think you might say that 25 per cent. do not give cider at all, and perhaps 25 per cent. only give a little, only at occasional times such as harvest time; and probably the remaining 50 per cent. gave cider more or less, if they have got it, all the year round.

8752. Do you find that the giving of cider is an attraction to a place?—I do not know exactly that it is an attraction, but I know you can get more work done. I think that if our constable was asked the question he would bear me out that drunkenness in Worcestershire is on the decrease. I am very pleased at that, and hope it will continue to decrease. But there is a certain time of the year when a certain class of workmen must have something to drink of some sort. I do not say that it is exactly an attraction to give them cider, but I am satisfied of one thing, that if you were to go down into the harvest field at the busy time and offer them a lump sum of money it would be less acceptable than something to drink. They cannot dispose of the money so to speak, but the other they can deal with. They would take a great deal more than I have. A man may be very liberal with his cellar in the busy time, because he can get more work done. If you were to offer a man 2s or 3s, more during the busy time he would not thank you for it.

8753. I want you to address yourself to this consideration; suppose the giving of cider, whether under contract

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or under custom, were prohibited, would it affect the labour market in your view?—No, I do not think it would make the slightest difference. In our particular part we pay what one might call fair wages for agricultural labourers, although you would not perhaps think it very much money. Our labourers are 2s. 6d. a day men, 15s. a week, apart from cottages. I know that the adjoining county, Gloucestershire, pays less by several shillings a week.

8754. Suppose this custom were to all intents and purposes made illegal as a bargain, you do not think that the agricultural labour market would be prejudiced?—I cannot see how they could possibly get more money. The present state of agriculture is so very bad that one is almost at rock bottom prices. At the same time we could not give less in our particular neighbourhood very well, because we are close to what is known as the Vale of Evesham, where a tremendous lot of market gardening goes on, and the men can always get 2s. 6d. for a day's work in the gardens, and if a farmer wants them he has to pay the same money.

8755. Do these gardens give cider?—I could not say. I should say they did in some cases.

8756. Take the case of two farms adjoining, the labour being practically supplied from the same quarter to each; one farmer offers wages of, say 14s. a week plus cider, and the other farmer offers 14s. a week and no cider?—The non-cider giver is prejudiced somewhat, naturally. But, to put it in another way, I do not think that one does offer more. There is pretty well a standard wage. It runs in this way, that if a farmer chooses to give cider he does so. Of course he probably makes the place a little more attractive to a man when he has got there. But when the man goes there he does not know. If I was engaging a new man I should at once ask him to abide by the spirit of that agreement; I should not engage him if he did not sign it. When it was mutually agreed upon, if in certain work I felt inclined to fill him a bottle of cider I should do so.

8757. You have told us your system. Is there any other system?—I thought a third way was the absolute breaking of the law. Of course there is a great deal of work in our neighbourhood called gret work, piece work. A man might go to a farmer, and the farmer might ask him to take the work by the acre or the chain, as the case might be, and he might say, "I will give you so much money and so much drink." That is the third way. There is no doubt that is done, and I consider that is an absolute breach of the law, so far as I am able to judge. I should say that is contrary to the spirit of the Truck Act.

8758. Do you think that should be forbidden?—Certainly. I have seen the evil of truck myself when I lived in Northern Worcestershire. It was a very serious matter, not in regard to agriculture, but in regard to trades, and I am a very strong upholder of the Truck Act. But I certainly try to fight the battles of my fellow farmers on this matter, because I think if a man cannot do what he likes with his own it is a very dangerous precedent.

8759. You mean with his own cider?—Yes.

8760. Has cider drinking any deleterious effect upon the habits or character of the labourer?—No, on the contrary it is much the other way.

8761. Does it elevate them? I mean morally, not physically?—I have some knowledge of Northern Worcestershire, as I own farm property there, and there is no cider given or made there, and therefore if they resort to drink giving it has to be in the nature of beer. I have seen the experiment tried of giving men the money and telling them to buy their own beer, and experience has told me that in all cases it is very much more detrimental to the men and to the masters and derogatory to the public at large. This has been because these men first of all buy beer which is unwholesome, what is advertised as "harvest beer," which is known to those who know something about it to be brewers' returns. In most cases it is beer which has gone off colour, or taste, or something, and has been returned to the Burton brewers and faked up and sold at a cheap rate. They can buy those brewers' returns at 6d. a gallon. It is strong and in all probability injurious. I have seen instances where men have been drunk not for a day but for a week when they have drunk this harvest beer in their busy time, making themselves very obnoxious to everybody about them.

8762. You are comparing the giving of cider with the taking of something else?—I am comparing the giving of cider, discretionary on the part of the employer, with the employee having the money and buying the drink himself.

8763. That assumes there are facilities for purchase in the neighbourhood?—There are always facilities—I do not mean for the purchase of cider, but there are always facilities for the purchase of beer.

8764. I quite know that, but what I want to get at is this: assume that Parliament forbids the giving of cider in this way, would not there be certain districts at least in the country where cider could not be had with convenience, or is it your evidence that there is always some convenient resort where they can obtain cider by purchase?—I should say that they could always get cider.

8765. Are the habits of the people such that out of their slender earnings they would purchase the cider rather than go without?—Yes.

8766. You think so?—Yes. I do not say that they would purchase it systematically year in and year out, but I am perfectly certain that they would purchase it at certain times of the year and for certain work which they do. In fact, I am rather ashamed to say that they crave for more than we sometimes are inclined to give them, and would buy more if they had an opportunity of doing so.

8767. How are they paid? Are they paid so much per week?—Mainly weekly; sometimes fortnightly. In my case it is a weekly payment, but some farmers pay fortnightly, on Friday night or Saturday morning.

8768. And it is then that the expenditure on drink will take place?—I do not know exactly when it would take place. The chances are they would get this drink if one did not supply it to them. They might get it on credit, which I think would be much more deplorable, because very likely their families would suffer. I am bound to tell this Committee that I have never seen in my experience as a farmer in South Worcestershire any abuse of drink-giving in my life. I think I could say (and it is rather a big thing to say) that I have never had a case of drunkenness the whole time I have been a farmer in South Worcestershire among my own men. If I have had a case of drunkenness through giving cider it has been through picking up what we call a vagrant off the road to work. I think you will see that in a good many of the Petty Sessional Divisions in the county there has not been a conviction of a farm labourer for drunkenness from one year's end to the other.

8769. Is there anything else you wish to tell us?—I do not know whether this quite affects this Committee, but I know that some members of our county council have said, "If you make a lot of cider why do you not sell it? It all comes to the same thing in the end. Give these men the money, if you think they are worth more money at certain times or on certain work, and sell the cider." I should like to point out one thing (and this is a question which probably affects landowners more than tenants) and that is that in that portion of the county, South Worcestershire, there is a tremendous lot of cider fruit, vintage fruit, and a good deal of it is hedgerow fruit, growing in hedgerows, of an indifferent quality, that is to say it is a vintage fruit which would not make cider which would be marketable unless it was faked. For my part I would venture to say that it was the best of cider but that would only be from a cider drinker's point of view. It is what we should call dry cider. Perhaps you would call it hard cider. But it does not make cider which is luscious, or the sort of drink that a town man would like, and in a good many cases it becomes discoloured, dark-coloured, after being exposed to the air. The whole of that fruit, and the whole of that vintage, is of no use from the point of view of a marketable commodity, and if farmers who have got a lot of that fruit do not make it into a cider which can be consumed and is consumed on their holdings they might just as well cut the trees down. It would be a very serious matter to South

Worcestershire if anything were to happen on this question; I am satisfied about that.

8770. Is there any other topic you wish to speak upon?—No, I do not think so.

By Sir Frederick Cawley

8771. I suppose the same remarks apply to Herefordshire as well as to South Worcestershire?—I think Herefordshire and South Worcestershire are about exactly alike. I asked the Secretary whether inquiries had been made upon this question from any other counties, because I do not know what Somersetshire or Devonshire would say, but I think South Worcestershire and Herefordshire are on all fours on this point.

8772. I suppose the public-houses do not sell a deal of cider?—They do in our neighbourhood; in fact in a little parish adjoining mine there is a record number of licensed houses per head. I think there is a licensed house to every fifty people, men, women and children. That is the parish of Defford. I will not say offhand, but I believe those are the figures, as nearly as may be. Among those houses there are one or two, if not three, cider shops, as they are called. They have an off-licence—not a licence to drink on the premises, to sell intoxicants, which comprise cider and cider alone

8773. Is drunkenness more often caused by beer or cider?—I do not think countrymen drink much but cider—I do not mean only the cider from farmers, but if they want to buy a drink.

8774. You speak now of those who go to public-houses?—Yes; I think countrymen drink cider principally.

By Mr. Maddison.

8775. What would you estimate the cost to you per man over the year, taking all the seasons together, of the cider you give your men?—I could tell you nearly the cost per gallon to make. I should say we can make cider at a cost of 3d. a gallon. But as to saying how much it would cost per man, that would be very difficult, because there is such a variation in years. I have given as little as between two and three hogsheads a year, distributed amongst my workpeople, and I have given four or five times that quantity.

8776. Taking it roughly, would they average a gallon a week?—I think you might put it at that.

8777. It costs you about 3d. per man per week?—I think you would have to put it at more than that, because there are times in the year, haymaking and harvest, when there is a good lot given. The point that I specially want to emphasise before this Committee is the fact that at the time when they want a lot of cider, and appreciate it more than money or anything else, we have the absolute control of it and we do not allow them to have more than is good for them.

8778. You have said that you think there are 25 per cent. of the farmers in South Worcestershire who do not give cider at all?—I should think that would be somewhere about it.

8779. That is very much in excess of the number given to us in other evidence. Are you quite sure that there are as many as 25 per cent. who do not give it?—In the other evidence were they taking farmers as a whole? I am taking all farmers.

8780. You could not mention the number who do not give it, which makes you sure of the 25 per cent?—Yes, I know a good many.

8781. Do the 25 per cent. who do not give cider give any other attraction? Are they teetotal farmers who do it on principle and try to make it up in some other way, or are they just ordinary farmers?—Ordinary farmers. There is no principle about it.

8782. Would you say that labour goes just as freely to the 25 per cent. as to the 75 per cent.?—I do not know that I should like to say that. It does not seem quite feasible to say that.

8783. Why do they not?—I mean to say when a man is looking out for a job in all probability he sees an advertisement in a paper, and I do not think I have ever seen even once in my life a case where a man has put in the advertisement "cider given," or "drink given." That is an outside thing. A man goes and engages himself, therefore, to a master or mistress, not knowing that there are any perquisites. If he asks he is probably told there are not, except that he will be paid extra money for extra time. That is my principle. I always pay overtime all the year round, winter or summer. But some people give them a lump sum for harvest, and so on. He probably finds out when he has been at the place that the master does give him some cider, and that is probably what he did not expect, or what he did not have at his last place.

8784. But I suppose, as a matter of fact, labourers do know what is going to be done before they go to a place?—I do not think they do, unless they are from the neighbourhood.

8785. Are most of the men from the neighbourhood?—The last man I had came from between London and Oxford, a good distance. That was twelve months ago. That is the last time I engaged a new man.

8786. There is no other form of payment you can make for anything like the amount which cider costs you which would give you the same result in labour?—That is so.

8787. And the men themselves prefer the cider to the money?—I am certain of that.

8788. It is the case of a man working more for a pint of cider than if you gave him sixpence?—I have offered the men money many times to do work and they would not have it. I have gone down, in the case of finishing a field, and said, "If you men will stay on a bit later I will pay you for all your time, and if you will come up to the house there shall be food for you," and the men have said, "If you will send some drink we will stop and do it, but not without," and they would not; they would have walked off.

8789. Are these staid married men, or just youngsters?—The bulk of my men are married men, staid men, with one or two youths and one or two boys amongst them. Every farmer's staff on a large farm is made up pretty well in the same way, and so many stock men.

By Mrs. Tennant.

8790. You have said that you offered to pay your men for all their time and they have resisted that attraction: what would that have worked out at in money?—What we pay for overtime is 6d. per hour.

8791. How long would they have been there?—It might have been a question of an hour or an hour-and-a-half extra work on any one particular night. That is the rate of wages which I pay over and above my regular wages in hay-making and harvest—6d. an hour overtime. I also tell my men at all times of the year that if they like to stay and make longer time they can do so and I will pay them. There are some farmers who do not pay overtime; they pay a lump sum. Suppose a man is getting 15s. or 16s., a week wages, they give him £1 or £1 10s. extra for one month. I do not like that way, because it is unsatisfactory. If you get a wet harvest or something of that kfnd, so that it runs into a longer time than the month for which the man has been paid, when he has drawn his £1 he is very dissatisfied if he has to work a bit later for another two or three days; he forgets the days when it was wet when he has gone home. It is more satisfactory to pay a man for what he does.

8792. What do you pay your men?—Casual labourers are paid 15s. a week.

8793. Does that work out at 2s. 6d. a day?—Yes.

8794. What are their hours during the day?—Half-past six till about half-past five.

8795. About eleven hours: that is something between 2½d. and 3d. an hour?—They have meal hours out of that. They get an hour and a half out of that; half an hour for what they call lunch (they have their breakfast before they come) which is the meal taken at half-past ten, and an hour in the middle of the day for dinner.

8796. But their absence from home is for at least eleven hours?—That is the time I expect them to be on my premises.

Mr. T. W. Parkes.

27 Feb. 1907.

8797. You do not think it is curious that a man who is only earning about 2½d. an hour should not be attracted by the prospect of earning 9d. on one of the days on which he is only earning 2s. 6d., by the expenditure of an-hour-and a-half extra time? Is it your universal experience that men are not tempted to stay by the offer of 9d. ?—It is, I am sorry to say. I do not find they care to work longer hours, even apart from the question of giving drink or anything.

8798. I understood you to say, in reply to Mr. Maddison, that this was a contrast between the inducement of 9d. and the inducement of, we will say, a quart of cider. I suppose at the end of the hour and a half, or during that time, one man would not consume more than a quart of cider ?—No.

8799. Would he consume as much ?—Scarcely. It is only a question of a bottle of cider among five or six men. You might put it at a quart at the outside.

8800. A pint or a quart is a greater inducement to a man than 9d. ?—Yes.

8801. Even though it must be within your knowledge that within half an hour of leaving your premises he could spend that 9d. on a great deal more cider ?—They have not the opportunity of doing that.

8802. I understood that one of the reasons why farmers like giving cider is that it keeps the men out of the public houses ?—I think it very likely does.

8803. Do I understand you to say now that there are not facilities for obtaining cider in a public house ?—I mean a man does not have much facility when he is working in a field. We are speaking now about overtime. He is working overtime and he has to be up again between five and six in the morning to start work. By the time he got home at ten o'clock he would not care to go elsewhere. Besides, the houses close at ten o'clock in the country.

8804. You told me the men ceased work at half-past five. One and a half hours after that would only take them to seven o'clock, and I understand that a public house is usually convenient ?—I think there are very few villages where there are not public houses. There is no public house in the parish in which I live, but in an adjoining parish, to which I have called the attention of this Committee, there is a very large proportion of public houses, and very great facility for getting drink.

8805. How much do you consider the withdrawal of the agricultural labourer from the public house to be really a factor in this case ?—I am pleased to be able to state that I do not think the agricultural labourer goes to the public house at all, or very little.

8806. How much is he kept out of the public house by the cider which the farmers give him ?—I do not know. I think very likely the fact that he does not go is sufficient proof that he does not want to go.

8807. He hardly could go, because there are no facilities, according to your reply to an earlier question ?—In my particular parish, but now I am representing Worcestershire.

8808. I am not speaking of one parish either, but of Worcestershire ?—Taking the villages as a whole, there is plenty of facility. I think I could count upon one hand the parishes in Worcestershire in which there is no public house. I should say that there are two or three in most and five or six in some. In my particular parish there is no public house, but my contention is that the agricultural labourer is not a drunkard, and I do not think that he frequents public houses. I have enquired of the Chief of Police in my county and others and I have always found that when an agricultural labourer has been convicted for drunkenness in nearly every case it has been when he has been on the road, when he has been sent to town with a load of wheat or something of that sort. I put that down to the attraction of the town. Probably somebody pays for a pint of beer for him, and perhaps he pays for some himself, and the result is he goes home the worse for beer.

8809. The agricultural labourer has no natural tendency to get drunk ?—No; I think they are a sober population. Of course one must not lose sight of the fact that they have not much money to spend on drink—they have not too much to buy bread. I often think it is one of the mysteries of this world how they live on their little money, but one cannot make an alteration in it. It is an extraordinary thing. At the present time I have a man who has a wife and ten children, the eldest of whom has only just gone out to service. God only knows how that family live on the money they get. They could not live if somebody else did not do something for them.

8810. Taking all that into account you cannot find any explanation why a man with those very low wages will refuse the addition of 9d. for an hour-and-a-half's work, though he will be attracted by a pint or a quart of cider ?—The only explanation I can give of that is that I have a practical experience of it myself, and I think I should do the same thing, and I think if you were doing the same work you would do the same thing. If you were in a field when it is about 90 degrees in the shade, working among the hay, as I have done many times, I think you would do the same thing. I know I would prefer a glass of water, if I were charged 6d. for it, to a lump of gold worth a sovereign. It is a tremendous temptation to anyone who has ever gone through it, who has worked out in a blazing hot sun, to be offered a good healthy beverage to drink. You give them the opportunity, and see which they will choose!

8811. But it is not usually 90 degrees in the shade in this country at seven o'clock in the evening ?—No, but it is very hot then if it has been hot all day.

8812. I gather from you that your neighbourhood is rather exceptional in having no public house ?—My parish is exceptional in that respect.

8813. Would you say that labourers in the other districts would equally be tempted by the cider rather than by the 9d. ?—Yes.

8814. Even though they would have facilities of obtaining five quarts of cider if necessary ?—Yes, but they would have it when they did not want it. It is no good giving it to them when they do not want it.

8815. Would it not be better to have a quart of cider in hand and 7d. to spend on other things than to have a quart of cider and no money to spend on other things?—It would be very much better, if you could get them to look at it in that light, but when a man wants a drink that is the time he will have it. It is no good of you offering it to him an hour after he has done his work, when probably he does not want it. He would be glad of the money then, and it would be much better for him. But I say it is just what the man wants at the particular time.

By Mr. Maddison.

8816. In the case of these men, they would get their 9d. by your system under any circumstances, would they not? You pay them overtime ?—Yes.

By Mrs. Tennant.

8817. I understood the men refuse to stay for money, but would stay for drink ?—I have known that many times.

By Mr. Maddison.

8818. That could hardly be your men, because they would get the 9d. ?—I have known cases where men would not stay overtime without drink.

8819. They would not work at all ?—No, they would not work at all.

By the Chairman.

8820. Your parish is one where there are not convenient facilities for getting drink ?—I do not know of any possible way in which they could get drink unless they got it from farmers on the 4½ gallon principle.

8821. I think we must have misunderstood the early portion of your evidence. Take the case of your parish and suppose this custom of giving cider were prohibited by law, what would be the effect in regard to work? Do you think the men would do as good work or not ?—I do not think it would make any difference to the work.

8822. It would be a cheaper arrangement upon the whole for the farmers ?—The only way in which it could make a difference to the work would be if a man had more drink than was good for him so that he could not do his work.

8823. It would be a cheaper arrangement for the farmers if the custom were forbidden ?—I do not quite know that. It would be cheaper in one way, that is to say that he would get his work done for the money less any drink. On the other hand a farmer who was in the habit of giving some drink would get more work done in the same time that he paid the money for.

8824. I would like to ask you about that. Do you think that there is any bad effect upon the population from this drinking habit ? Does it deteriorate the working class ? Have you any view upon that ?—No, I do not think it does. I am bound to say that there is among the poor people that I know in the country district a great deal of—I was going to say lunacy.

8825. Feeble-mindedness ?—Yes. I think that is growing.

8826. Do you think that is at all connected with the cider drinking habit ?—No, I do not. I have always been of one opinion, that to a large extent it is unfortunately due to the fact that the children of the poorer agricultural labourer do not get quite so many comforts and luxuries and nourishment as they should do, in their babyhood. I think the agricultural labourer is infinitely better than he used to be, but he is a long way from the mark which I consider he should reach.

8827. It is in view of evidence of that kind that I would not like to part from you without getting your view as to the abolition of this habit ?—I do not think it in any way deteriorates their health or physique. This is noticeable more in the younger children ; it is formed within their system and grows up with them before they come to an age when they take any drink at all. I have noticed myself in my own very immediate neighbourhood that in one or two large families several of the children did not seem to be as sharp as they might be. *Mr. T. W. Parkes.* 27 Feb. 1907.

8828. It is a little remote from the object of our inquiry, but do you not think that the soaking with cider from generation to generation must gradually affect not only the mental but the physical powers of those children ?—I thought I made it clear to you that these children are in that state before they ever touch any cider. I should think it is just the other way.

8829. You think that soaking with cider would improve the physique of the children ?—I think that cider such as is made in our particular neighbourhood, which is entirely the juice of the fruit, a pure vintage, is calculated to do a great deal more for them than a lot of the stuff they do take. As a case in point I may tell you that I had my carter, who has been with me for many years, ill for a long time. He had a good many doctors to see him ; I tried to get him good advice, because he was always ailing from acute indigestion. He used to think it was the cider that caused it. I said, " Well, do not drink it." He was still bad and he saw a specialist, who recommended him to take as much cider as he liked and no tea, and the man has not been sick nor sorry since.

8830. I understand your view to be that the habit of drinking cider has no effect whatever upon physique ? —None whatever.

8831. Nor on the mental faculties ?—None. If this were a beer-drinking district I should say otherwise. You do not know what you drink in beer, but I think the tendency of cider is to do more good than harm.

8832. Of course you are speaking with regard to the merits of Worcestershire cider ?—I am talking about cider—not cider that is spelt with a " y."

THIRTY-FOURTH DAY.

Wednesday, 6th March, 1907,

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH Esq., M.P
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. JOHN WILLIAM WILLIS BUND, called ; and Examined.

Mr. J. W. W. Bund. 6 Mar. 1907.

By the Chairman.

8833. Will you give us your address ?—15, Old Square, Lincoln's Inn.

8834. For the last fourteen years you have been Chairman of the Worcestershire Quarter Sessions, Standing Joint Committee, and County Council ?—Yes.

8835. I should like you in your own language to describe to us the custom of giving cider to agricultural labourers, which has been explained to us briefly by some other witnesses, because that is a matter in which you have taken considerable interest for some years past ?—I do not quite know how other witnesses have described it. There are two branches of the question ; there is first the question of giving cider to the ordinary agricultural labourer, and secondly the question of giving cider to casual labourers. The casuals are the hop-pickers and fruit-pickers ; the ordinary are the agricultural labourers. When the Truck Amendment Act was passed in 1887 these words were inserted, " Nothing

Mr. J. W. W. Bund.

6 Mar. 1907.

in this Act shall render illegal a contract with a servant in husbandry for giving him food, drink not being intoxicating, a cottage or other allowance." When the Standing Joint Committee was appointed under the Local Government Act we had some gentlemen upon it who were very interested in the cause of temperance and they brought this matter very strongly before the Committee. They began as regards the hop-pickers, the casuals. I am sure that the gentlemen who have given evidence here would not dispute for a moment that there is, and has been for many years past, a great amount of drunkenness among the hop-pickers and fruit-pickers.

8836. While speaking of the hop-pickers and fruit pickers as casuals, I suppose we may take it that they are employed for a continuous term during the year ?—Yes, for perhaps six weeks in the case of the hop-pickers, and the fruit-pickers for a longer time. The fruit-pickers begin with strawberries, and go on with pea-picking, then gooseberry-picking, then plum-picking, and so on and sometimes they go on also as hop-pickers.

8837. I will take the fruit-pickers : when they enter at the beginning of the fruit-picking season are they continuously in employment until the fruit season has closed ?—I cannot quite answer that question one way or the other, for this reason, that the conditions of fruit, picking vary so much. As a rule the farmer sells his plot to a merchant ; the merchant hires the pickers, and it depends upon whether he buys one or more plot whether it is continuous or not. But you may practically take it that they get one job after another, but not a job under the same person.

8838. I wanted to differentiate the case in our own minds from the case of hiring a labourer for a day during harvest, or anything like that ?—It is quite different from that.

8839. It is during a section of the year that that particular labour is required ?—Yes.

8840. And this is what one might term seasonal rather than casual labour ?—Yes, I am much obliged to you. That puts it very much better. What generally takes place is this. The person who wants his crop picked, whether he be a merchant or a farmer, sends up into the manufacturing districts, what we speak of as the Black Country, and gets somebody there who acts as his agent to hire him a certain number of labourers. The terms usually are either so much a week or so much by quantity, so much a basket that they pick, or so much a bushel as regards hops. Then there comes the question, which is always put, " Does your man give drink ? " Latterly they say, " Well, that is a matter of arrangement," but there is a clear understanding whether they give drink or whether they do not, and if they do not give drink more wages are paid. Taking it at 3d. a bushel, or something of that kind, if drink is given ; it would be 5d. a bushel if drink was not given.

8841. What is the experience from which you testify ? I only want to strengthen your evidence ?—My experience is from what I have learnt from the different employers of labour, who have told me so themselves.

8842. It is fair to apprise you of the fact that it has been represented to us that in the first place there is no contract made for the giving of cider. I suppose you assent up to that point ?—There is no expressed contract, but there is an implied bargain.

8843. I meant in the sense of an expressed contract ? —That is so.

8844. It has been admitted to us in the second place, that there is a well known and recognised practice of the country as to the giving of cider : I suppose you assent to that ?—Yes ; there is a survival. I would rather put it in this way, that there is a survival of the old custom of the servants being put up in the houses and fed in the houses. The giving of cider is a survival of that.

8845. The third point that has been mentioned to us is this : it has been maintained that notwithstanding the knowledge of that custom there is no difference in wages and no question asked about wages, no demand for a different scale, on the ground of there being no cider given ?—That I should say is distinctly untrue.

8846. Of course it is admitted that where there is no cider given a certain amount of cost is saved to the farmer. It may be small but something must necessarily be saved in regard to the expense of supplying cider ?—I do not think so, for this reason, that the cider is grown on the farm, is produced very cheaply, and by giving cider the farmer really saves money.

8847. I do not think we are quite on the same line. The admission is made that the expense of the cider must be something, although it may be small ?—Yes.

8848. It was somewhat surprising to some of us that when that expense was saved the labourer did not get more wages. Your view rather is that the labourer does get more and does stipulate for more wages if he does not get cider ?—Certainly.

8849. On the other hand, if he does get cider, whether by expressed contract, which we know is now forbidden, or by the general understanding assumed on both sides, then necessarily he gets less money wage ?—Yes, I shall be able to mention to you three cases where that has been clearly proved, and I shall show you the practice of our Committee with regard to that.

8850. I think this will be a convenient stage ?—If you please. Perhaps you will allow me to hand you this document, which contains the instructions given by the Standing Joint Committee. (*Handed to the Chairman*)

8851. This will be a very useful document to us ? —You will see there are three cases mentioned here. First there is the case on the top of p. 3 of a farmer named Darlington, which is a very instructive case. He was prosecuted for a breach of the Act by supplying drink in lieu of wages to a labourer named Panting. The terms of hiring were from September 25th. to March 25th, 13s., and three pints of cider a day ; from March, 25th, to Michaelmas 15s. and two quarts a day; during harvest 30s. extra and as much cider as he wanted. It was argued that the wages were fixed, that the drink was not part of them, but a voluntary gift. The Bench convicted. A case was asked for, but not gone on with." That is as good an example as I could give you.

8852. With regard to the statement made " That the wages were fixed and that the drink was not part of them, but a voluntary gift," members of the Committee will check the statement I am about to make, that substantially that has been the evidence given to us with regard to the practice ?—If you will turn to p. 2 of the memorandum you will see the case of *Long* v. *Crane*. The Committee left it to me, as you will see by the statement above : " The meeting resolved to submit the same to the Chairman of the Standing Joint Committee with a view to the prosecution of the offenders by the police. In the case of *Long* v. *Crane* I was very much opposed to prosecuting, because it arose in the way I will mention, and it seemed to me very clear that it ought not to have been taken, except, as they say, as a test case. Mr. Crane is a magistrate and a member of the Standing Joint Committee, and he farms largely. He said, " Oh yes, I give my men cider when I think they want it. If it is a hot day I give them cider, or if they have extra work I give them cider, but I make no bargain with them. I very often give them cider, and to show you what I do I will order them some cider now and you can prosecute me if you like," and he did so there and then. On that, a prosecution was instituted. It seemed to me it was an utterly hopeless case, that it was a pure gift and that there was no question of wages. The magistrates very properly dismissed it, and, if I may say so with respect, the High Court very properly affirmed their decision. That has given rise to all the trouble because that case has always been cited by the farmers, who say, " Oh, if we give it as a gift and not as part of the wages the Act is not infringed." But that is a totally different case from that of Darlington.

8853. Darlington's case was in the same year as *Long* v. *Crane* ?—Yes ; Darlington followed the case of Crane. I said that Darlington was a case where we ought to prosecute, and we did prosecute. I said, " I hope you will go to the High Court" : but they did not. They

prosecuted a witness for perjury, whom we defended, and the case against him was dismissed,

8854. May I put it to you as broadly as this: Crane's was a case which did not represent a test of the general practice ?—Certainly.

8855. And Darlington's was a case which did truly represent the general practice ?—Certainly.

8856. That being so, I am bound to ask you the question what has been the result of Darlington's case ?—That in all cases similar to Darlington we have prosecuted and we have got convictions, of course where the magistrates believed the evidence, and no case has been taken to the High Court to dispute them.

8857. Now comes our difficulty as a Committee, which I think you will appreciate. We have evidence before us substantially of a continuance of this practice which you have now demonstrated by legal proceedings to be illegal; how do you account for that ?—Because we are not able, except there is a dispute between the servant and the master, in any way to ascertain what the terms of the contract are. Whenever we can we prosecute. The master will not tell us, and the servant will not tell us, he says, "What business is it of yours ?"

8858. In giving this evidence I gather you are representing the policy of the Standing Joint Committee ?—Yes, certainly. If you will turn to Paragraph 8 you will see our opinion. It was framed by me with very great care to show what our views were: "In our opinion, if it was ascertained, as it could be without any great difficulty, that the current rate of wages in the district was, say, 15s. or 16s. a week, a fact that could easily be proved; that a particular employer paid less than the current rate, say 12s., but allowed his men to have so much cider a day, a fact which could be proved by evidence without any great difficulty; such a case would come within the Act, as in our opinion it would be implied that giving the drink was part of the contract. We also think, now the defendant can give evidence, that a case should be taken, for if the defendant did not go into the box and deny the facts a presumption would arise that the Justices were right in concluding that the supply of drink was part of the contract, while, if he did elect to give evidence, the real terms of the contract could be got out. If the magistrates held that it did not come within the Act, such a case should be taken to the High Court and decided, so that either a repeal or an amendment of the Act could be obtained." That is the policy the Committee have laid down.

8859. I point out to you that there is a difficulty which arises, with which you are voluntarily being confronted, namely that it appears to be an undoubted fact that evidence will be given that the same rate of wages prevails cider or no cider ?—That may be in some cases, but there is no doubt a rule or an understanding that certain people give cider, and that if they go there they will get it.

8860. Let us take this case, which I thoroughly understand. Do you think it credible that if no cider were given in such a case the wages would remain as small ?—I do not think a man would stay.

8861. The servants would not be got unless that understanding was adhered to ?—No. Let me call your attention to the case of Elizabeth Jones, who was prosecuted in 1901 for giving cider in lieu of wages to a workman in her employ; she was convicted and fined £5 and £2 18s. 7d. for costs. A case was stated by the Justices in this case for the opinion of the King's Bench Division of the High Court of Justice on the point whether the Justices were right in receiving evidence of a verbal agreement to supply cider in part payment of wages, and in allowing such evidence to prevail in spite of the existence of a written agreement which was wholly silent upon the subject. There was a written contract as to the wages that were to be given, but there was an understanding, which was carried out, that they were to have so much cider as well. The Justices convicted, and it was contended as a matter of law, there being a written agreement, they ought not to have received verbal evidence as to a variation of it. The Court upheld the conviction.

8862. On the very simple ground, I suppose—all courts do take the common sense view, we assume—that if you could have a written contract and a verbal agreement it would make a mockery of the law ?—Yes.

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8863. This document will be a very valuable one. Before we pass from it may I call your attention to Paragraph 9, where you say, "We are strongly of opinion that the present position of matters should not be allowed to continue. It is most undesirable that the law should be brought into contempt as it now is. In our opinion a great encouragement is given to drunkenness by the present practice, and it is the duty of the Committee to enforce the law now that its breach has again been brought to their notice." In consequence of the practice, was that distinctly the opinion of yourself and the body to whom you reported, who I understand agreed to this report ?—Yes.

8864. That drunkenness was encouraged ?—Yes.

8865. It is right that I should put to you as against that the view that was submitted to us, that if you gave money and no cider you drove the employees to the nearest public house where they took cider at a dearer rate and probably in larger quantity. What do you say to that ?—I say that is possible, but I do not think it is right, for this reason: that if you give them cider they feel bound to drink it, whereas if they have to go and buy it they probably think twice before they do so.

8866. On the broad fact, would the inducement to them to supply themselves in public houses because it was not given to them be in your opinion a serious matter ?—No. I think if they had to pay for all they got there would be very much less drunkenness.

8867. There is another thing I must put to you, namely, that there has been testimony given to the effect that there is not drunkenness, but a certain stimulus given to the labourer in regard to his faculties ?—I am sorry to say I must utterly deny that. If necessary I could get you a return during the hop-picking season of the number of cases of drunkenness dealt with by the Petty Sessional Benches in districts where hop-picking is carried on, and the number of cases of drunkenness dealt with by those Benches in districts where hop-picking is not carried on, and you will see there was a very much larger percentage of drunkenness in the former.

8868. Does the habit of taking cider conduce to better labour or to worse labour ? The answer given by a former witness was, "I really think a good man does more work if he gets a little cider, especially at harvest and hay-making times ?"—The question is, what is a little cider. The men would be thirsty and want some drink in a certain quantity, but an uncertain quantity does not help them in their work.

8869. Interpreting that answer as no doubt the witness would have wished it to be interpreted, that a supply of cider makes for better labour instead of worse, does that accord with your experience, or otherwise ?—It really turns on the quantity.

8870. You yourself would not look upon the supply of cider as in any respect a necessary encouragement to good labour ?—No.

8871. The supply of cider is accompanied with liability to drunkenness ?—Yes.

8872. And to the formation of habits of drinking ?—Yes. May I mention to you one case which I think strongly proves that, a case which came under my own notice ? A boy of fourteen was hired to work on a farm at so much a week and so much cider. He had been a good boy at the elementary school and so on, and before he went to that farm he had practically had no cider or intoxicant at all. After he had been there a short time he got into the habit of drinking. We made inquiries into the case, and I saw his mother, and said, "Why do you encourage your son to drink cider in this way ?" She admitted that she insisted on his having the cider because it was his right. I do not believe that is an isolated case. That is a case where in consequence of this practice a child is being brought up to habits of drinking.

8873. Then on the question of drunkenness, is it your opinion that there is a considerable amount of that ?—Yes, and if you like I will have those figures prepared for you.

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8874. We should value them very much if you could oblige us with them ?—I will do so with pleasure.

8875. A habit of that kind, more particularly cider drunkenness which assumes an attractive and innocent shape, would last, would it not ?—I am afraid so.

8876. In Paragraph 10 you say: "We therefore recommend such a prosecution as we have indicated to be instituted against some employer of labour who is known to pay less than the current rate of wages in the district, but to give in addition to the wages intoxicating drink to his workmen." I again point out to you that there is a difficulty on the question of fact involved in your recommendation because of the evidence given that the current rate of wages is not known, or at all events cannot be conclusively proved to differ ?—That is so to a certain extent, but there is a current rate of wages, below which if a man pays there must be some reason for it.

8877. I should have thought so, but you can testify to that effect ?—Oh, certainly.

8878. This report of the Police Sub-committee was received and adopted ?—Yes. I ought to say that the late Chief Constable was a very old man—I do not wish to say anything against him ; he is dead now—and he had a very strong view that the police ought not to be made unpopular. He thought it was bad for the police force to make them unpopular, and that if they went against the farmers they would never get any information, and so on, and he did all he could to prevent that report from being carried out. That accounts in some degree for the few prosecutions.

8879. I see you note that great difficulty was found in carrying out the law ?—Yes.

8880. Then there was a resolution and order passed by the Standing Joint Committee on May 31st, 1902 ? —Yes. "That the Chief Constable be directed to report to the Police Sub-committee all cases which are brought to the knowledge of the police where intoxicating liquors are habitually given to persons in the employment of persons who are subject to the provisions of the Truck Acts." You see the word "habitually" is inserted to avoid "*Long and Crane.*" "That the Police Sub-committee be authorised to take such proceedings as they may consider necessary in any case that the Chief Constable reports to them." That had been left to me before, as you will see by the memorandum, and I said I should prefer that the sub-committee should carry it out, because an association had been formed, on whose behalf I believe evidence has been given before you, the Farmers' Association, which was really a combination against carrying out the law as regards cider. I did not want to put myself alone against the association and I thought the sub-committee had better do it. That was the reason of it. "That any minutes or instructions of this committee that have been previously given on the subject be hereby rescinded."

8881. The sub-committee has accordingly been charged with this matter since ?—Yes.

8882. Have the prosecutions which have since resulted been substantially at their instigation ?—Yes, and I think they have all been successful. I am a member of the sub-committee and unless there is such evidence assuming it to be true, that I should myself convict upon, I have always advised them not to prosecute.

8883. Observe your next statement on your proof. You say that the hop-pickers refused to work unless they were supplied with drink ; is that so ?—Yes. I will give you an instance. I am sorry that you had our Deputy Chief Constable's evidence before mine, because it would have been rather important that you should have asked him as to this. Last autumn a number of hop-pickers, 300 or 400, were brought down to a farm and they did not get any drink. The man offered them tea and other things, and they struck and refused to work. It was necessary for him to get his hops picked. They must be picked in a certain time or else they lose colour and the price goes down. So he promised them so much whisky at the end of the day if they would go on picking. They said if he did not get it they would go elsewhere. The farmer told me that himself, he said he was obliged to do it.

8884. Does that suggest to you that there will be a difficulty in altering the law from its present condition to one of greater stringency ?—Quite so. I quite feel the extraordinary difficulty there is in any alteration of the law in making provision for ascertaining the terms of the contract. I do not at all see how that is going to be done.

8885. On the other hand, do you see the existing state of the matter is one of some awkwardness, namely, that certain people by giving cider really defy the law ?—Yes.

8886. And other people by complying with the law involve themselves in labour troubles ?—That is so If necessary I could give you the names of very large growers of hops and fruit who have suffered very considerably from carrying out the law.

8887. Have you any recommendation to make to us, who are struggling for the light, about that ?—The only possible recommendation I could make is this, that the terms which they offer to their hop-pickers should be registered with, say, the Clerk of the Peace.

8888. You mean the full terms of the contract ?—Yes.

8889. Including the custom ?—Everything which they put down ; I should make them register the whole terms of the employment.

8890. But suppose you have them, and cider is included ?—If cider is included it is a breach of the law.

8891. I know, but you see your recommendation would make the thing plain, any way, if there was a breach of the law ?—Yes.

8892. But to us who are looking to amend the law, can you give us any assistance upon that head ?—If you say that there must be some drink given, I should then say that you should put a limit to the amount of drink that was given.

8893. You admit that once the law comes to allot the amount of drink that is a very delicate matter ?—I should be opposed to that very strongly, but you asked me what could be done.

8894. Excuse me pressing you, but we want to have the full advantage of your view. Supposing the law could not interpose to prescribe the legitimate quantity of drink, do you think that an experiment could be made on the double ground of stipulating everything in the contract and making the contract illegal if drink were given ? Do you think we might risk total prohibition as part of the contract ?—What was passing through my mind—I wish to be perfectly frank with you— is this, that the men would (say because you are dealing with a very rough class, and a class who will take advantage of anything they could) "Well, we expected drink and it is not given us. You cannot enforce this contract against us and we will go off," and you would put the farmer in an extremely difficult position therefore. While I should like to see the contract declared void, I am bound to look at the other side.

8895. That is just the difficulty which occurs to us ?—I am bound also to say this. Take a tenant who has got sixty acres of hops, and he would employ 500 people, and if you said that the contract, if no drink was given, was illegal, those 500 people would be turned loose upon the farm committing all sorts of depredations. I really do not know what the landlord would do.

8896. That drives us back again to practically the existing state of matters ?—It does. I should like to put it clearly to you that my objection is this : my objection to the existing state of matters is not so much with regard to the hop-picker as it is with regard to the regular labourer, because as soon as the regular labourer quarrels with his master he goes into the witness box and swears, "The terms were so much a week, and cider." He knows law enough for that ; he sees at once he can put the master in a hole, and the master will be summoned. Although I want to put a stop to the cider giving, I do think that in some cases the labourer is not as scrupulous as regards the truth as he ought to be. He does it as a revenge, in fact.

8897. Following that resolution to which you have referred, proceedings were taken against Mr. David Harvey Smith ?—Yes.

8898. And Mrs. Jones?—Yes.

8899. And these other cases spoken to by previous witnesses ?—Yes.

8900. I see that in Mrs. Jones' case you say that the farmers who supplied drink alleged that it was not and could not be proved to be part of the wages ?—Yes, because they said the wages were fixed by the written agreement. There *Long and Crane*, which has caused all the trouble, came in again.

8901. But notwithstanding that, a conviction was obtained in that case ?—Yes.

8902. Then you make this serious statement that since that the practice has been used to evade the Act ?—That is so. I do not want to press my views, but I do want to put this, because it has occurred. You see, a great many magistrates feel very strongly on this question of cider and have very strong views on the drink question generally, and when there is a direct conflict of testimony between the employer and the labourer, and you have a tribunal who are the sole judges of the fact, if tha tribunal is composed of gentlemen who take a very strong view on the drink question it is quite possible that they may regard the views of the labourer with more favour than they do those of the employer. It is only right in fairness that I should mention that. When I say we have got convictions in all cases they are open to that view.

8903. I see you make the remark that the law ought either to be repealed or made so that it could be enforced ? —I do feel that very strongly, because I do not like any law that is used as a means of, I cannot say vengeance, but as a means of oppression. An idle labourer who will not work, who absents himself, is summoned, and he says, "If you summon me I will have you up for giving cider." That is what I feel.

8904. We all admit it is a knotty problem, but consider this; you say you think the practice is a bad one and should be put down ?—Yes.

8905. And you believe it promotes habits of drinking and drunkenness ?—I do.

8906. Will you please observe the alternatives, that the law ought either to be repealed or made so that it can be enforced; if the law is repealed, you would substantially increase the ambit of Sec. 4 of the Act of 1887 ? —Yes, I would strike out the words, "not being intoxicating."

8907. The moment you did that, observe that you raise again a whole crop of difficulties of this kind. You would then permit it to be part of the contract to give beer or even spirits to farm labourers?—I am quite aware of that, and I quite see the difficulty, but it is a question which of the two evils is the least. Of course, if this Act was strictly carried out, I suppose the custom which prevails in another part of the country in which I am interested, in Wales, is illegal, strictly speaking, because there the farm servants live in the house and have their food, and beer with their meals.

8908. Of course it would be infinitely better if the Scottish practice were adopted throughout ?—I am afraid I do not know what that is.

8909. Of giving with oatmeal so many quarts of milk per day ?—It would.

8910. That would be a sensible thing, that no law would strike against ?—That is so. I ought to say that some of the very large growers of hops have been trying to give tea and lemonade and such things to the hop-pickers, to the women particularly, but it has not been an unqualified success.

8911. You cited one very awkward and bad case to us, the case of the boy of fourteen; you might give us the other one ?—The other was one I tried at the Sessions last October.

8912. It was the case of a man who was tried for cruelty to his children ?—Yes, by causing them unnecessary suffering by neglecting them and not providing sufficient food. He was a drunken, good-for-nothing fellow, and there is no doubt he did not send any money home to his wife, and the children were left starving. That was admitted. A question arose as to what the duties of the guardians were, but I need not trouble you with that. He was paid by the job. He was a carpenter, who made gates and hurdles, and was paid so much a dozen for hurdles, and given drink. When he got off drink he was a very good workman indeed and could earn very good wages. When he had any drink he used not to be content with that which was given him but used to have rather a bout and became very troublesome. His defence was that he did not pay for the drink and consequently there was no harm in his getting drunk, as he could not send home more wages. That was his defence, but he was continually drunk and people would not employ him, so he lost employment by it. He said that if he had not got the drink he could have sent home more money than he did. I think that is a very strong case to show how very badly the practice works.

8913. Will you excuse me summing up your view in this way: There are three ways of interfering; in the first place you can make the law absolutely prohibitive ?—Yes.

8914. In spirit it is prohibitive, but in practice it is evaded; it can be made actually prohibitive. You think there might be dangers of disorder if that were done ?—I think we can cope with the disorder.

8915. Do you think that a labour trouble would not arise permanently ?—No, not permanently. We should have some trouble at first, but I should be prepared to risk that.

8916. Another way is to make the practice, legal on the ground that at present it is evaded, and you want to have the law either respected or amended ?—Yes. I should be very sorry to see that. I should be very sorry if we were obliged to say that we could not carry out a beneficient law in favour of temperance, and had to go back.

8917. The third way is the present system. May we discard No. 2, which would be amending the law in the sense which we have been discussing ? You would not like to go back by writing out the words of the Act of 1887 ?—I certainly think you might discard that. I do not like it.

8918. That leaves two alternatives, the present system, or a system which would be respected and in practice as well as in theory prohibitive. Of those two, which do you prefer ?—I think we must try and get some system which we could carry out.

8919. You think that an experiment ought to be made and that the prohibition of this practice should at least be attempted ?—Certainly. Perhaps I ought to say one thing to the Committee, if you will forgive my doing so. I think that every year is tending in a way for temperance, and for this reason; this practice is an old one, as you have been informed by witnesses; when I was a boy, and when I was young, almost every farmer made cider. Now, they do not. The practice of making cider is going out very much, and they do not grow the fruit for cider that they used to do. The fruit they grow is for sale—what they call pot fruit, for eating and cooking. Gradually, over a very considerable area in the county trees have blown down and been cut down; and that class of fruit tree is not replanted. The cider now made is of a better quality, which they would not give to labourers. The cider they used to make to give to labourers is not now made; it is only in out-of-the-way places and on the old farms and among the smaller men that this continues to the extent it used to do.

8920. Assume that the Committee were not prepared to go the length of effecting total prohibition, but were prepared to allow the existing system to go on, I fancy there would be at least three things which you would insist upon; in the first place you would insist that there should never be an expressed contract for cider ?—Yes.

8921. In the second place, you would insist that the amount of cider should always be an element to be taken into consideration when prosecutions were ordered ?—Yes.

8922. Suppose you had three quarts a day regularly to each labourer, for instance; that would be a case for the law interposing ?—Yes.

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8923. The third point would be that wherever it could be established that less than the current rate of wages was given, presumably in consequence of the supply of cider, that should be treated as a contravention of the law, equivalent to an expressed contract ?—Yes. I should rather put it in this way, that wherever less than the current rate of wages was given the onus should be on the employer to show that he did not make it up.

8924. That is what I meant when I said "presumably in consequence of the supply of cider."—It should be for him to show he did not give anything else to make it up.

8925. With those three points before you the present practice might at all events be gradually purified until it approximated more and more to the elimination of drink from the contract altogether ?—Yes. I think that would be a very great improvement on the present system. I do not see my way to suggesting anything better. I have something here which may be interesting to the Committee. I instructed the chief constable to send round these questions to all the divisions in the county and this document says : "The Chief Constable notifies Superintendents of Divisions that the Deputy Chief Constable has been appointed to attend the Government inquiry now being held in London on the working of the Truck Acts," and the following information is requested : "(1) Result and particulars of any cases under the Truck Acts which have taken place in the whole of his division during the last ten years. (2) The average rate of wages given in the district. (3) Is the general practice in his district to supply intoxicating drink to labourers and workmen ? (Not in lieu of wages)." I will not trouble you with the returns now, but I thought you might like to look through them.

8926. I think we should value them if it is convenient for you to let us have them ?—I will leave them with you. The only thing I would ask is this. I have not the least objection to your using this document, but I should not like the names of the superintendents to be published, because they are confidential. But as regards the substance, you are perfectly at liberty to use them as you please.

By Mrs. Tennant.

8927. You say there are a certain number of cases in which no cider is given by the farmer, but in which he pays higher wages ?—Yes.

8928. Have you any idea of the proportion which those cases form to the whole ?—No ; I can only say that the larger farmers do not give cider. It is the smaller farmers who give it.

8929. Will you distinguish between the farmers who employ hop-pickers and the farmers who employ the regular agricultural labourers ?—Yes. There are a certain number who make the cider for the labourers ; all their refuse apples and so on go to make drink. Those are the smaller people. They do not make cider for sale ; they simply make it for consumption on the farm ; and they give it either to labourers or to hop-pickers. They say, and say probably with justice, "If we did not give it to these people it would be useless to us, because we could not sell it."

8930. Would you say that there are cases in which the farmer who gives higher wages, and no cider, is free from labour difficulties—in which the men are satisfied with higher wages and the absence of cider ?—As regards regular labour, yes. As regards the "seasonals," as the Lord Advocate called them, no. The people who come from the Black Country always look to have a holiday, and part of their holiday delights is a quantity of cider.

8931. But in the other cases, distinctly yes ?—I should say yes.

8932. Would you say that the evidence was not accurate which said that an agricultural labourer would prefer a quart of cider for an hour and a half's overtime to 9d. in money ?—No, I do not think so at all. I think in most cases, except in very out-of-the-way places, the labourers and their wives are beginning to see that money for themselves and their children is better than drink for the man alone. I am not sure that it may not be a selfish thing on the part of the wife to think that she might be benefited as well as the man, but I think that that idea is spreading, that she can do better with the money than he can with the drink.

8933. In the cases which we are dealing with, the permanent agricultural labourers, there is a satisfactory working system of higher wages and no cider ?—I do not say satisfactory, because there are these cases which I have mentioned, but I think certainly on the larger farms with the better class of farmers the system of not giving cider and giving more wages is spreading, and is spreading to the great advantage of the people.

8934. I did not mean that the general system was satisfactory, but that where the system exists it is working satisfactorily ; is that so ?—I think so. Of course there are cases where there is grumbling. The old-fashioned labourer says, "I used to have drink, and I get nothing now. Look how mean Mr. So-and-so is." There is always that sort of thing. But I think that on the whole I may say yes.

8935. In those cases has the arrangement been easily arrived at, or has it always been preceded by some form of trouble ?—I think it very much depends on the character of the employer. If he is a man with capital, a liberal man, and says, "I am going to do so-and-so, and I am not going to listen to anything else," it has worked well. If he is a man who rather screws his labourers down to the very last thing it has not worked so well. They might say, "You must give me more wages," and he would sooner give it in the form of drink than money. That is really what it comes to in many cases.

8936. Have you formed any idea of the extra sum which is usually placed against the cider ?—It would vary, but I think you might put it at from 1s. 6d. to 2s. a week.

8937. That is for the permanent labourer ?—Yes.

8938. As the cider has admittedly no commercial value it means very nearly that sum out of the farmer's pocket ?—Yes.

8939. And that he does not wish to face ?—No. Of course he has the cider. He has the fruit growing on his farm, and unless he gives it to his pigs he makes it into this drink. He cannot sell it, but he can sell it to the labourers in this way.

8940. How do you think it would work if it were specifically required that the contract should include not only wages but any reward or refreshment given ?—The question of the permanent and the seasonal labourer comes in again there. As regards the permanent labourer I think it might possibly do. But as regards the other, suppose you wanted him to work a little overtime to finish. It might be very catchy weather, and wet spoils the hops or fruit. There is nothing specified in the contract about overtime, but you might give the man something for working longer on a fine evening. That is where the difficulty comes in.

8941. It would allow him to give oatmeal or something of that sort. It would not prevent the giving of refreshment or reward, but would only prevent the giving of intoxicating refreshment ?—There is a difficulty. The man would be tempted to break the law. I am quite with you in wishing for it, but I do see the practical difficulty of doing it. Suppose the man said, "Unless you give me some whisky I will not work any more. I want a drop of whisky." Most of the employers would say, "Well, it may mean a difference of a good many pounds to me to get these hops finished to-night while there is fine weather and no wet on them."

8942. You do not think that the desire for whisky would be met by an extra small sum ?—I think the men would say they would have the whisky, or gin, or whatever it might be. I am afraid they would in the case I am putting to you. It is only a matter of opinion, but I am afraid that is how it would be.

By Sir Frederick Cawley.

8943. It is a question really of supply and demand in regard to labour in the country, is it not ? I mean, if you have two farmers, one giving cider and the other not, if there is any shortage of labour the one who gives cider will get the labour ?—Clearly.

8944. It has been represented to us that there is not that difference ?—Then I think that has been a misrepresentation. I do not know the gentlemen who have given evidence before you, but the Farmers' Association are the people who give cider very largely, and who openly advocate the giving of cider, and no interference with it. The Chamber of Agriculture have also taken up the line, that the farmer in these hard times ought to have no obstruction put in his way. But there is no doubt of this, that when you bring a class of people like the hop-pickers into a district and they find that they can get drink at one place and not at another they will leave the man who does not give it and go to the other who does.

8945. I should like to keep the regular labourer entirely apart from this extraneous labourer in the shape of the hop-picker, and the person who comes from the Black Country. I am speaking now of the ordinary labourer on the farm. We have had it represented to us that if there is no contract to give drink it does not matter at all; but the man expects, and gets, some cider. I put it to one of the witnesses that it really comes to this, that when there is a shortage of labour the man who gives cider gets the labour, but when there is a plethora of labour the men must have work and it really does not make any matter whether they give cider or not. Is not that something like the facts of the case ?—I think the man who gave the cider would always get the preference.

8946. But if there was a plethora of labour a man can get labour whether he gives cider or not ?—He might, but the man who gave cider would always get the preference.

8947. I am speaking entirely now of the ordinary labourer ?—Yes.

8948. I want to keep away from the hop-pickers, if possible, for the moment. I said to one witness: "You think it keeps them out of the public house if they are well filled up on the farm ?" and the answer was: "If you like to put it that way. During a period of some years not a single case of drunkenness was brought against any *bona fide* agricultural labourer in my own petty sessional division" ?—I do not know who your witness was, and in the next place unless I knew the division and what the witness calls a *bona fide* agricultural labourer I should not be able to say. But I think I may say this, as I said in reply to the Lord Advocate, that I am by no means a person who would prosecute indiscriminately. When a case is brought up and the Committee ask, "are we to prosecute ?" I always go very carefully into the evidence, and say to myself: "Assuming what is said here is true, should I convict if I was sitting as a magistrate ?" and if I think I should not, I say, "Do not prosecute."

8949. I rather gathered from what you said in reply to the Lord Advocate that in your opinion this cider drinking leads to drunkenness ?—Yes.

8950. We have a witness here who said there has not been a case of drunkenness on the part of the agricultural labourers who are cider drinkers: how do you reconcile the two statements ?—As you are aware, opinions vary as to when a man is drunk and when he is not. A farmer would say that a fellow who had drunk a couple of gallons of cider was not drunk if he was able to walk home. If it was a public house, and the publican was likely to be charged with permitting drunkenness, he would probably stop him at the end of the first gallon and say: "You are going to have no more. You go home!" The farmer would say that it was not a case of drunkenness as long as the man could get home anyhow.

8951. Is not drinking a great many gallons rather the exception and not the rule ? I take it from other witnesses that the ordinary custom is to give about two or three quarts a day ?—Yes. You are getting on to a gallon.

8952. The ordinary custom is to give two or three quarts of cider a day, we will say; do you think that does the man any harm, or does it make him work any worse or any better ?—You are going into a very big question. I do not think it does him any good. But there are people who say that we have a very large amount of lunacy, and that that is due to cider drinking. I do not agree with that.

8953. Lunacy is not peculiar to a cider-drinking country ?—No, but they say that our great increase is due to cider drinking.

8954. Is lunacy more prevalent in a cider-drinking country than in other parts of England ?—That is what some gentlemen say. *Mr. J. W. W. Bund.* 6 Mar. 1907.

8955. I am only asking for information ?—I do not say yes or no, because I have not seen sufficient evidence upon the matter, but when you ask whether it is good for a man or not I say that I do not think it does him any good, and there are certain complaints which cider drinking brings on.

8956. That is the point I wish to get at. We want to know whether this ordinary kind of cider which is given by the farmers is an ill or is not an ill ?—I think it is an ill. I think you may take it it is an ill.

8957. Is it an ill so great that we ought to try by legislation to put it down ?—Yes, certainly.

8958. Independent of the question of its being a matter of truck ?—Yes, certainly.

8959. You have to reckon times like harvest, say hay harvest, in which the men get very hot ?—Yes.

8960. I take it you could not very well stop a farmer giving his men either cider or any other kind of refreshment then, could you ?—No, you could not.

8961. Would it not be very difficult to differentiate between giving cider to labourers working in a hayfield, and giving it to people who are hop-picking, which is not such laborious work ?—No, for this reason, that the people in the hayfield or in the harvest field generally get what they have while they are working, and they work it off. The hop-pickers generally get it at the end of the day, after they have done their work, and do not work it off.

8962. Don't you think it would be difficult to frame an Act which would legalise the giving of cider to men whilst they are at work and would at the same time forbid the giving of it to them after they have finished work ?—I agree that there might be difficulty from that point of view. You asked me to differentiate between the two and I was only speaking of the custom.

8963. As a proof that cider did lead to drunkenness you referred to prosecutions among the hop-pickers ?—Yes.

8964. Are these prosecutions not due rather to the class of people, to a lower class of people coming in to the town ?—That does not apply so much to the hop-pickers as to the peapickers and the fruit-pickers.

8965. Are not the hop-pickers who come from Shrewsbury rather a low class ?—Shrewsbury is a most respectable place. People come from Dudley, Wolverhampton, Walsall, and all around there to do this work and they are generally a fairly respectable class of people. The same people come year after year to the same place. Some of them no doubt have their own ideas; they all sleep together, and their ideas as to what they can take back with them may be a little peculiar, I mean with regard to what property they can annex, but they are far from being the lowest class of people.

8966. Does your evidence in regard to the hop-pickers apply to the ordinary agricultural labourers ?—They are a rather different class, and many of them come out for a holiday.

8967. Therefore presumably we could not base legislation in regard to ordinary agricultural labourers upon evidence given in regard to hop-pickers and such people who come from a distance for occasional employment ?—To some extent I agree with that; I quite think that the hop-pickers and the fruit-pickers and the ordinary agricultural labourers are three distinct classes.

8968. In regard to the cider question I understood you to say that the old cider apples are not now grown so much because the small farmers are gradually giving up cider-making ?—Yes.

8969. Don't they make cider from what you would call pot fruit ?—Yes. A better kind of cider which they can sell, not the kind of stuff they call drink. The large manufacturers of cider are buying up the good fruit more than they did and the local cider-making at the small farms is going out very fast.

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8970. Taking into consideration the fact that cider can be given to the labourers at a very small cost to the producer and that the custom is gradually being discontinued, don't you think the matter will work its own cure in time without any legislation, which you admit, I think, would be rather difficult ?—Yes, but it would be a long time first; the cure might not come within the next quarter of a century.

8971. But you admit that there would be a great difficulty in legislation to meet the points that you your self put before this Committee ?—Yes, and that is why I was desirous to come here and put them before your Committee.

8972. Do you think that if cider-giving were done away with the labourer would really be better off ?—I do.

By Mr. Walsh.

8973. You mentioned the case of a boy of fourteen and said the reason why the mother allowed her boy to take the cider was because she thought he ought to have his rights ?—Yes.

8974. What do you think was in the woman's mind —or let me put it in this way, do you think her idea was that his wages were lowered at least to the extent of the cost of cider supplied to him ?—It is difficult to say what a person has in his or her mind ; but I think her idea probably was that the boy had earned the cider and ought to have it.

8975. And that if he had not the cider he ought to have more wages to bring home ?—Yes.

8976. You mentioned the case of a workman, a carpenter who made gates and hurdles. I suppose I may assume that his work would not be of a seasonal nature ? —Quite so.

8977. Although he was rather a worthless fellow he might, so to speak, be a permanent hand, permanently engaged in that kind of work ?—Yes, he would be employed by the job, and not permanently retained on any one farm.

8978. But inasmuch as farmers often require gates and hurdles, his work would be, so to speak, of a permanent character ?—Yes.

8979. His case was that he had earned the cider and had to take it ?—Yes.

8980. He seemed to have been of the same opinion as the mother of the boy, that the wages would have had to be increased to some extent if he had not been forced to take the cider ?—Yes.

8981. So far as you can ascertain the minds of the workers, do you think their idea is that if they did not take the cider their wages would be greater to some proportionate extent ?—I think their position is this ; that the cider is their right, that they have earned the cider and they are going to have it.

8982. And that if the corresponding portion of their labour was not convertible into drink it ought to be convertible into cash ?—Yes. They consider, "We have done so much work, we have earned so much, and we are going to have what we have earned." I am not prepared to say that they would all prefer the money to the drink, because no doubt many of them would prefer the drink.

8983. I was not thinking of their preference, but I understood you to say that the larger farmers who employ permanent labour are gradually letting the cider giving system lapse, and that as a result the wages of these labourers have been increased ?—Yes.

8984. And so far as you can ascertain that would represent an increase probably of from 1s. 6d. to 2s. per week on their wages ?—Yes.

8985. Does not that seem to imply, if the smaller farmers were also to abandon the system of supplying cider, that the law of supply and demand would probably raise the wages of their labourers to a similar extent, and that thereby the whole family, including the wife and children, would participate in the improvement ?—I think that if the custom of giving cider was generally abandoned there would be a general rise in wages ; and with regret I may add that I believe the opposition of a number of small farmers is due to the fact that they know this, and have therefore opposed giving up the supply of cider.

8986. In the case of labourers permanently employed they receive, so far as you can ascertain, increased wages in consideration of the supply of cider being abandoned ? —Yes, and I think a better class of labourers obtainable.

8987 In the case of seasonal labour, I suppose the demand, although not quite so effective, is often very urgent ?—Yes.

8988. That kind of labour is largely supplied from the Black Country ?—Yes.

8989. And that practically the same class of people come season after season ?—Yes.

8990. So that although it is only seasonal, it is composed of practically the same element year after year ?— Yes. And as Chairman of our Education Committee I may mention that we arrange the school holidays so that the children can go with their parents.

8991. The demand being urgent for this class of labour, the stress being immediate, and the people themselves being year after year the same class and knowing all the circumstances, does it not seem as though they themselves would shortly find out the increased value of their labour if the system of supplying cider was abandoned ?—It has not got to them yet. I am afraid they are not yet educated up to that.

8992. Suppose this Committee or Parliament were to say that inasmuch as for a long term of years the value of these people's labour in cash has to some extent been taken from them by cider being substituted, and the object of Parliament being that all wages should be paid in coin, would these people not find out soon their real rights and come up to the level of the more permanent labourers of whom you have spoken ?—I should hope so, but at present that is only a hope, because most of them do look forward to enjoying themselves, as they term it, on their holiday.

8993. I suppose you are aware that in connection with many industries intoxicants are entirely forbidden ?— Yes, quite so.

8994. First of all, perhaps, for the sake of safety, and secondly for the sake of discipline ?—Yes, and very properly, if I may say so.

8995. I suppose the consideration of safety would hardly arise in this case, but is it not just as necessary that there should be discipline in the villages where a large outside population is brought in at certain seasons ? —I quite agree with you that it would be a very great blessing if there was no drink given to these people at all.

8996. For the sake of social order at least ?—Yes, and for the sake of order amongst these people themselves. The accommodation for these hop pickers is very bad indeed. They are put into cow houses or cart sheds or anywhere, and if one or two of them get drunk and kick up a row it disturbs all the others and leads to fighting and all sorts of trouble. Then with regard to safety, they have fires in the farmyard to cook their food, and it is dangerous to have a drunken fellow kicking the fire about.

8997. I only used the term safety in a comparative sense. With regard to the permanent labourers amongst whom the giving of cider has been abandoned, have you heard of any large farmers who employ them, complaining of either the quantity or quality of the work now done ?—No.

8998. Are you aware of any material number of the labourers themselves who would desire to revert to the old system ?—I think some of the old people say in a grumbling tone that things are not quite so good for them as they used to be when more drink was given.

8999. Although it is a fact that wages have increased ? —Yes, but they do not always think of that.

9000. Speaking broadly, are you aware of many cases ?— No. I should say, speaking broadly, that the people are fairly content, and I think the best class of them would say that they are happier.

By Mr. Maddison.

9001. You have told us that there has been an increase of wages in some cases through the non-giving of cider. Are there many farmers in your county who do not give cider ?—Yes. One of Lord Dudley's largest tenants, a Mr. Best, began the system of refusing to give cider, and one consequence was that for a time he had the greatest difficulty in getting any labour at all. He farms some 900 or 1,000 acres, and was a large hop-grower. The largest occupiers now, or many of them, do not give cider.

9002. You may have heard that in the evidence of one witness, Mr. Davis, who appeared before the Committee, it is stated that he only knew one *bona fide* tenant farmer who declined to give cider ?—He is, I think, the President of the Worcestershire Tenant Farmers' Association, and is anxious to protect the right of the farmer to give cider. He was no doubt speaking of his own immediate neighbourhood, where they are nearly all small farmers, that district is one of the most backward, out-of-the-way places in the country.

9003. Similar evidence was given by a Mr. Parkes, who said he could only mention the cases of two farmers ?—He was the Chairman of the Worcestershire Chamber of Agriculture and lives in another part of the county. He is a person who I should not think had much experience in cider giving because cider is not so much given there, but he stands up for the rights of the farmers and says they are losing money and ought not to have any further restrictions placed upon them.

9004. We were told by a witness that since the passing of the 1887 Act there has been an increase of perhaps 2s. per week in the wages, and that since that time cider has not gone into the contracts but was made a free gift. Is that increase what you referred to when you differentiated between those who do give cider and those who do not ?—I think those farmers who do not give cider have to pay a little more in wages, and probably that amounts to between 1s. 6d. and 2s. per week.

9005. Some evidence given to us was to the effect that cider was not in the contract, that it was made a free gift sometimes given and sometimes withheld, according to the season or to varying circumstances, and that the same wages prevailed whether cider was given or not. Is that your view ?—No. I quite think that the fact of cider not being given has raised the wages of the men in such cases and this may have had some effect in producing some rise of wages elsewhere.

9006. Is there an all-round rise in wages ?—I do not think there is.

9007. What should you think would be the cost to the farmer of the sort of cider he gives to his labourers ?—Little more than the cost of the labour used in making it.

9008. We have had it in evidence that it would cost the farmer on the average 3d. per week per man for the cider he would give. Would you put it at something like that figure ?—Yes, probably not more.

9009. If wages have risen from 1s. 6d. to 2s. per week and the cider which the farmer gives only costs 3d. per week per man, the change is very much against the interests of the farmer ?—Oh yes, that is what some of those gentleman protest against.

9010. It has been an advantage to the labourers ?—Yes.

9011. You have told us that those who give cider usually pay a little less than those who do not ?—Yes.

9012. In looking through the returns before us I find that in almost every case cider is given ?—Yes, many of the smaller farmers give it in the agricultural districts.

9013. Have you any cases in your mind where there is a difference of from 1s. 6d. to 2s. in money to the workers who do not get cider ?—Yes, I have known such cases.

9014. You have given clear evidence from your large knowledge as a magistrate and as a public man in your county that the giving of cider, whether it is by contract or as a free gift, does have a bad effect on the workmen ?—That is my opinion.

9015. You are somewhat influenced by the effect of alcohol upon heredity, and environment, etc., especially in the case of the children ?—Yes.

9016. Upon public grounds (apart from the question of Truck) I understand you think that there should be a definite wage without the giving of drink ?—Yes, and perhaps I may say I am told by various district medical officers that certain complaints, such as stone, are much more common in cider than in other counties.

9017. We have had some evidence about the selling of cider by farmers to workpeople in quantities of 4½ gallons. Now, suppose we were to prevent the giving of cider by farmers, do you apprehend that any danger might arise from the men buying such large quantities more frequently than they now do from the farmer ?—I am not quite clear with regard to the quality of the cider which some of the farmers might sell, and if large quantities are sold to the workmen, there ought to be some provision, perhaps under the Food and Drugs Act, with regard to ensuring the quality.

9018. That is not quite my point. I was speaking about social order. Of course you are aware that there is nothing in law to prevent a farmer selling 4½ gallons of cider to one of his labourers ?—Quite so.

9019. Then if the labourers had extra money in lieu of the value of the cider now sometimes given, do you think there would be any tendency on the part of the workmen to buy extra quantities and so furnish themselves with additional facilities for a drinking bout ?—No, I think they might be allowed to buy the larger quantity.

9020. As a magistrate, you would not fear any serious violation of social order in consequence ?—No.

9021. Not even with such a class of people as the hop pickers ?—No. You ask me a question which is rather theoretical, and I am trying to look at it from a practical point of view, remembering what one has seen in Wales, where many persons who buy drink on Saturday to last them over Sunday yet drink it on the Saturday night. Nevertheless, a permission to purchase larger quantities of cider might be a way out of the difficulty

9022. My point is, would not the sale of larger quantities after work result probably in even greater drunkenness than the giving of cider in small quantities during work ? If a labourer buys 4½ gallons what is he going to do with it ? Is he likely to drink it until he cannot stand ?—He would probably take much of it home, but there again much would depend upon what kind of woman the wife was.

9023. Then you do see some little danger in it ?—Yes. The danger is somewhat confirmed by my Welsh experience, yet I am not sure that it might not be a way out of the difficulty.

9024. Assuming for the moment that we interfere with the giving of cider, do you see any danger of serious evasion by the farmers selling to the labourers these 4½ gallon casks for a merely nominal sum in order to make the gift in that form ?—I had not thought of that. I suppose you mean that a farmer might sell a 4½ gallon cask for a 1d. if he was forbidden to give it free. I think that is extremely likely.

9025. I rather share your view, would you not greatly dislike to see an Act which is evaded and not run, as it were ?—In a case of that kind I think I should convict and should say that it is a colourable evasion of the statute : not a *bona fide* sale.—I mean if such a case was brought before me as a magistrate. If a farmer allowed a man to buy a large cask of cider for the nominal price of 1d. or 2d., when the real price was perhaps 2d. a pint, I should regard that as a colourable evasion of the Act and I should convict. I don't know if I would be upheld, but I should risk it.

9026. Do you not think that this question of the sale of intoxicating drinks by farmers ought to be dealt with in some sort of way under the Licensing Acts. Do you approve of such a power of sale ?—Candidly, I do not.

9027. You made one suggestion which I admit startled me a little, viz., that all farmers should register their contracts with all their labourers. Would not many small farmers find that requirement rather irritating ?—No doubt they would.

9028. Then would you really suggest that as a thing that would be desirable ?—It is a choice of evils. In working out the compensation under the Licensing

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Act of 1904, we have found that the profits on the sale of cider are far larger than on the sale of anything else, either beer or spirits, and that on cider houses one has to give a much higher rate of compensation than on other houses.

By Mr. Delevingne.

9029. You drew a distinction between the permanent agricultural labourer and the seasonal labourer, especially with reference to the giving of cider during a day's work or in the evening at the close of the day's work?—Yes.

9030. Would you draw this distinction between the two cases—that in the first instance the cider is given as refreshment to enable the labourer better to do his work, not as part of his reward or remuneration for labour done; whereas in the second case it is given as part of his remuneration for work done?—To some extent, yes.

9031. In the second case the cider is not given as a refreshment to enable a man to do his work?—No.

9032. Would you say that the evils against social order or the danger to social order are greater in the second case than in the first?—Certainly. In the first case the farmer looks after the man and sees that he does his work.

9033. Then the second case is the worse?—Oh, yes.

9034. You said that many of the large farmers had given up the practice of giving cider. Do the large farmers go in much for hop and fruit growing?—Yes, some of them do. I know of one who has 150 acres of hops and a large area of fruit.

9035. Do they employ seasonal labour?—Yes.

9036. Do they find any difficulty in getting such labour?—Yes, several of them have complained that workers leave for other places where drink is given.

9037. Is that a recent difficulty?—The man I am thinking of is now dead, and perhaps things have quieted down lately in that respect, but we still have cases from time to time. Within the last few weeks a tolerably large farmer came and asked me to have a notice put out about the Truck Act, as he had such difficulty about his labourers; that if he did not do something he should not be able to get anyone and might have to break the law.

9038. Do you know any other industry in which a similar custom prevails of giving drink?—No I do not.

By the Chairman.

9039. In the case of purchase which you have described the purchase of cider is at a very cheap figure?—Yes.

9040. Now, whether or not one individual labourer consumes the whole quantity, you can see that a number of labourers might easily club together and obtain a very adequate supply, to say the least of it, for the whole lot of them?—Yes.

9041. And that could be done for a merely fractional sum?—Yes.

9042. And the result in drunkenness would be the same?—Yes.

9043. In order to make your suggestion of the exclusion of cider supply effective I suppose you would require legislation to prevent the giving of it as a part of wages and at the same time enact that it shall not be either given or sold by the farmer to his employees; that would be an effective exclusion so far as the farmer was concerned?—Yes.

9044. Do you see any difficulty in definitely suggesting that to us?—What I feel about it is this, that it would be at once said by the farmers that you were putting further restrictions upon them.

9045. In short they would use the same argument with reference to the sale of cider for a nominal figure as they do with reference to its gratis supply?—Yes.

9046. But, in principle and looking to the result, the matter stands pretty much on the same footing, does it not?—Yes, the suggestion about men clubbing together does indicate a real source of danger.

9047. We have been looking through the returns you furnished and I am sorry to suggest any further trouble, but we should be very glad if one of your staff could put all the particulars upon one sheet without the repetitions, and then we could append it to your evidence?—If you please, and I understand you would like to have the returns showing the drunkenness during the hop-picking seasons as compared with other times.

By Sir Frederick Cawley.

9048. Is it the practice in your part of the country to let several cottages with the farm?—Yes.

9049. Do you consider that that often bears hardly on the labourers?—Yes, although I do it myself.

9050. Could that system be done away with?—I object to it very much. When I was young and enthusiastic I tried to do away with it, but I had to give up the attempt.

9051. Would you not consider it a system of truck that bears very hardly upon the agricultural labourers?—Yes, very.

Mr. N. BUCKNER; was called, and Examined.

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By the Chairman.

9052. I understand you are secretary of the East London Government Branch of the Amalgamated Society of Tailors and Tailoresses?—Yes.

9053. And live at 38, Tredegar Square, Mile End Road?—Yes.

9054. How long have you held that position as secretary?—Since January last, but I have been in the Union since we amalgamated and I was a member when we were independent from ten to fifteen years ago.

9055. What is your line of business?—I am a machinist.

9056. A practical tailor?—Yes.

9057. There are certain conditions prevailing in your trade that you desire to give evidence about?—Yes.

9058. Do you know about the Government clothing contractors?—Yes, I have worked for several of them.

9059. Where are they mostly located?—There is one (N4) in the South-West and others (O4, P4, R4, and S4) in the East End.

9060. You are speaking, of course, of London?—Yes.

9061. Is it a fact that several of these Government clothing contractors supply all the necessary sewings?—Yes.

9062. For the making of the garments?—Yes.

9063. Whereas some contractors cause their workpeople to buy the necessary sewings?—Yes.

9064. In the former case the worker I suppose knows exactly how much he receives for the make of the garment?—Undoubtedly.

9065. Is the work done on piece?—Yes, it is piece work.

9066. Take the case of an ordinary workman like yourself, competent and in average good health: what wage would he make?—At present upon Government work the pay is very bad; whether for the Post Office or in khaki work for the War Office the wage might be about 25s. per week, working hard, the rate has been so badly reduced.

9067. Are there also women employed?—Yes.

9068. What is their average wage?—From 12s to 15s.

9069. For the same length of day that the men work?—Yes.

9070. What is the number of hours per working day?—Usually from eight to seven, but sometimes from eight to eight.

9071. Where do you work?—At T4.

9072. The contractors have all establishments of their own?—Yes, indoors.

9073. Is Government work ever done in the homes of the workers?—No.

9074. I understood you to say that there is a variety of practice and that some contractors themselves pay

for the sewings whilst others charge the workpeople ?—Yes.

9075. What is the amount charged for sewings ?—It varies with different firms. For instance, U4 charge 8½d. for a reel for black silk; P4 5½d. for a reel of black silk, O4 5½d., and R4 7½d.

9076. What kind of Government work do you do with black silk ?—Artillery tunics, cloaks, and infantry grey coats.

9077. For these same tunics some contractors supply the sewings free ?—Yes, all included.

9078. Is there any difference in the wage given when the worker has to pay for the sewings as compared with the cases when he has not to pay for them ?—Where the sewings are supplied free the price for the garments is higher than where the workman has to buy the sewings.

9079. That is contrary to what one would expect ?—Undoubtedly; yet it is true.

9080. Then there is a variety of prices charged for the sewings as you have explained ?—Yes. The sewings must be bought by the reel. For instance, I may have a garment given to me to make which requires black silk. and my work may be approved, but before I have used the whole of the reel of black silk I may have a scarlet tunic thrown in and then I have to buy scarlet thread. After having bought these additional sewings I may not get another similar garment for weeks to make and the unused sewings which I have bought accumulate in my box or bag and may have to lie there for a long time.

9081. In such cases a worker cannot forecast from one week to another what is to be his exact wage ?—No.

9082. Is that considered a grievance by the workers ?—Yes, undoubtedly.

9083. When sewings are supplied by the contractors is there any waste of the sewings ?—No.

9084. Who superintends and protects the contractors against such waste ?—The worker, when he wants more sewings has to take back the empty reel or spool to the firm before another is given in its place, and if a reel is returned which has not been fully used it can be handed on by the firm to another worker engaged on similar work. The spool has to be returned.

9085. Then the contractors can at once detect whether the workers have wasted the material or are using too much ?—Yes.

9086. Where the sewings are paid for by the contractor have you heard of complaints of waste by the workmen ?—No.

9087. Does the workman have to incur sometimes a cost of several shillings for sewings payable out of his wage of 24s. or 25s. per week on account of different coloured threads required for the various garments which are given to him to make ?—Yes. It amounts to about 2d. per garment. A man may receive a garment for making which he is paid 1s. but all the different sewings must be bought by the reel, which may amount to 1s. 6d, or 2s., and thus he receives no payment for this garment and his expenses are only returned if he has many more similar garments to make, since he only uses a small amount of the sewings for each. Each firm has its own prices for the sewings used in the making of similar garments and forces its people to buy these from the firm. All sewings that are taken on account are deducted by the firm at the end of the week from the wages, irrespective of the amount left, and, should the employee be dismissed or leave the place, the sewings which he has in hand are useless since each firm refuses to permit the use of any but its own sewings.

9088. If you get a khaki garment given you to make, and we will assume that you have not been working on the same kind before, I understand you must get sewings of the proper colour; how much would you have to pay for a full supply of the necessary sewings ?—We may be charged 6d. per reel of thread and it would require two reels of thread and perhaps one reel and a quarter of silk at 7½d. per reel for a dozen garments.

9089. One of your hardships seems to be that you may be left with surplus sewings in your hands ?—Yes, that is one point, and it is emphasised when we go from one firm to another, who charge different prices and make us buy fresh sewings from them.

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9090. Does your branch of the Amalgamated Tailors Society protest against this system ?—Undoubtedly.

9091. They would like the sewings to be always supplied so that a worker may know what exact wages he will receive ?—Yes; the same as in London County Council and other municipal contracts.

9092. You think that system should be followed by all Government contractors ?—Yes; several of them do it.

By Mrs. Tennant.

9093. Do you include in your union any workers who work direct for the Government ?—No.

9094. Is there the same quality and quantity of silk in the 5½d. reel as in the 8d. reel?—No. The specification says that 18 silk is to be used and 50 thread, but if we used 18 silk we should have to take our own money from home to pay for the work. We use 24 silk, which is rather common rubbish.

9095. Do the contractors know quite well what kind of cottons and silk you use ?—Yes. We have to buy the sewings in-doors, our employers supply them.

9096. Then are they not themselves working to specification ?—Undoubtedly not.

9097. Is the fair wages clause in force among the contractors ?—I am sorry to say that I think the fair wages clause was really made for the sweaters.

9098. Would you explain that statement ?—As far as I remember the fair wages clause states that the current rate of wages shall be paid to competent workmen—the current rate—but I have proved absolutely that that may mean the sweating price paid by contractors. I have heard a Government Inspector say that 25s. was a fair wage for a workman.

By Sir Frederick Cawley.

9099. I understand your contention is that one factory paid less than another for the same work. What remedy would you suggest ?—I would suggest so far as the fair wage clause is concerned that there should be a listed price paid, and issued with the contracts, so that the workmen would know what money would come to them. If that is impossible then I think the clause should read not the current rate of wages, but the trade's union wage, so that we should have something definite to go by.

9100. You complain that in some cases you have to pay for the sewings ?—Yes, that is one of our contentions. We think they should be furnished by the contractor, and that there should be no deductions for sewings, twists, etc. Sewings are part of the material of a garment.

By Mr. Walsh.

9101. As I understand, the real trouble is this, that having once bought a number of reels of a particular colour for work at one factory, you may be discharged or leave for another factory, where the unfinished reels for which you have paid would be of no use to you ?—Yes.

9102. When you get into the next factory, you have to buy fresh reels, making a double cost with perhaps the same result in the third place ?—That is one of our disadvantages.

9103. Is it not the fact, that although you have to buy these reels in the factories where you are employed, yet in consequence of the system to which I have referred you are driven sometimes to other expedients and have to fake the thing by using sometimes an old reel of your own ?—Yes, a kind of fraud.

9104. Your contention is that these purchases ought not to be required of the workmen, and that when work is given out, the contractor should supply all these necessaries?—Quite so, the sewings are part of the material of the garment.

9105. Can you indicate to us roughly the length of time that has passed since you bought those reels in the box which you produce ?—I bought several of them eighteen months or two years ago. For about a year I have been working with a firm who supply the sewings.

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9106. Would any of these articles be of use to you under any other firm who might employ you?—Not openly, although I might get hold of a decent foreman who might wink at my using one reel.

By Mr. Maddison.

9107. What would be the cost or value of the spools and reels now in your box here?—Perhaps about 5s.

9108. Have you as much at home?—No, perhaps 1s. 6d. worth.

9109. That illustrates what you said about your loss?—Yes, that is one of the points.

9110. How do the prices for the reels that you have to buy in the works compare with outside prices for the same article?—I have not examined into that, but if my wage amounted as it sometimes has done to £2 in a week there might be deductions ranging from 4s. to 13s. per week for sewings.

9111. Do the prices charged by your employers compare favourably with what you would have to pay if you bought the same quantity and quality outside?—I cannot say: I have never bought the things outside.

9112. Then it is not a part of your complaint that the employers charge excessive prices for these reels?—No, I cannot say the prices are excessive.

9113. Your point is not that they charge more than the market price for the reels?—I have been told by the inspector that they are supposed to charge cost prices.

9114. What attitude does your union take up with reference to prices?—In Government work we have absolutely no power at all.

9115. Does not the union have some standard of price, and would not that be affected by the information you have given us as to the firms which charge for sewings and those which do not?—Our trade union wage is not paid for these garments.

9116. Then your union does not operate, as it were, with regard to these complaints?—We protest about the sewings as much as we can.

9117. Would you say as a general proposition that a workman takes most care of that which belongs to himself?—Yes.

9118. Still, you have not heard of any justifiable complaint on account of waste?—No.

By Mr. Delevingne,

9119. You work in the factory?—Yes.

9120. Perhaps you are aware that at present under the Truck Act, 1896, it is legal for a firm to make deductions for sewings?—Undoubtedly, or they would not do it.

9121. Subject to certain conditions?—I do not know much about the conditions.

9122. There must be a contract, the deductions must not exceed the cost price, and particulars must be given to the worker each time a deduction is made. Are these conditions observed in your factory. Is there any notice posted up in the factory?—Only in some cases. I think there is usually a notice in the office.

9123. Are particulars always given. Do you get a wage note at the end of the week which shows the particulars of deductions?—Oh yes.

9124. What you want is an alteration of the law to provide that it shall not be lawful for an employer to make any deductions for sewings from the wages of his workers?—Yes.

9125. Supposing it were made the law that an employer could make no deductions for sewings, would it not be open to him to make the workers buy their reels outside?—He would scarcely do that, or they would only buy inferior sewings.

9126. Could he not exercise a sufficient check upon that?—He could not examine all the sewings.

9127. Do you speak for out-workers as well as for indoor workers?—In the ordinary tailoring trade the sewings are supplied. It is different with Government work.

By the Chairman,

9128. We are glad to have had your evidence.

THIRTY-FIFTH DAY.

Wednesday, 13th March 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. THOS. RATLIFFE ELLIS, called; and Examined.

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By the Chairman.

9129. You are a solicitor?—I am.

9130. You act as Law Clerk and Secretary to the Mining Association of Great Britain?—I do.

9131. You are also Law Clerk and Secretary to the Lancashire and Cheshire Coalowners' Association?—I am.

9132. Over what area of country does the operation of your association extend?—Over Great Britain.

9133. Wherever there are coal measures, I suppose?—Yes, wherever there are coal measures. We have local associations in Scotland, Northumberland, Durham, Cumberland, the two Yorkshires, West and South, Lancashire, Cheshire, Nottinghamshire, Derbyshire, Leicestershire, North Wales, Warwickshire, Staffordshire, Forest of Dean, and in South Wales and Monmouthshire.

9134. So that you represent the association which substantially is a federation of the various local associations

all over the country?—That is so. It is a federation, and we have provision in our constitution for the admission of individual members where they may not happen to be members of their local association.

9135. Do you happen to have a figure, speaking roughly, of the number of employees?—The persons employed would be the whole of the mining population in the kingdom, which I believe is 800,000 or 900,000; something of that sort.

9136. You offer your evidence at the request, I believe, and on behalf of this large organisation, the Mining Association?—I do.

9137. We are anxious to have from your point of view, Mr. Ellis, if you will oblige us with it, a general statement of the course of legislation. Of course we begin with the Statute of 1831. The starting ground of the subject committed to this committee is, of course, the Statute of 1831?—That is so. The Truck Act of the year 1831 provided (*inter alia*) that in all contracts for hiring, wages were to be made payable, and the entire wages were to be actually paid, in coin only. No contract was to be made as to how a workman should lay out or expend his wages, and it was expressly made illegal to discharge the wages by the delivery to the workman of goods.

9138. Before you pass from that, you are referring particularly to Section 1?—Yes, Section 1. Under the 23rd Section of that Act, however, there was excepted from its provisions contracts for the supply of medicine or medical attendance, fuel, materials, tools, or implements for use by miners, rent in respect of any house occupied by the workman, and amounts due in respect of the above-mentioned were (*inter alia*) permitted to be deducted from the wages; provided that the amount deducted did not exceed the real and true value of the same, and that the agreement for the deduction was in writing and signed by the workman.

9139. In giving that statement that you have now done you are really citing the Act of Parliament and confining the citation to those points which affect the coal mining industry?—That is so.

9140. With regard to the Act of 1831 I may have questions to put afterwards about that, but we might just take the several steps of legislation now if you will be so kind. The next was the Truck Act of 1887?—That was the next. That was an amending Act. By Section 8 of that Act any arrangement for a deduction from wages for sharpening or repairing tools must be made by agreement not forming part of the conditions of hiring; and by Section 9 where deductions are made (*inter alia*) in respect of medicine, medical attendance, or tools, the workmen are entitled to have an audit of the deductions once at least in every year. Then the next amending Act was in the year 1896. That Act does not legalise any deductions from wages which the preceding Truck Acts do not permit, but it requires that certain deductions which may be made from wages without violating the provisions of the Truck Acts of 1831 and 1887 shall not be allowed if they are not made under the conditions prescribed by that Act.

9141. The importance of that Act would appear to be that Parliament had addressed itself to the question of seeing that the conditions with reference to fines and deductions were made the subject of common knowledge between the employer and the employed?—Yes. Under that Act there must be an agreement for deduction. If you take the first section of the Act that agreement must exist between the employer and the workman. It may be, as I understand the Act, a general agreement for fines. If that is so, then the terms of the contract must be advertised in accordance with sec. 1 (1) (a). The first condition is that "the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen, and in such a position that it may be easily seen, read, and copied by any person whom it affects." That is one thing that you may do. You may have a general contract that fines shall be imposed as a part of the condition of service, I presume, and if you have it in that way you must advertise it, you must affix it so that it can be seen; or there must be a contract in writing signed by the workman.

9142. I understand you are the adviser of the Mining Association in regard to this matter of the Truck Act, and what should be the correct procedure under it. We are rather anxious to have your view with regard to the latter part of the evidence you have just given, namely, the distinction between what you quite justly characterise as a general contract and a particular contract, the latter being preceded by the words "or the contract is in writing, signed by the workman?"—When the Truck Act of 1896 was passed, I prepared for the coal-owners a form of contract, but I did not think that in the coal trade it would be very convenient to have a number of fines as a part of the general contract and have them advertised, because you would have to put a maximum fine. That was the only way in which it occurred to me. That I thought might be objectionable, and therefore I came to the conclusion that the better plan to carry out the Act would be that there should be a compliance with the second condition, that is that there should be a contract in writing signed by the workman for each particular fine as it might be imposed, and I prepared a form, and this is the form I prepared. The instructions given were that this form in a book with a counterfoil would be in the possession of the official, and that when the offence was committed which was to be dealt with by a fine, this should be signed there and then by the workman, and it is in this form:* "I agree to pay a fine of (blank)"—that would be filled in at the time—"for the undermentioned act or omission"—then shortly stated is the omission or the act in respect of which the fine is imposed—"and I hereby authorise you to deduct the same from my wages." That is only one condition of the Act of 1896. The contract is in writing for that particular offence. It specifies, that is under (*b*), "The acts or omissions in respect of which the fine may be imposed and the amount of the fine or the particulars from which that amount may be ascertained." We specify the amount of the fine. The other conditions do not need to be put upon the face of the contract, but they are conditions upon which the legality of the fine depends. That is (*c*), "the fine imposed under the contract is in respect of some act or omission which causes or is likely to cause damage or loss to the employer or interruption or hindrance to his business." Notwithstanding the agreement, notwithstanding the signing of this document, still if the offence for which the fine is agreed to be paid does not fall within (*c*) then of course the proceeding would be illegal under the provisions of this Act. Then the next is (*d*), "that the amount of the fine is fair and reasonable having regard to all the circumstances of the case." That can be discussed either by the inspector calling attention to it, because a register of these fines is kept at the colliery and the inspector can see it when he thinks fit, and he can call attention to it, and can take proceedings on the ground that it is a violation of the Truck Act; or the workman himself, under the provision of the Act of 1896 can take proceedings against the employer, and if the tribunal dealing with this is of opinion that the amount charged as a fine is in excess of what it ought to be, then he can recover the excess. The employer would be subject to proceedings against him for violation of the Truck Act, and the workman would be entitled to recover from the employer the excess of any amount which might have been imposed upon him beyond what the tribunal might think was fair and reasonable under the circumstances. The next thing is that when the wages are paid to a man he must have particulars of these deductions. That is in (*b*) of sub-sec. 2, "particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount thereof are supplied to the workman on each occassion when a deduction or payment is made." I provided in that case that it should be put upon the pay ticket, and the form that I suggested for the pay ticket, and which I think is pretty generally adopted, was this, (*see Exhibit D of Appendix X.*). Of course that is an enlarged size; the pay tickets are much smaller.

9143. The pay sheets are these little tickets?—Yes. First the gross amount of the wages is put, and then there are two kinds of deductions, one is a deduction which is made by deducting it from the wages—I will deal with that if I may in a moment—and the other are deductions for payments which are made by the employer at the request of the workman.

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* *See* Exhibit *C* of Appendix X.

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9144. I am anxious to get your view of the evolution so to speak of the legislation first, and then I may have a few questions to put to you upon the individual Statutes. You had reached the Act of 1896 and you have given us your view of its provisions. Have you any further Act to refer to ?—I have no further Act to refer to.

9145. I should like to ask you in particular in regard to the Act of 1896. I have gathered from your evidence that the document headed " Colliery, Truck Act, 1896," was a document compiled by yourself ?—It was.

9146. In doing so you were, to the best of your judgment giving effect to that Statute ?—I was.

9147. May I ask you has this form which was drawn up by you officially been in very general use throughout the collieries of the country ?—I think so. I can speak more particularly of my own county of Lancashire and of Cheshire, but it was sent round to the different local associations, and of course each of those local associations has the benefit of the advice of some local solicitor, and no doubt subject to such modifications as he may have thought fit, I may say that that has been adopted.

9148. So that when we have this document before us we are really confronted with the actual contract which is to be attacked if there is any attack possible, or to be defended if there is any defence possible ?—I think so.

9149. Were you aware—I fancy you would be aware—of the state of matters prior to 1896 ?—Yes, I think I was.

9150. You would be aware also of the policy of the Act being prompted by a desire to let master and workman know beforehand how they stood ?—With reference to fines ?

9151. With reference to fines ?—Notwithstanding some of the recent decisions I think that there was no illegality prior to the Act of 1896—That it was no breach of the Truck Act that a fine should be deducted, provided that it had been agreed to. I do not think before the Truck Act there was an agreement for each fine, but I think there were understandings that if a man committed offences, he might be fined.

9152. Will you allow me to say that it is probably not advisable either for the Committee or for yourself to proceed by way of criticism of the decisions. We would rather get the advantage of your evidence upon the view of the statute of 1896 upon which the parties have hitherto proceeded. You see that raises the issue before us ?—Yes.

9153. Upon that, my first question to you is : You were aware were you not, that prior to the passing of this Act of 1896, there was a desire, and apparently a legislative intention, to allow workmen on the one hand and employers upon the other to know definitely how they stood ?—That was so.

9154. And accordingly the first section, and in particular Sub-section (1) (*a*) prescribed that the terms of the contract were to be contained in a notice kept constantly affixed and so on. The real object of that, I understand, was to close the mouths of workmen from complaining if deductions which were agreed to and publicly notified beforehand had been made ?—Before the passing of that Act my view is and was that the imposition of a fine was not a violation of the Truck Act because it was not paying the man his wages in something other than cash ; it was not paying him at all, and it was no more a violation of the Truck Act than if you had not paid the man any wages. Complaints were made, I do not think in the coal trade much because I think the miners' representatives look after the employers too well to have much grievance of that kind, but it was said that in some cases the employee did not know really how much he was going to get when he had finished his work at the week end—there were so many deductions of one sort and another made that the employees never knew where they were.

9155. Do you admit that that was an evil to be remedied ?—I agree, and I think a very serious evil. I think the Act of 1896 very properly placed such restrictions upon fining as to remedy that evil.

9156. That is just the next question that I am coming to. So far as what you might call general contracts are concerned the remedy seems to have been obtained by the scrupulous provision for public notification—I mean public in the sense of accessibility of the workman to it ?—Yes, but I think there is a more important question than that, and that is this, that the whole scheme of the Act of 1896 is that there is to be a bargain between the employer and the employed that a fine should be inflicted.

9157. We are agreed about that. The point I wish to put to you is that in questions of general contract there is an express provision, is not there, for what you might call public notification ?—There is.

9158. Do you think yourself that that was a sound provision ?—I do.

9159. I think you have explained that the object was to allow the workman to know beforehand practically what would be the net earnings that he would receive ?—In that particular part of the clause ?

9160. In that particular part of the clause ?—But the second part of the clause enables that——

9161. I want you if you will be so good as to fix your attention upon it as a sound legislative object. I think you admit broadly that when there is a private contract there is of course not any necessity for public notification under the first portion of Section (1) (*a*) ?—I agree.

9162. Accordingly is it your opinion or not that there being no necessity for public notification there is any necessity or all the more necessity for private notification ?—I do not think there is any necessity for private notification—if you take the other provisions of the Act with the special contract.

9163. But I am taking all the other provisions of the Act with both the special and the general contract ; you may take it that we are assuming all the other provisions of the Act with both the general and the special contract. I want to get your view which I may sum up thus in this question : is it your view that where there is no general contract publicly notified there need be no private contract previously entered into when the contract of employment begins ?—I think if there is no contract to inflict fines when the employment begins or arising afterwards there could be no public notification. The public notification may be of a contract expressly entered into or it may be of an implied contract by a person working under conditions of which he has become aware after he has entered into the employment, but there must be one or the other. It must be a contract express or implied or you could not notify it ; you could not advertise it and affix it.

9164. You admit that the notification which is pointed to in the earlier portion of subsection (1) (*a*) is a notification for the purpose of letting parties know when the contract of employment begins what will be the result to both parties when it ends ?—That is certainly the object of it. I am not so sure how far it is carried out, if you put a maximum fine.

9165. I want to get at the object of it ?—Yes.

9166. So far as that object is concerned it is a perfectly intelligible and legitimate object ?—I agree.

9167. So far as the second portion is concerned, namely the private contract, do I understand that you have prepared this document which has since been proceeded on for the past eleven years, upon the footing that parties may not know when the contract of employment is entered into how they will stand at the end of the contract ?—At the end of the week.

9168. At the end of the week ?—Beyond this——

9169. Do you assent to that subject to an explanation ?—I assent to that subject to this, that at collieries where this practice is in vogue, where these special contracts are made, it is perfectly well known that a man is subject to be either brought before the magistrates or fined for offences.

9170. I will come to that. You see I am rather anxious to get, because it is so important to get, the sort of scheme upon which the practice under the Act has been carried out. There may be a difference of view with regard to it and my duty is to elicit your view, and I am very glad to have the opportunity of doing so. Am I right in saying or am I not, at all events that your scheme and the contracts under it, proceed upon the footing that in so far as regards private contracts for deductions with

individuals, there is nothing to prevent these private contracts being entered into in the sense of signing for the deductions only at the end of the week ?—The signing is before the end of the week. The signing is the time when the fine is imposed.

9171. Quite so, when the fine is imposed ?—Yes.

9172. That fine, subject to the other things in the section which is applicable equally to general and particular, is a fine the amount of which may not be known or fixed by either party ?—It has to be agreed.

9173. Please do not let us differ about this ; I mean before it is imposed ?—I do not see how it could be known because the parties have to agree upon it. They have to agree in that particular case that the man will pay and that the employer should impose, by his agreement, a fine of a certain sum of money.

9174. That just brings very clearly into view the fact that it is only after the delinquency or assumed delinquency, that the man is informed that he will not get all his wages, but will get so much less, which he is bound to contract for in writing in order to conform to the 1896 Act ?—He is not bound to agree—he is not bound to agree in this way, that he can please himself whether he agrees or not.

9175. Suppose he does not agree ?—Then we could not fine him ; he would be brought before the magistrates in all probability.

9176. Suppose it was not a case of bringing before the magistrates ?—I do not know what the inspector would say in that case. The inspector can require the coal owner or manager to carry out the Act. If there were a breach of any of these regulations, the manager himself would be liable under the Act. If you have the Mines Regulation Act, Section 50, I think it is, you will find that every owner, agent or manager of a mine is liable for any offence committed by any person whomsoever. The only way in which he can relieve himself from that is by doing everything in his power to comply with the Mines Regulation Act. If there is an offence committed against the Act by a workman, and the employer does not take any means to punish it either by a prosecution or by an arrangement with the man to pay a fine, then the inspector would say, I have no doubt, to the manager : " You are equally guilty with him in not having done what you could to carry out these regulations."

9177. Is it your view that everything for which a man is fined is necessarily a thing for which he could be reported and punished ?—That is a large question.

9178. You must surely know about that ?—I have got a number of instances of fines here, and if you like, I will just run through them and see what they are.

9179. I may illuminate the subject, to help you, by saying that the very same language applies to deductions as to fines ?—In the Truck Act ?

9180. In the Truck Act of 1896 ?—That is so, but I am speaking now about the Mines Regulation Act.

9181. I never mentioned the Mines Regulation Act. We are on the Truck Act of 1896 ?—You were asking me what would be the consequence in the case of a man who was neither fined nor brought before the magistrates, and I answer that by saying that probably the owner would be summoned by the inspector for not carrying out the Mines Regulation Act.

9182. Now can we get back to the Act of 1896 and kindly keep the Act before you. I refer you to Section 2 of the Act and I point out to you that there may be deductions, and with regard to any general contract for deductions the same precautions for antecedent publicity are made, and with regard to any private contract for deductions there is just the same language employed, namely : " Or the contract is in writing, signed by the workman." Therefore this language and the alternative between the public and general notified contract and the private and non-notified one, applies equally to fines and deductions ?—It does.

9183. Very well. Therefore, in so far as the Act of 1896 provided for antecedent notification, it has completely failed by its language, as interpreted by you, to effect that in the case of individual contracts ?—I do not quite understand " failed," sir ; I do not know that it has failed.

9184. May I interpret it. It has failed to effect that antecedent notification which by the earlier part of the section seemed to be the object of the legislature on the subject ?—With very great respect, I should think the object of the legislature was in giving the alternative that if you did not choose to adopt the second alternative—otherwise I do not see what the object of the second alternative is at all—you must give this public notice so that a workman might know what he was liable for and how much might be deducted from his wages. But that was not necessary if the parties themselves agreed in writing that there should be deductions from the wages.

9185. May I suggest to you another view, speaking as a lawyer to a very skilled lawyer. When a contract in writing signed by the individual is referred to, it might be argued that what Parliament meant was a contract made in writing signed at the time that the contract of employment was entered into, otherwise you would leave the workman absolutely helpless, or practically helpless when he was fined an unknown amount for an unstipulated offence ?—With very great respect, I could not adopt that view, and I will tell you why. He could not possibly enter into a contract when he undertakes his employment as to the amount which would be inflicted upon him or which he would agree to pay. It is not a question that we are enforcing a fine against him. It is a question whether he would agree to pay for a particular offence. When you put it as part of a general contract, the point is that the man has no option. You do not want his agreement ; you simply say : " This is your contract and I am going to fine you 2s. 6d. or 5s." or whatever it might be. But in the other case, if he chooses to say : " I will not pay," you cannot make him pay.

9186. Under the second part of it you can fine him what you think yourself he ought to pay subject to the other conditions in the Act ?—If he agrees to pay it ; but he can please himself.

9187. Do you say that a private contract, a contract signed by the workman, is preferable to a general contract with the antecedent notification ?—I should think so.

9188. Why ?—I should think it is an impossible thing to do. Take as an instance one of these cases, " not obeying signal rules." I have got that in this list here. If you do not obey signal rules you shall be fined. How much ? This is a general contract, and if you put a maximum, you may fine him anything you like if it is a general contract. If you put 10s. you may not fine him anything like 10s., you many fine him only 2s.

9189. Why should not he know what he is liable to pay ? If 10s. is a reasonable sum then it is a fair contract. Is not that so ?—No, it is not, for this reason : because the conditions of the breach may be very different. One may be a very serious breach and another may be a same offence, but there may be many excusing circumstances in connection with it.

9190. Do you not know that the provision as to the the amount of the fine being fair and reasonable applies to those which are publicly notified ?—I do.

9191. I will show you this list. It contains a long number of fines which have been actually imposed. (*Handing document to witness.*) Do you represent to us that it would be impossible in practice to catalogue the list of offences such even as you find there ?—I should say it would be impossible except at the risk of a very great injustice being done to a man.

9192. Take as an instance the case of a man taking matches down the pit ?—In a case of that kind I should doubt the wisdom of fining for that. I should think the man ought to be taken before the magistrates for that offence.

9193. Coming to work drunk ?—There again, I think I should bring him before the magistrates for that offence.

9194. Being asleep on duty ?—Again I should say he ought to be brought before the magistrates for that.

9195. You do represent it as a practical impossibility to give a catalogue of fines ?—Yes, in fairness to the men. I should like to impress this upon you if I may ?

9196. Certainly ?—I hope you will excuse me being persistent. It is this : Supposing you adopt the first

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alternative, the man has no option but to pay the fine; he cannot say: "No, I will not pay the fine," and I do not know if we should have an option whether we should take a fine from him or bring him before the magistrates. This is the difference between them, that in the second alternative we could not enforce the fine unless the man agreed to it. The miners themselves constantly come and say: "Do not take me before the magistrates; fine me." It is in their own interests that they should not be taken before the magistrates.

9197. Would you kindly keep out of your view if possible the alternative of taking them before the magistrate, because there are a great many things as you know, in respect of which deductions are made for which people are not taken before the magistrates at all and could not be?—I should like to see one, sir.

9198. I will give you one. Do you know what dropping a bow is?—No, I do not know what that is.

9199. You know the steel hook with which a man controls his truck?—Down below?

9200. Yes?—Yes.

9201. He lets that fall. You could not take him before the magistrate for that, you know?—It just depends, I do not know quite what the effect of that is. I do not know whether he would be endangering anybody's life or not if he did that.

9202. That offence would involve neither the one nor the other?—If he is not endangering any person's life or doing anything contrary to any special rule, then I do not see that you could take him before the magistrates, but there is a rule to this effect, "No person shall do anything"—I am reading now from the special rules in the Lancashire district—"to endanger his own or another person's life."

9203. Supposing he does not do anything of the sort. You do not say that a miner does not have deductions made from his wages for a great number of things or at least for some things which would not make him criminally responsible under the Mines Regulation Act?—I should not say that. You have given an instance now but I do not know the circumstances. I did not even know of that offence, although I thought I knew most of these offences.

9204. Well suppose he breaks a lamp by accident?—If a miner breaks a lamp by accident he has committed an offence under the Mines Regulation Act, because he has done something that endangers another person's life. You cannot break a lamp down a mine without endangering life.

9205. I do not put it that it was broken when he was down the mine?—I should think he would not be breaking a lamp on the surface. I should think the probability is that it would be for breaking a lamp when he was down the mine.

9206. But suppose he does break a lamp glass, for which he is fined 6d.?—That probably would be when he was down the mine.

9207. Do you represent to us that it would be impossible that that could be done except by the man committing an offence under the Coal Mines Regulation Act?—It depends on the circumstances entirely.

9208. I am taking the circumstances as being possibly those which do not necessitate criminal proceedings?—I could not give a hypothetical opinion of that kind unless I knew what the circumstances were. A lamp, of course, might be broken without doing any harm at all to anybody.

9209. Do you know what coal picking is?—Yes, it is picking it on the surface—picking out, I suppose, the refuse from the coal.

9210. Suppose he is fined a shilling for not doing that properly?—Am I right in my description of it.

By Mr. Walsh.

9211. It is with reference to coal which has not been sold but has been stacked and people come along and pick it—probably a workman?—That is stealing coal, I suppose.

9212. Yes?—Supposing the person says "Do not take me before the magistrates but fine me something."

By the Chairman.

9213. The question is, is that under the Coal Mines Regulation Act?—No, I should think not.

9214. "Breaking a spade." Is that under the Coal Mines Regulation Act?—I should not think so, but you are selecting only a very few of the cases, if you will allow me to say so.

9215. I am selecting something in order to get rid of your idea that everything that is done here involves the alternative of making the offender liable under the Coal Mines Regulation Act to criminal proceedings. You can see for yourself, can you not, that there may be a variety of instances, and that is the point upon which I am anxious to get your view, in which a deduction may be made from a man's wages where the alternatives of criminal responsibility under the Coal Mines Regulation Act does not attach at all?—If you will excuse me saying so, I should not agree with picking out half a dozen cases of that kind as at all proof that there is a variety of instances where fines are imposed where the man is not liable to be taken before the magistrates under the Coal Mines Regulation Act.

9216. Do you put it, then, that there is no such case?—No, not at all.

9217. Then will you please assume that there may be cases of that kind. Will you take it that there are cases which do occur where the offence committed does not bring the man within the Mines Regulation Act at all. I want you to address yourself to that point if you will?—I will take it in this way, that those cases which you have mentioned to me, I should say, are not offences which would fall under the Mines Regulation Act, and the men committing those offences would not be subject to prosecution under the Coal Mines Regulation Act. Of course in the case of the one you mentioned, of picking coal, the offender there would clearly be liable to prosecution for stealing the coal.

9218. Quite so. Having got to that, I now put to you this question. Is it in your view a fair construction of the Act—I suppose it must be in your view a fair construction of the Act—that at the end of the week, or only when an offence or when the alleged offence occurs, the agreement is for the first time to be made for a deduction?—I think that with the protection which is given in the other parts of the Act against an excessive fine it is a perfectly fair arrangement that there should be no general contract enforceable against the workman in respect of fines, but that he should be at liberty if he chooses, with the consent of the employer, to be fined for a particular offence.

9219. Suppose a man does not obey an order to do it or maintains that he has not had instructions to put up a timber, for example, and he is then fined 10s?—Yes.

9220. There is a difference between the parties as to whether instructions were given to him or not. Do not you see that that may be a serious fine, 10s., in a man's wages. Do not you see for yourself, that the workman is put in this position, that if he does not pay exactly what is demanded of him the consequences may be very serious to him?—No, I do not see it. I think that a case like the one you have mentioned might be a case in which either his own or somebody else's life was endangered by his not seeing to the propping of the roof, and if the workman chooses to say, "I will agree to pay a fine," he is not hurt. You cannot impose a fine on him unless he agrees to pay, and if it was a case such as you have mentioned where the man says, "It was not my fault, because I was not told to do it," he would not be likely to accept the imposition of a fine under those circumstances.

9221. Am I to take it that you are quite serious in thinking that this voluntary agreement is sound in principle and works without doing any harm?—I am told on all hands that these fines are almost invariably inflicted at the request of the workman himself, and if that is so I should say that the system does not work any harm. I could not say, of course, that there may not be cases at times where a workman may perhaps be placed in the position of having the alternative put to him of either paying a fine or being discharged. I should not like to say that all the colliery managers all over the kingdom are perfect, but I should say that generally the system works well.

9222. So that I may take it your evidence is to the effect that in so far as the A t of 1896 provided for private contracts, it gave no protection of a similar character to that given in the case of the antecedent knowledge of both parties as to how they would stand ?—It is for this reason——

9223. Pardon me, will you answer my question ?—I must, if you will allow me, draw the distinction between the two classes of contract.

9224. Yes, but first did it or not give any protection ? —It gave no protection, but no protection was necessary, because it was optional with the man at the time whether he paid the fine or whether he did not. If it were not optional with the man, supposing the man could be made to pay a fine, then notification would be necessary by advertisement so that he could see what he was liable to pay, but where he is not liable unless he agrees, such preliminary advertisement is not necessary.

9225. The fines, of course, as you know, imposed under this private system are fairly numerous ?—I should think it varies a good deal at different places. In some places they do not fine so much ; they prosecute. The inspectors, so far as I have heard their opinion, are divided somewhat on the subject. Some think that the Mines Regulation Act would be better enforced if prosecutions were more general and if offenders were brought before the magistrates because of the publicity the proceeding would give. Others think that it would be very hard in many cases of a trifling nature to bring the men before the magistrates, and that the matter should be dealt with by a fine, but all agree that breaches of the Act should not be passed over without punishment of some kind.

9226. You are dealing with breaches of the Coal Mines Regulation Act ?—Yes.

9227. You have gone back again to that. I was on the Truck Act of 1896 ?—You cannot very well separate them in some cases.

9228. Will you give us your view in so far as the deductions from wages do not cover things under the Coal Mines Regulation Act, which may be subject to criminal prosecution, whether to that extent at all events the parties should be enabled to know how they stand beforehand, or would you not go that length ?—I will go as far as this on this principle, that if I can compel a man to pay a fine I agree I ought to let him know beforehand what he is liable for, but if I cannot he does not need any such knowledge.

9229. Do you agree that the infliction of certain fines might have a very serious consequence to a man ?—I hope you will not forget what I say, that in a great number of these cases the fine is imposed at the request of the man hi self rather than that he should be taken before a magistrate.

9230. I am rather surprised to hear you say that, but I take it from you that it is so ?—Yes, you may take it from me that they invariably ask to be fined rather than be taken before a magistrate. If a man has committed an offence and he says, "I do not agree to be fined," the probability is that he would either be discharged or he would be taken before the magistrates if it was an offence of such a character as would justify one course or the other.

9231. Under the Coal Mines Regulation Act ?—Under the Coal Mines Regulation Act.

9232. Will you now just keep away from the Coal Mines Regulation Act in order to keep your mind clear on the point under the 1896 Act. Supposing he says, "I will not agree to it ; it is an offence I have not committed, I decline to agree," what do you suggest would be the penalty for the man ?—I think I must ask for some consideration on behalf of the colliery managers. They do not want to press men in that way, and if there was anything unjust about it, with a combination such as exists amongst the miners, and the men were dissatisfied, the employer would very soon hear of it from the miners' agents.

9233. That is a case in which they would invoke their union, you think, in order to remedy what was considered to be an unjust imposition ?—If I was in a Miners' Union and an attempt was made to fine me for a thing that I was not liable for, I should certainly invoke the assistance of my union.

9234. He would be liable in a case of antecedent notification ?—Yes. Of course the man could not invoke either his union or anybody else in that event ; he would not have an option, and he would be liable to pay the fine.

9235. But it would in fact be stated ?—I do not think it ought to be stated.

9236. You think it ought not in fact to be stated ?— I think it would be a much greater evil to the man—a much greater disadvantage to the man.

9237. Why ?—Because he could not refuse to pay the fine.

9238. He would know, at all events, what he had contracted for ?—He would know he had contracted to have a fine imposed upon him.

9239. Do you think there is no advantage in his knowing ?—I do not think in coal mining there is any advantage in his knowing.

9240. It is on that footing you give us your evidence ?— Yes. With reference to the textile industries and many other industries, from what I have heard, the grievance was serious before the passing of the 1896 Act, and I think it would be a great advantage that the person should know what he is liable for in those industries.

9241. But in the coal mining industry you do not think so ?—I do not think so.

9242. You have observed how anxious I have been to dissociate the 1896 Act from the Coal Mines Regulation Act, in order to elicit your view on that head. It is fair to you now to come to any offences under the Coal Mines Regulation Act. I suppose, generally speaking, the offences under the Coal Mines Regulation Act, are offences which might have consequences reaching to the general safety of the pit ?—Yes, because you cannot tell what the consequences of a breach of regulations down below might mean. The safety of the pit depends upon the care which every man takes when he is down below.

9243. I quite see that, and it is in consequence of that that the criminal law takes cogni ance of such a position ? —Yes.

9244. Do you approve of fines for such offences ?—You mean fines by agreement with the men ?

9245. Yes ?—On the whole I do, and I will tell you why. I approve of fines with this qualification, that if there is an offence against the Mines Regulation Act in the interests of discipline there must be some notice taken of the offence. If it is an offence of a trivial nature and the man is a man of good character, a steady working man, probably a caution in the first instance might be sufficient, and I have no doubt that method is adopted. But in other cases there must be something more than that. Now the question is which is the best way and the most considerate way in the interests of the men, and at the same time to maintain the discipline which must be maintained in a mine. I think in serious cases there ought to be prosecutions ; that the matter ought to be brought before the magistrates, but I do not think there are many cases in which it could not be satisfactorily met by a fine and without impairing the discipline of the mine, and that is the point, that discipline must be maintained sufficiently. I think in most cases it could be satisfactorily met by an agreement on the part of the man to pay a fine instead of bringing him before the magistrates.

9246. Is that to all intents and purposes a class of case in which it could not be reasonably established that there had been any danger to anybody else ?—No, I think they are all cases in which there is danger to somebody.

9247. Then the policy of the Legislature has been to make those cases cognizable by the criminal authorities ?— Yes, that is the remedy.

9248. The object of these contracts that you have referred to is to provide an escape from the rigour of the law ?—If I might ask you to refer to Sec. 50 of the Coal Mines Regulation Act, probably you will see more what I mean. That section imposes responsibility upon

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everybody, the owner, the agent, and the manager—I think I am right about the section. Every owner, agent or manager of the mine is held responsible for any offence committed by any person, although it may be an offence with which they have nothing whatever personally to do. The policy of the Act is to place upon the owner, the agent, and the manager of the mine responsibility for the safety of the mine. They are liable for that, and the only way in which they can escape liability in the concluding words of the section is that they must show to the court, if they are summoned by the inspector for anybody's offences that they have to the best of their power—I forget the exact words.

9249. You have stated it very well. It is that they must publish, and to the best of their power, enforce the rules ?—Yes, and it is upon the enforcement of these regulations and general rules of the Act of Parliament and special rules that the safety of the mine depends. The law looks upon him to secure that and he is punishable if he does not do it. If there is an offence or something done by any of the men, any violation of those regulations, the manager is not bound to take them before the magistrates; there is no obligation upon him to do that. His obligation is to show that he has done all he can to maintain the discipline of the mine, and he has the discretion if he thinks it is not prejudicial to the maintaining of the discipline in the mine, in a particular case, to inflict a fine. That is the object of these arrangements. If he thinks he can properly do that, and the man says, "I prefer to pay a fine," I cannot see what objection there can be to that. On the other hand, if he thinks, even in the most trivial case, that in order to do his duty and in order to provide for the safety of his mine he must prosecute every man, then he is quite within his rights if he does it. That is my view.

9250. In the case you have given us, not only is the man himself, but also the owner and the agent responsible ?—Quite; they are all responsible under the section.

9251. They get rid of that responsibility by a private arrangement, under which the workman pays something to the master ?—I ought to say that these fines are not put into the master's pocket.

9252. Admitting that, and taking that away from it, they compound it by a private payment ?—Even supposing that they do compound it by a private payment, I wish to protest against the idea that these fines go into the employer's pocket. They do not. They almost invariably go to some charity.

9253. Quite so ?—But I should say that even if the owner, in his judgment, thought that he was securing the discipline of his mine in every way, and the man agreed to it, of course he is still under this liability. The inspector might say; "I do not agree with you; I do not agree that by doing what you have done you have done what you can to maintain the observance of these rules," and he might summon him. Then if the tribunal was of opinion that he had not, by adopting these means, done what he could to discharge the obligation which is put upon him under that section, he would be fined himself.

9254. At all events, to the best of their power they have attempted to compound away the Mine Regulations code by a system of private discipline enforced by pecuniary payments ?—I do not agree quite, if I might disagree, to your word "compounding." What they have done is this; they have endeavoured with the sanction of the men and I press that—with the sanction of the men——

9255. Yes, I agree they are both implicated in this curious transaction ?—In order to prevent disgrace to the men, because colliers do not like being brought up before magistrates any more than anybody else, they may say "In this case you can be fined," and if the man agrees, and it is frequently so, as I say, that he does, because almost invariably the man says "Do not take me before the magistrates; fine me," I think they are justified in doing it.

9256. In order to elucidate one difficulty in the minds of the Committee may I put this to you; we can understand an offence being committed for which it is possible the criminal law would inflict a punishment, and we can understand in such circumstances the owner saying: "Now you are liable at law, but I will forgive you." That is a thing I can understand, but our difficulty is in allowing the owner to say "I will forgive you and not report you if you will make a payment of money." What do you say to that transaction ?—Excuse me, but you have not quite stated the facts. The way in which it is put is this: "I forgive you, but," he says, "if you choose to pay a fine of so much money, I will not bring you before the magistrates." The reporting, however, still has to be done, because this has to be registered.

9257. Do not let us differ with regard to the terminology. Put it in your own way ?—Except that it is an important difference. There is no secrecy about it. Every one of these fines has to be inserted in a register, and that register has to be inspected by the inspector whose business it is to inspect it and if he finds that there has been a violation of the Truck Act, either by reason of an excessive fine having been inflicted or where he considers that what has been done is not sufficiently effective in order to maintain the discipline of the mine he can still bring the case before the magistrate.

9258. If it is right the inspectors approve of it, and if it is wrong the inspectors may not approve of it ?—The object of the book being there is in order that the inspector may see it. It is provided in the Act of 1896, sub-section 3, Section 6: "Every employer who has made any contract purporting or intending to operate as a contract under Section 1 of this Act shall keep a register of deductions or payments, and shall enter therein every deduction or payment for or in respect of any fine purporting to be made under any such contract, specifying the amount and the nature of the act or omission in respect of which the fine was imposed, and this register shall be at all times open to inspection by one of her Majesty's Inspectors of Factories or of Mines."

9259. Your point, I understand, is you state that as a matter of fact fines are imposed for matters which are recognizable by the criminal law, and that His Majesty's Inspectors see that ?—They do, and this Act provides that they shall see it.

9260. And they have seen it and have taken no action ?—I cannot tell you what they have done, but the Act provides that it shall be there for them, and the Act contemplates that there shall be these fines, and in order to guard against the danger which you suggest, I presume, of compounding a felony or a misdemeanour or whatever the offence may be, the fines are registered there for the inspector to see.

9261. I think it is essentially a point that should be stated, and you are quite right in stating it, that the system, whatever may be said about it so far as the record goes, at all events has never been a system of concealment at all ?—No, I am not aware of any case where inspectors have taken proceedings. I have never heard of any case where proceedings have been taken against an employer either for a violation of the Truck Act or for imposing an excessive fine, and I think that goes for a great deal. I have a certificate of conviction here in which the fine was 5s. and the amount of costs 11s.; that made 16s. In addition to the 16s. the man would have to attend before the magistrates and that would mean the loss of a day, and probably more than one day, because often there are no magistrates sitting who can try a mining case and the man therefore loses a day in having to come up again. So that this system, safeguarded as it is by the Act of 1896 assists sufficiently in maintaining the discipline of the mine. It is much less oppressive to the collier and it is carefully safeguarded against any violation of the Truck Act or any excessive use of this power.

9262. In the result therefore—we need not go back upon it—the discipline which among other things might have been aimed at under Sec. 50, is achieved by the simpler method which is agreed to by both parties ?—I think so.

9263. That is your view. Has it ever been brought under your notice that there is dissatisfaction among the men ?—For the fining ?

9264. For this fining without antecedent notice ?—No, I have never heard of that. What comes before me is this, that the men prefer to be fined rather than to

be brought before the magistrates. It is at their own instance that these fines are more usually inflicted.

9265. Have you any knowledge of men who would rather pay the fine than be reported ?—They cannot help being reported because the fact of their paying the fine has to be recorded in the register for the inspection of the inspector.

9266. I know that, but you know exactly what I mean ; I mean reported as offenders and haled before the criminal authorities ?—I think the men prefer to pay the fine rather than be reported.

9267. Have you any knowledge of a case of a man agreeing to pay a fine rather than have a difference which might have both criminal and defamatory results ?—I know of no special cases, but I have no doubt there are such cases, and the more guilty a man is the more readily he would agree to a fine rather than to going before the magistrates.

9268. He would rather agree to a fine, I suppose, for the sake of getting off, than have the circumstances reported to the inspector ?—He would not be reported to the inspector, he would be brought before the magistrates ; the prosecutions are by the owners, not by the inspector.

9269. Yes, I know that quite well, but in so far as regards the inspectors of mines it would be possible, would it not, to make representations to him ?—Yes, but I do not think you would do that ; the inspector would have no time to listen to it. He would say to the manager : "It is for you to look after this man, not me."

9270. The inspector would have time, however, to look at any general regulations that were put up ?—Certainly, and the inspector would have the same opportunity that he has now, of course, of criticising the amount of the fines if he saw that the regulations were overriden.

9271. If there was any meaning of the legislature, it is certainly not the meaning you have taken for the reasons you have given ?—Of course it is difficult to say what the legislature did mean, but my view is that the legislature meant two entirely different things, as I have explained to you.

9272. Do you think there is any improvement called for under the Act of 1896 ?—With reference to coal mining I do not think there is.

9273. You can suggest no alteration of the law ?—I can suggest no alteration of the law—I am speaking now as to the coal mining industry ; I do not go outside that.

9274. There are certain things which you give in a list. You might perhaps just read that list to us ?—I suggest to the Committee that under the provisions of the Truck Acts deductions may be made from miners' wages by agreement.

9275. You suggest that these deductions are at present made?—Yes, by agreement in respect to explosives where they are used and where the agreement is that the man shall pay for them. Of course, in some cases the getting price of the coal includes the provision of explosives by the employer, but in cases where the man has to find his own explosives, it is very undesirable that he should get explosives of an inferior character, because that might be very dangerous, and, therefore, it is desirable that they should be supplied by the employer, who would be more likely to find a safe explosive than the workman. Then under the Mines Act of 1896, lamps have to be provided by the employer. You will see at once why that is desirable because a defective lamp might cause a great deal of mischief down in the mine.

9276. Is a deduction to be made for that ?—Yes, we do not provide them for nothing, but in order that the lamps should be safe we provide them and the men agree to the deduction. Then oil and trimming, house coal, materials, tools or implements to be used in mining. That is under the Act of 1831. House rent, lamp cleaning sharpening or repairing tools. That is partly under the Act of 1831 and partly under the Act of 1887. The Act of 1887 requires that it shall not be part of the conditions of hiring.

9277. You mean under Section 8 of the Act of 1887 they must have a separate contract for sharpening or repairing tools ?—Yes. As far as I could, I have drawn out conditions—I think I handed it in—providing for the deduction of these. It is the paper I handed in first ; that is the contract with the men for the deductions of these various items. Of course they must be reasonable.

9278. They must fall under the other conditions of the Act of 1896 ?—Yes.

9279. Can you tell us any part of the country where explosives are supplied by the mine owner ?—They are supplied in Lancashire.

9280. How does that system work there ?—I think it is a necessity that they should be supplied by the mine owner. The only difficulty I have heard raised is this, that the workmen of course can get them cheaper. But he cannot get them as good, and he may not be able to get the right sort of explosives at all.

9281. Perhaps I was wrong in the phraseology of my question. What I meant to say was supplied free of charge ?—It differs in various districts. In Lancashire there are some districts where they are not charged for because there is a different price paid for the getting of the coal.

9282. They work it out in that way ?—They work it out in that way.

9283. How does that system work ?—I think they both work well ; I do not think there is any difference between one and the other.

9284. Of course if there was anything inferior in the nature of the explosive and that sort of thing, that is a thing that would be observed in the working of the mine ? —Yes, you have to be very careful.

9285. Should that system be applied to lamps, do you think ?—That the lamps should be provided free of charge ?

9286. Yes ?—The difficulty about that is this that you would have to re-arrange the wages and that is always a difficulty. Another thing is that when you have a thing settled you do not care to begin to alter it, and if you were to say to the men : "Now instead of your paying for the lamp, I am going to supply it, and I want something off your wages for that," you would get into interminable trouble in arranging how much that deduction ought to be.

9287. I see you allow a deduction for sharpening or repairing tools in this list you have given. You make that one of the deductions from the gross wages ?—Yes.

9288. But there is a contract necessary for that beforehand ?—Yes, there is a separate contract necessary—you will see it in the form I have handed you. It is not part of the contract of hiring ; it is a different contract altogether.

9289. Does the separation of the sharpening or the repairing of tools in another part of the contract apply in the case of the other articles you have mentioned ?—That is not the contract of hiring that you have got there.

9290. I do not think you apprehend my question. Under Section 8 of the Act of 1887 there must be a separate contract for the sharpening or repairing of tools you say, and I ask you must there also be a separate contract for the other things ?—There is a separate contract for all those things.

9291. Antecedently made ?—Yes. When the man signs on, he signs that contract. The contract of service is a different contract altogether. I think I have a specimen contract of service here. That is the contract of service (*see Exhibit A of Appendix X*). That is a separate contract I have given you for the deductions, altogether apart from the contract of hiring.

9292. This is the contract of service ?—Yes.

9293. And this is the contract for the deductions ?—That is the contract for the deductions.

9294. This is headed " Colliery. The Truck Acts 1831 to 1896" ?—That is the pay sheet. If you will take the contract for deductions you will find it is in a different form.

9295. Just see if we are right about this now. The main substantial document is what I may call the original contract of employment ?—Yes ; that is in a book.

9296. That is kept in a book and is now marked "A" ? —Yes.

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9297. The next contract is also in a book and it has reference to deductions?—Yes, and the payments by authority.

9298. Yes, but those deductions are deductions in respect of which there is an antecedent contract?—Yes, I thought there was a contract on the top of that; there is another one with the deductions on. I have another copy here; this is the one (*see Exhibit B of Appendix X.*)

9299. This which we shall call "B" is the contract containing the heads of deductions?—That is so.

9300. These heads of deductions are for material and other things set forth in the Acts of Parliament including explosives, house rent and so on?—Yes, I think they are all in there—all the deductions that are made.

9301. There is also a request and authority to the employers to make the following payments. These are for hospital and recreative purposes and so on?—Yes, the Permanent Relief Society; the check weigh fund, and so on.

9302. These documents "A" and "B" enable both parties to know exactly when the contract is entered into how they stand?—They do.

9303. When the man's wages are paid there is a third document, "C," (*see Exhibit C of Appendix X.*) which he has to sign?—Not when their wages are paid; when the agreement to pay the fine is entered into.

9304. When during the course of the employment anything is done which is the subject of agreement for a fine a third document, "C," there and then as I understand is entered into?—That is so.

9305. It is by piecing together these three documents that at the end of the week or fortnight or whatever the time may be you are able to ascertain the net sum received by the workman?—That is so.

9306. Is that a correct interpretation of the transaction?—Yes. Then when the wages are paid a fourth document, "D," (*see Exhibit D of Appendix X.*) is given to him, that is the pay ticket which you had just now showing those deductions.

9307. I see. Is there anything else you would like to mention to us, Mr. Ellis?—I would like to mention those deductions if I may, particularly the one for the Permanent Relief Society.

9308. Certainly, we shall be glad to hear you upon that?—Since the year 1892 I have acted as the adviser and solicitor to the Lancashire and Cheshire Miners Permanent Relief Society. I believe you have had before you representatives from the four large societies, and I hope they have satisfied you as to the great importance it is to the miners that these societies should be maintained. Prior to 1897 in Lancashire and Cheshire the employers contributed 25 per cent. in money on the men's contributions, and the board of management consisted of twelve ordinary members, who were men selected from the men, and ten who were men selected from the employers. The Permanent Relief Society was established in 1872 in Lancashire and Cheshire. Before that time there was no provision made for widows or cripples who had been damaged in the coal mines, and in the yard of the colliery when the wages were being paid you used to find that a great number of unfortunate people were collecting what they could to assist them, and it was felt very strongly in 1872 that something better should be done, and at the instance of Mr. Pickard, who was then the miners' agent, who occupied the position now so very well filled by Mr. Walsh, Canon Bridgeman, the Rector of Wigan, and Mr. Alfred Hewlett the society was established. Those three gentlemen were particularly interested in getting together the society. It went on very satisfactorily and the contributions were all collected at the collieries from the men without complaint of any kind, in fact that is the only way in which these contributions could be satisfactorily collected. I ought to say that there are about 53,000 members of the Lancashire and Cheshire Permanent Relief Society. In 1897 when the Workmen's Compensation Act was passed, the employers decided that they could no longer continue to make their contributions of 25 per cent.

9309. Do you happen to remember what was the reason of their decision?—Because they had to pay compensation under the Act. There was no contracting out of the Act and they had to pay direct. Prior to that they had contracted out of the Employers' Liability Act and they paid this 25 per cent. contribution, but when they found that they could not contract out of the Workmen's Compensation Act they said they could not continue to pay the contribution. At that time there was a question as to whether the society, which was financially unsatisfactory, should be wound up, and there was a strong feeling on the part of many of the coal owners as to how they could safeguard the interests of the incumbents on the society, the widows and orphans in respect of whom the money had been contributed, and they wanted to see those people safe. It was very strongly indeed urged on the employers by the society and by the ordinary members of the society, the workmen on the board; who said what a disaster it would be if this society was wound up, that if the employers would continue the collection of the money that they should retain their position on the board of management, and that was agreed to, and since that time the collection has gone on as it had been done before at the collieries, and ten out of the twenty-two members of the board of management have been the representatives of employers, twelve representing the workmen.

9310. May I suggest to you that the council of employers is a kind of compound of agent, book-keeper, and the like, acting so as to be a convenience to the men really without any obligation on the part of the employer but as a help and guidance to the men?—That is all. The numbers in the society decreased immediately after that in what was called the old Permanent Society, and what was called the New Permanent Society came into existence. That was a society promoted by certain members of the Miners' Federation. It was founded upon pretty much the same lines—I think the rules were adopted *en bloc* or pretty nearly—because they did not desire that the employers should have anything to do with the management and that they should in fact be excluded altogether from any connection with it. This society numbers, I believe, about 13,000. The Miners' Permanent Relief Society, as I have said numbered 53,000 in 1898. After that it went down to about 40,000; it has now got up to 49,622, in 1906, and its financial position has constantly been improving until now the actuaries say, although there are not 20s. in the £, still they are a great deal better off than they were, and they are rapidly approaching a very sound financial position.

9311. Is any miner compelled to join that society?—No, he is not compelled to join. On the board of management there are twelve what are termed ordinary members. The representatives of the men are members of the Miners' Federation, several of them being officials in the federation. There are 49,000 members of the Permanent Relief Society. According to the return of the Registrar of Friendly Societies for 1906, the total number of persons in the Miners' Federation in Lancashire and Cheshire was 30,000. I do not know what the number has increased to since that time, but I believe during last year there have been certain increases. But certainly in 1905 we had 47,000 in that year members of the society whereas the total number of the members of the Miners' Federation only amounted to 30,000. You asked me if the men were compelled to join. The men are not compelled to join. They are asked at the colliery if they wish to join, and if they do wish to join their contributions are received; if they do not wish to join they are not received. They do not at any of the collieries receive the contributions in respect of the New Permanent. I have never heard a complaint from a collier about his being compelled to join the Permanent. I have heard complaints from gentlemen connected with the New Permanent that it was not quite fair that the collection should be made for one and not for the other, but I have never heard a complaint from any collier, and I should strongly put this to you that with 49,000 members it would hardly be possible to exercise compulsion. It is hardly conceivable that 49,000 members could be required to join a society without their consent. In 1900, a suggestion was made at the instance of the Miners' Federation no doubt. A letter was written by Mr. Ashton, who is the respected Secretary of the Miners' Federation, and Mr. Walkden, who is a very prominent man in connection with the new society, for an amalgamation, and Mr. Ashton expressed then the very sound opinion which those who are interested in the old society

entertain, and that is that there ought to be only one Permanent Relief Society in South-west Lancashire, and I think every reasonable man comes to the same conclusion. There is one with 50,000 members and another with 13,000 members, and it is a great pity that those two should be going along separately. I submit to you that there is no ground for the suggestion that the men are compelled to join the society. I hear of most of the disputes that take place in Lancashire. My friend Mr. Walsh has no hesitation in coming to me whenever there is any difficulty with the men, and I have never heard of a complaint from anybody. The only complaint I have heard of is that it is not quite fair that the employer should agree to collect in one case and should decline to collect in the other. If there was any prohibition—fence it round with any safeguard you think necessary—but if there was anything which prohibited these permanent relief contributions being collected by the employer, the society would disappear, and that I cannot look upon except as a very serious disaster to the workmen—a society that has been built up by the workmen by years of providence.

9312. How is the audit conducted ?—By the public auditor.

9313. Under the Friendly Societies' Act ?—Yes.

9314. The management is a joint one you say ?—The management is joint nominally; when I have been at the board meeting, although I have found that the workmen members are never absent, and are never late, I have never found any large attendance of the honorary members, and no one can be interfered with or coerced into joining.

9315. I think we have now exhausted all the different points you have raised. Have you any suggestions to offer with regard to contributions for hospitals ? We would like to hear you on that also ?—With regard to contributions for hospitals, the men contribute very handsomely indeed in our district to the local hospital at Wigan. They contribute very willingly and I have never heard of a case of any complaint as to oppression in requiring the men to contribute to a hospital or as to being unwilling to do it. I believe in Wigan the amount is 1d. a week. I think it was started at the suggestion of the men. They have a very large share in the management of the hospital. The board of management consists very largely of their representatives, and they make this very handsome contribution to its funds.

9316. I see that is one of the things mentioned in the document "B" which you have given to us—subscriptions to the so-and-so sick cub, or to the cottage hospital or to the recreation ground ?—I think the cottage hospital was rather intended to apply to the St. Helens district, where they had a cottage hospital which they specially contributed to. The hospital in Wigan is a very big place.

9317. Are they compelled to make those contributions ? —I do not think so, I have never heard of any compulsion; I think it is entirely a voluntary contribution.

9318. It is more a point of honour with them ?—Yes; I think so. The Shop Clubs' Act, as you are aware, prevents these being conditions of employment—any compulsion of that kind is punishable very seriously, and I cannot conceive that the men should require compulsion to contribute to a sick fund or to a hospital. The men are always perfectly willing to contribute for those purposes.

9319. Has any case of this kind ever come under your notice of a man failing to act like his mates in subscribing to an infirmary, or anything of the kind, that his position is rendered uncomfortable and inconvenient and he has had to leave his employment on that account ?—I have never heard of such a case, but I should think it would probably have been occasioned by his mates, certainly not by the employer.

9320. I agree, not by the employer ?—No, the employer has nothing to get out of it.

9321. Have you heard of any case of that description where the man has been looked upon as something in the nature of an outlaw ?—I have never heard of such a case, but I should think it is very likely it would be so. I think if a man refused to make a contribution to a hospital which his mates looked to him to help to support, that he would be looked upon as an outlaw. I do not know, however, that that can be dealt with by legislation.

9322. No. I am merely putting these points to you in the light of other evidence we have had upon the subject. Is there any other point upon which you would like to inform us ?—There is one matter I might mention to you, and that is that there has been a case recently decided with reference to the deduction of a fine imposed by the magistrates. That was the case of *Williams* v. *North's Navigation Collieries*.

9323. What is the date of it ?—It is reported in *The Times* Law Reports of March 28th, 1906. That has given rise to some doubt as to whether making these deductions even by consent is not a violation of the Truck Act. I think the question in that case rather was this: A man had been fined by the magistrates and the employer deducted the fine from his wages. It was held by the House of Lords that that was not permissible. I should venture to draw a distinction between that case and the case of where the man had agreed to pay a fine.

9324. The feature in Williams's case was that the 10s. was not agreed to ?—That was so; it was not agreed to at all. But then it was said further —at least this is the conclusion which is tried to be drawn from the case—that you cannot agree to a deduction which the Truck Act does not allow. Of course that is a general principle of law that you cannot override the law by the agreement, and that it is suggested that the whole of the money has to be paid, that you cannot, even by agreement, deduct a fine. That is in opposition to the decision which was given many years ago, that the imposing of a fine was not a violation of the Truck Act; it was not paying a man in something other than cash, it was not paying him at all. This case of *Williams* v. *North's Navigation* gives some foundation for the suggestion that that is not quite sound, perhaps, and that the Truck Act does not merely say: "You must not pay him partly in cash and partly in kind," but "You must pay him all in cash and you must deduct nothing from the cash in paying him." I do not know how far that is so, but what I want to suggest to you is this: that everybody has been under the impression until this case, that fining was not a violation of the Truck Act. The Home Office issued a very able memorandum, if I may say so, on the Truck Act in 1896, in which they lay down the law, and it is very satisfactory to have it from such an authority.

9325. As they view it. We are not bound by the Home Office, you know ?—Quite so, What they say is: "It is legal by agreement to deduct fines for absence, lateness, bad work, and other misconduct, except in the case of women or children, who can only be fined for absence from work to an extent commensurate with the employer's damage thereby (Employers and Workmen Act of 1875). The legality of such fines appears to be independent of their amount." There is another very useful thing which was issued by the Home Office, giving us instructions as to what we should do, and there again they mention the legality of fines. That is a Memorandum issued after the passing of the Truck Act of 1896, and they put it down equally clearly there that fines are legal. "Fines may by agreement be imposed on a workman provided they are reasonable, but not otherwise," and the Act of 1896 recognises the legality of fines *qua* Truck Act, because if they had been illegal, that would have been unnecessary. It assumes the legality of a fine that it is not affected by the Truck Act, but requires certain new conditions to make it legal in future.

9326. Will you just amplify that if you will be so good ? —I say the Act of 1896 recognises that fines are not a violation of the Truck Act, otherwise it would not have surrounded them with the special legislation under which they should be enforced. If they were in violation of the Truck Act, the Truck Act would have been quite sufficient to prevent them being made, and therefore it recognises that they can be made when it says without violating the Truck Act, but it says you shall only make them in this particular way. If they were illegal under the Truck Act it would not have been necessary to give any protection at all. My point is this. I consider that the imposition of these fines, protected as the workman is by the Act of 1896, is important in order to maintain the discipline of mines, and rather than have to go to the expense of prosecuting in every case it is desirable, if it is an offence against the Truck Act, that it should be made not an offence against the Truck Act. Now

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may I quote a precedent for that. Last session Parliament passed the Trade Disputes Act. It was always thought that trade unions funds were free from liability. Everybody thought so, and everybody acted upon that until the judges decided that they were not. But inasmuch as everybody thought they were right, it was said we ought to have the law so altered as to make it that they are free from responsibility. Parliament accepted that view and altered the law and freed these funds from responsibility. Now I put it in the same way. The influence of these fines in the direction of maintaining discipline is so great that we want them maintained, and if it should be that we have been all wrong, the Home Office, Parliament, and everybody else, we have gone far more wrong on that point than anybody ever went on the question of the funds of trades unions. If we are wrong in thinking that these fines are legal subject to the Act of 1896, then we ask for an alteration in the law, as we think they ought to be legalised.

9327. I am extremely indebted to you, if I may say so personally, for your statement of it because the point is undoubtedly a very serious one. May I suggest to you that there has been a long category of possible mistakes that have arisen in the law on account of a failure, whether on the part of the Home Office or anybody else, to recognise that the language of the Act of 1831 not merely prescribed that the amount of the wages should be paid in current coin, but prescribed that the entire amount should be so paid, and probably it is owing to the omission to notice that that a certain category of mistakes may have arisen ?—I think we must give the Home Office credit for this, that if it is a mistake they are not responsible for making it. There is a case decided, with which you are no doubt familiar, in which this question was dealt with. It is *Redgrave* v. *Kelly*. In that case the Home Office endeavoured to maintain their position. If you have the Memorandum from the Home Office, it is quoted at p. 47. That case was appealed against. The magistrate decided that a fine was not a breach of the Truck Act.

9328. That judgment was affirmed ?—Yes, that judgment was affirmed, so that is the position at the present time.

9329. Nothing in that sense, I understand, ever reached the House of Lords ?—Nothing reached the House of Lords. Not that the Home Office require any justification from me, but they did endeavour at that time to put that construction on the Act of Parliament.

9330. That having been judicially affirmed they were bound to take advantage of and act upon it ?—Yes, they were ; they were bound to accept it. I suggest there is this difference. There is the difference between the deduction of a fine to which a man agrees and the deduction of a fine to which he does not agree, as in the case of *Williams* v. *North's Navigation Collieries*. There is that difference between the two cases. It may be sufficient to except fines out of the Act and this case of Kelly's may be good law still, but I put it that if it is not good law, if it be the true construction of the Truck Act that nothing must be deducted from the wages, even by agreement, except those things provided for in the Act of 1831, then it should be amended, and fines, subject to certain restrictions to guard against any injustice being done to the workman, should be made legal, and I quote with very great confidence the precedent of last session which I hope may be of use.

9331. In one sense, if we were to report against fines altogether—take that as a hypothesis to work upon—it is quite clear that we might place the whole of our recommendations under *Williams* v. *North's Navigation Collieries*, as it has been pronounced, because *Williams* v. *North's Navigation Collieries* was not a deduction but a fine *eo nomine*. It was in that case a fine of 10s. and the Lord Chancellor in *Williams* v. *North* said:—"However that may be it appears to me that an obligation rests upon the employer under the Truck Act, 1831, Sect. 3 to pay in coin (for we are not concerned with bank notes in this case), all the money payable as wages, and that in ascertaining how much is payable as wages he can subtract nothing except the deductions expressly sanctioned by Sect. 23." That judgment is so powerful as this that not only was it delivered from the Woolsack, but Lord Davey concurred in it. The question was one of set-off, and he said : "But set-off outside the court means nothing more than a claim of reduction and retention, and the detention comes to be whether the deduction of a cross-debt which might be the subject of a set-off in an action is a legitimate deduction, or whether the express enactment that the entire amount of the wages shall be actually paid in current coin can be so qualified." —I agree it is very strong, but of course the only distinction—I am not going to suggest to you that it is a distinction—the only difference between that case and the case of an agreement to pay a fine under the Act of 1896 is this that in one case the deduction is made with the man's consent and in the other case it is made without his consent. That is the distinction.

9332. That might be of use, yes, but of course if an order is made to pay out of a man's wages to somebody else something on account of the man, it is equivalent to paying the man himself ?—That has been decided. But there is the difficulty of the man being both payer and receiver, and perhaps it might be that that would make a difficulty. But however, my point is this, that if it should be that under *Williams* v. *North's Navigation Collieries* that fines cannot be made in future, even under the Act of 1896, because it is a violation of the Truck Act, we ask that the law should be altered so as to make it not a violation of the Truck Act.

9333. You have been perfectly frank in everything, and I thought it right to put the hypothesis to you that if we were to report in favour of the total abolition of fines, we could then say that the law for the first time laid down in the House of Lords, should be recognised by the Legislature as of universal application. If on the contrary we were to report that fines were legitimate with certain safe guards and under certain restrictions which we might set out, we should have, *pro tanto*, to report that the law of *Williams* v. *North's Navigation Collieries* ought to be invaded to that extent, and that is what you would recommend ?—Yes, that is to say if you can report that fines, although not legitimate, are desirable under certain conditions.

9334. Yes, I mean suppose we came to that conclusion. That was why I put the alternative before you ?—Yes.

By Sir Frederick Cawley.

9335. In regard to the Mines Regulation Act, when you do prosecute a man, what is the smallest fine as a rule that is imposed ? I suppose the magistrates do inflict small fines, do they not ?—Yes, or sometimes they merely make the man pay the costs.

9336. What is the maximum they can give ?—They can give imprisonment if they think that the offence committed was such as to endanger life, but the usual fine is from 5s. or 10s. to £1, and costs.

9337. Supposing you did not fine at all but took every case before the magistrates, including those cases that you described as trivial, what do you consider it would entail ?—It would entail a considerable loss of time. In the first place an official has to go down to the magistrates' clerk's office to take out a summons and there is part of a day lost in doing that instead of being at his proper employment. Then an official has to attend at the hearing before the magistrates and in mining districts it is not an infrequent circumstance for you to have to attend more than once because there is not a magistrate there who is capable of taking a mining case. But supposing you only attended once, there is still that time lost. Then there is legal assistance for both sides. The man has to attend the summons and he requires legal assistance. The costs in the case I gave amounted to 11s., and in addition to the costs, there is the amount of the fine and all the time that has been lost.

9338. The man himself may lose his day's work and in addition have to pay 10s. or 11s. ?—The least he would get off with is 10s. or 11s. and that is if he only had to pay the costs, but if there is the fine of 5s. in addition to that it would total up to nearly a sovereign altogether.

9339. If you continued to bring these trivial offences before magistrates, do you think you would always get the men fined ?—No, perhaps we should not, and whilst I do not say that every case that goes before the magistrate should go for conviction and not for trial yet, if you do

not succeed in a case that you take before the magistrates, t is not conducive to discipline.

9340. Supposing you were to have the cases decided upon the law exactly as it is and you continually took all these cases before the magistrates, do you think you would get the magistrates to convict at all ?—Probably it would be a difficulty. I do not know how we could do it. The magistrates would have to sit oftener than they do now if all these trivial cases had to be taken before them. It is the discipline of the mine that everyone wants to provide for; it is not necessarily in order to punish the men, or for the sake of punishing the men, it is for the discipline of the mine, and in my opinion that would not be maintained as efficiently if the fining was abolished.

9341. My point was rather this, that would not the tendency be, where the men were constantly being taken before the magistrates, towards the lessening of the penalty ?—You mean in the way of familiarity breeding contempt ?

9342. Yes, and lessening the effect of the punishment upon the men themselves ?—I think it would.

9343. Might not the effect of constantly taking a man before the magistrates tend to affect the safety of the mine itself by making the men not nearly so careful not to commit offences in order to avoid going before the magistrates as they otherwise might be ?— Certainly.

9344. In view of those facts you do not think it desirable to do away with the lesser penalty of fines because you think the larger penalty of being taken before the magistrates would become familiar to the men, and would not act so much as a deterrent to the dangerous offences on the part of the men whilst in the mine ?—That is my opinion.

9345. The miners have a very strong union, of course ?—Yes.

9346. In your opinion that strong union is absolutely able to protect them in case of any injustice ?—That is my opinion.

By Mr. Walsh.

9347. I have been going over your précis. You speak here of special and general rules, and point out that the Coal Mines Regulation Act has established two distinct sets of rules, or at least one, the general rules. The special rules, of course, are not part of the Act of Parliament ?—That is so, but they are enforceable under the Act.

9348. Just take the question of safety. You say that the non-observance of the general and special rules is not always visited by prosecution. Have you found as a fact that the effect of fines has increased the safety of the mines ?—You will find that the safety of the mines has increased, that the death rate has decreased, and that in other respects accidents are decreasing, but to say that that is because we do not prosecute everybody is further than I would venture to go.

9349. Just following up the questions put to you by Sir Frederick, he placed a question or two before you in order to ascertain your idea as to whether the greater publicity and the consequent lessening, so to speak, of fear of proceedings, or the familiarity that would result from the publicity of them, would gradually breed in the minds of the men contempt for discipline. What do you say to that ?—I think there is a good deal to be said in favour of that view. Supposing a man was brought before the magistrates every other week, he would not think so much about it as if he was only brought up once a year. I understood Sir Frederick to mean that supposing you were constantly bringing the men up, it would have the effect upon them that they would get used to it.

9350. Have not you rather changed the *personnel ?* Is not it a *reductio ad absurdum,* to speak about taking a man up before the magistrates every other week, because I think you told us a little while ago that the owner and agent and the manager were equally liable with the men, and does not the fact of the man having to be brought so often imply that the owners and agents are equally liable ?—The owner and agent and manager are answerable for the whole of the efficiency of the mine. The workman is only responsible for his own offence.

9351. I agree with you the safety of those down below depends upon the care that each man exercises. One man might very easily imperil the lives of a large number of people ?—Yes.

9352. And an offence trivial in itself might very well have the most disastrous results to the whole of the people in the mine ?—That is quite so.

9353. Supposing we take it that that little trivial incident has occurred, are we to understand that the safety of the whole of the people, which after all is the greatest object, is served by getting hold of this man and taking him into the colliery office at the end of his day's work, and saying: "I will fine you 2s. 6d. for this," when we know perfectly well that the 2s. 6d. fine never reaches the knowledge of the other people engaged in the mine, who might very well have been affected by the consequences of the offence of which the man had been guilty ?—In some cases these fines are advertised, and if it is your opinion that they should be made generally known——

9354. I would rather you answered the question ?—I want to put another case, and that is this. Take the case of a man who has been a very good workman and who has made a slip.

9355. I am rather afraid you are adopting the American method of answering questions ?—And he has never been before the magistrates in his life. He has committed a slip and something must be done, or the inspector will require that some punishment should be inflicted. I think as far as that man was concerned it will be a very great hardship upon him to say: "I am very sorry, but you must go before the magistrates." At present the man says: "Do not take me before the magistrates, I would rather pay a fine, and I think so far as the man in the case I have mentioned is concerned, the discipline is just as well maintained by making him pay the fine as if he were taken before the magistrates.

9356. You are assuming that in every case. A little later down in your *précis* you place before us three or four alternatives ?—Yes.

9357. You place first of all a caution ?—Yes.

9358. In your answer to me you are assuming that the man either must pay a fine to which the man consents or that he must be taken before the magistrates ?—It depends on the offence; there might be an offence that you could not pass over with a caution.

9359. The case you put before us was that of a man who had made a slip ?—Yes, but still it might have been a very important thing.

9360. Yes, but if he has made a slip in which there has been no culpable negligence, do not you think a caution would meet a case of that kind even better than a fine ?—I am afraid not, because I do not suppose anybody does an act wilfully for the purpose of blowing up a mine. I cannot imagine that. It is these acts of negligence that cause mischief; it is not with any wilful intention to blow up a mine. It is the mistakes that are made that require to be guarded against most.

9361. I hope we will not rush to an opposite extreme. You speak of blowing up a mine. That is the most fearful catastrophe you can put before us ?—Yes, but no man would endanger his own life or anybody else's wilfully.

9362. It does not necessarily mean to endanger life; it may mean some small matter of discipline. There are a hundred and one small matters which do not affect life at all ?—If it is an insignificant thing, I agree that a caution is enough.

9363. From your own knowledge of course you know that the special and general rules of the Coal Mines Regulation Act have necessitated the attention of Parliament for more than thirty years ?—I do not quite follow the special and general rules ? Do you mean the whole legislation, not merely general and special ?

9364. Yes, the whole range of legislation relating to coal mining at least, has necessitated the attention of Parliament of this country for well over thirty years. There cannot, therefore, be any small matter in those special and general rules ?—I do not quite follow you; there cannot be any small matter in them ?

9365. There can be no matter which is absolutely small in those general and special rules, can there ?—I should

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not like to say that. I think these rules provide for a great number of things which although they may be serious under certain circumstances yet are not as important as others.

9366. That is to say you do think there is a single matter in the general and special rules of the Coal Mines Regulation Act which if violated can be met by the equivalent of a small fine?—I think so. I think there are a great many. I will put it in another way: the observance of all these rules is necessary for safety, or else they would never have been put here. You want to see how far you can secure their observance.

9367. Do not you think that safety is much better attainable, when any violation of the rules governing safety has taken place, by proper publicity, which after all is the very basis of the legislation, being given to such violation of the rules governing safety?—No, I think it would be a very harsh way of administering the Act to do that.

9368. Now we will take it a little further. You speak here of the bye-laws?—Yes.

9369. That in addition to the special and general rules there are bye-laws?—Yes.

9370. Are you not aware that after all it is not so much the fine for the breach of the special rule or the general rule or even the bye-law, but it is the hundred and one little matters dependent entirely upon the caprice of the official that causes the feeling of resentment against the fines?—I have not heard of this feeling of resentment—of course you are much more likely to have heard it than I am. The only way in which I can put it is this, that the Miners' Federation have brought to me complaints of a very great variety of grievances, and I have never yet heard of a grievance either as to a deduction for a fine or as to the deduction for the Permanent Relief or as to the deduction for lamp or oil. Of course sometimes a question of amount comes in, but never any question of principle.

9371. I would like you not to develop that too much?—I do not want to.

9372. In the first place I think you ought to know that the Miners' Federation has entered into a federation with the Permanent Relief Society?—I am not concerned with that; I am talking about grievances.

9373. I am afraid I am taking up a wrong attitude here just a little, but anyhow the Miners' Federation have entered into a federation with the Permanent Relief Society. It is known to all of us that the method adopted was a legal method, and therefore the federation has not troubled?—I put it in this way, that if this deduction for the Permanent Relief Society had been a serious grievance it would not have been passed over by the Miners' Federation. That is the only thing I can say.

9374. It has not been passed over, but it has not been brought to you?—If it has not been passed over, the extraordinary thing is that amongst the numberless cases which you have been good enough to bring before me from the federation, and that we have endeavoured to settle, this has not been one of them.

9375. It has been outside your ken and mine?—No, but it has not been brought up.

9376. As a federation we thought it was inconsistent with the law?—I want to press this, that whether consistent with the law or not consistent with the law, if this is a thing the men resented I cannot understand why 49,000 men should have accepted this and still no complaint of any injustice should have been brought before the employers.

9377. The injustice has been brought before the employers from time to time, of course?—I can only say I do not know of it.

9378. For instance, his Lordship raised the question of the leaving of a bow. In the low mines the bow is placed on the top of the box in order to protect the hands of the drawer who is drawing the box. Is the leaving of a bow in a moment of excitement in order to get on quickly with his work, a thing you would fine a man for?—The circumstances are not sufficient to enable me to judge. Was this left in a place where somebody would tumble over it, for instance?

9379. You cannot tumble over it?—I do not know sufficient about it. I am not going to say that every colliery manager is an angel, but he wants to keep within the law.

9380. I want to know whether you think fines under the existing Act should be tabulated so that the men should have some fore-knowledge of the particular incident for which a fine might be inflicted and the amount of the fine?—I say he has. He does not know the amount, but working at a colliery no one can say that if he offends against the regulations he is not liable to be punished in some way or other.

9381. I am trying to get you away from the regulations?—I am afraid I cannot get away from the regulations myself. If I am working a mine the regulations are necessary to the working of a mine.

9382. I am putting to you that there are a thousand and one fines inflicted for offences which are not offences against the regulations?—You say a thousand and one. His Lordship has instanced some few cases which I cannot say I could justify for a moment.

9383. In those cases how would you act?—How do you mean? Do you mean should I fine?

9384. Yes?—In such cases as have been mentioned to me I should not fine unless a man wanted it. If I found a man stealing my coal I should probably want to bring him before the magistrates, but supposing he says "Do not punish me, fine me. Let me pay something," you might say "Very well, I will fine you 6d."

9385. You would not have power to do that?—You may not have power, but which is the most merciful consideration towards the man—to bring him before the magistrates, or, when he begs you not to do so and asks you to fine him, for you to say to him "Very well, you must pay 1s. or 2s. fine?"

9386. I would like you to carry your mind to the time before the Act of 1896 was passed. You remember we came into the turmoil of a general election the year before, and when there was a great outcry made by the working people up and down the country as to the results of the existence of a system of fines being deducted from their wages?—I remember the difficulty at the time of the Act, and it was said that it would legalise fines.

9387. The Act was passed by a Conservative Government?—It is immaterial which Government passed it.

9388. I want to put to you that the Act was passed by a Government fresh from contact with the people, a Government I suppose that had taken into real consideration the resentment felt by the people against the results of the existing system?—I cannot admit that I ever heard of any agitation amongst coal miners, but I know from general knowledge that there were industries, tailoring establishments more particularly I have heard, where it was so very unjust that the women particularly did not know what wages they were to have—that there was one deduction for this and one deduction for that and one deduction for the other, and that what they had to take home at the end of the week was very little indeed, because it had been left in the employer's pocket.

9389. I want you to pay attention to the first portion of the Act of 1896 itself: "That agreement may be a part of his contract of employment, and if so the terms of the contract with reference to the fine must be contained in a notice kept constantly affixed?"—That is from the Act?

9390. Yes, I am reading your proof, which as a summary is absolutely correct?—Yes.

9391. "The terms of the contract with reference to the fine must be contained in a notice kept constantly affixed at such place or places open to the workman and in such a position that it may be easily seen, read and copied by any person whom it affects"?—Quite.

9392. "Or the contract must be in writing signed by the workman"?—Yes.

9393. Here all the conditions must be known in the first place, and they must be known not only to the man affected, but they must be in such a position as to be seen and read and copied by any person whom it affects?—Yes.

9394. Do not you think that the second alternative should also safeguard for the workman the conditions that are stated in the first?—That is quite impossible; the two things are entirely different. The first one provides that

it is a part of a man's contract that he shall pay a fine, and he can be made to pay a fine for a certain offence. That is his contract, and it is quite right that that must be put up and advertised in the fullest possible way. But where there is no such contract to pay a fine, there is no obligation upon the man to pay it. He may, if he chooses, agree to pay a fine, but there is no necessity for him to pay; he can please himself absolutely whether he pays it or not.

9395. Do not you think that the general conditions which must be observed in the first contract ought to hold good in the second contract? The difference is that the contract is to be in writing in the one case and in the other it must be in print, and must be advertised in the sight of all men. The whole of the conditions of that first contract must be in the sight of all people so that it may be easily seen and read and copied. The second wording is: "or the contract"—it is not another contract?—The contract—that is the particular contract for this fine?

9396. "Or the contract must be in writing signed by the workman." In one case it is printed and in the other case it is signed by the workman?—That is not the distinction between these.

9397. Not necessarily, I know, but in the one case all the conditions must be easily observable?—Certainly.

9398. Is the contract in the second case not to have the main conditions of the first embodied in it?—No, because there is no such thing as a contract in existence under which a man agrees to pay a fine. The other contract is a contract which comes into existence when he is employed. The fine is to be for such an offence such-and-such a sum; you could not put: "And such a fine as the parties like to agree upon." You cannot advertise that, because there is no such contract as that in existence, there is nothing to advertise.

9399. Would you think that the term, "contract" ordinarily understood bore with it in the mind of any ordinary commonsense man that there should be some freedom of bargain when making such a contract?—There could be no such thing as a contract in law unless there were freedom of bargain; there is no such thing as a contract at all unless there is freedom of bargain. Any contract that was induced by duress would be mere waste paper.

9400. Therefore there must be absolute freedom of bargain between the party on the one side and the party on the other?—Yes.

9401. Supposing the employer called you into his office and said to you, "You must agree to this fine of 5s.," for a particular offence, whether you committed it or not, "or else if you do not agree to it you may get about your business," would you consider that to be a good contract?—I should consider that was on the border line of making such a contract as that open to question. I should consider that was on the border line. I daresay there are cases such as you suggest where the employer says, "You must do this, or you must go," and the man either says, "Very well, I will go," or he says, "I choose to pay." But now the question really is whether for the sake of meeting a few of such cases as that it is worth while——

9402. You are carrying it a good deal further?—I want to go a little further because you must not decide this question on an isolated case of that kind.

9403. We are not deciding it here you know?—No, but I must put my case to you. I agree with you that there may be such cases as that; it would be a most extraordinary thing if there were not; it would be the only industry where such a thing did not take place. The question is this, whether in order to avoid isolated cases of that sort you are going to inflict on the thousands of persons who willingly agree to be fined rather than go before the magistrates a very serious injustice.

9404. Your mind runs on the magistrates all the time. I am putting it to you that there is an infinite variety of little matters connected with a mine which are not and could not be taken before magistrates, but for which fines are inflicted, the amount in no case being known to the workman or to the boy—neither the amount nor the offence—and the whole matter is one of caprice?—I could not accept that as a statement of the general working of mines.

9405. If it were really brought to your notice that this condition of things existed, would you call that a contract within the meaning of the section of the Act?—Of course the section of the Act with reference to the contract is neither here nor there. There must be a contract, that is to say there must be an agreement in which each side is at liberty to contract. It is put before a man, "Will you give up your employment or will you pay this fine." Now, then, can you show that the man to whom that alternative is put is not in a position to say which he will do? If he is not in a position to say that, then it would be a contract probably which was tainted and which might be set aside. If, on the other hand, he was in a position to say, after weighing the advantages and the disadvantages, that he will do it and he chooses the one with the least disadvantage attached to it, I think if you ask me as a lawyer that is a good contract in law.

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9406. I am putting it to you that from my knowledge of these cases, extending now over a very great number of years, the vast majority of these cases have that alternative before them—either the acceptance of a fine, which is dependent entirely upon no existing contract, dependent entirely upon the filling in of an amount by the official and the consent to that amount by the workman—or else dismissal. Without carrying it any further, would you think that dismissal being an element in that bargain it would make that a contract under the terms of the section?—I think it would if you have stated all the facts. A man is perfectly free to accept one or the other, he is perfectly free, and as long as he is free I think it is a good contract. If you can show that a man is not free to contract then it would not be a good contract, but in the case you have put the man is free, he is at liberty to say either: Very well, I will not pay the fine, I will be dismissed," or: "I will pay the fine and I will keep my situation."

9407. Do you say that a freedom of contract which demands either the acceptance of the fine or dismissal is a good contract?—Yes. I do not see how else you can put it. Very seldom a man gets absolutely his own way, it is always a matter of compromise, and he has to weigh the advantages or the disadvantages, and the workman can say to himself, "Shall I refuse to pay this and look out for a situation somewhere else, or is it better for me to pay it and keep my place." I do not think that is such an interference with the right to contract as would vitiate the contract.

9408. I am not sure if I have put this to you before, but if I have will you allow me to repeat it? I submit to you that the ordinary meaning of the term contract implies on the part of the parties affected a pre-knowledge of conditions of the bargain?—I do not agree.

9409. You do not agree?—At least I mean to say that persons before they actually enter into a contract must know all about it, but I do not quite see what the object of the question is. Two men cannot enter into a contract without knowing something about it, and each of them think they know all about it no doubt.

9410. With regard to bargains, so far as fines are concerned under the Truck Act for offences, the Act requires—at least in its first requirement it requires that these offences should be catalogued and the amounts shall be catalogued?—Yes, but I have pointed out that that is an entirely different condition of things altogether from the second contract. In the first you catalogue them because the man undertakes to pay them, he has no option when he commits the offence to say whether he will pay or not. In the other case he has an option.

9411. His Lordship put it to you that right away from 1831 down to 1896 the whole of the Acts having relation to fines and deductions had been Acts requiring great publicity—either publicity in an open place or publicity in a book?—I do not agree before 1896.

9412. Take the case of deductions, deductions, say, for house coal or deductions for sharpening of tools. Those had to be under separate conditions of agreement?—Yes, but there is no publication of the agreement that I remember under the Truck Act of 1831. It simply said that there must be an agreement, but one man's agreement is quite independent of another man's agreement, and there is no publication.

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9413. Yes, but every man had to see the set terms before he entered into his employment, so to speak ?—I do not think it is quite that. The provision of the Truck Act of 1831 was this, that you must pay all the wages in money except that you might deduct from the wages for certain things by agreement, not a general agreement, an individual agreement with each workman.

9414. That particular agreement could not be made after the man had started working and was earning wages ?—I do not see why. If they are both agreed it should be made, then there is nothing in the Truck Act which says it should be made before you commence the employment. There must be an agreement before the deduction is made, but that it has to be made before you enter into the contract of service I do not know is in the Truck Act.

9415. From your knowledge of these matters, all these agreements were made before the man had positively actually entered into the service ?—The agreement for deductions under the Truck Act.

9416. Yes, for house coal, lamps, and so on ?—I should think the probability is that under the Truck Act when these conditions were made the agreements for deductions were made at the time he entered into the service as they are now.

9417. So that at the end of the week or fortnight, as the case may be, as far as these matters are concerned, he knew the maximum that could be deducted from his wages ?—I do not know that he knew the amount at all —I am speaking subject to correction—but I should think he only knew that in respect of certain items there could be deductions made from his wages.

9418. Yes, and he knew the maximum ?—If you take the fuel, for example, I do not know that he would know the maximum, he would know the price of fuel, but how much he would use I do not know that he would know, and in the case of supplying goods, it only follows that you must deduct from his wages a certain amount in respect of goods supplied, but I do not know that he would know how much you were going to deduct.

9419. I want to put this to you, that throughout the whole of the transactions from 1831 right away to 1896 the man had a prior knowledge of the deductions for these particular items that were to be made from his wages ?—With reference to fines he had no such information at all. If you are referring to fines he had no such information with respect to the deductions which were expressly authorised by the Truck Act. He had information I imagine that amounts in respect to those particular items could be deducted, but I do not know that he had any amounts given to him.

9420. He had a knowledge of the definite amounts which were chargeable against him for every article of deduction ?—I do not know.

9421. Yes, of course ; the Act requires that ?—No, I do not think it requires that anywhere.

9422. Anyhow we will not trouble about that. With regard to the fines, I want to point out to you that, so far as the deductions were concerned, there was publicity and he did know what the deductions were to be for ?—Not before the Act of 1896 in respect of fines.

9423. Keep your mind away from fines for the moment ? —You said you were on fines.

9424. I am trying to clear my mind so as to get on to the fines. With regard to this particular passage, "House coal, explosives, implements of work, spades, lamps," and all that, he knew at least that he would be debited with those charges. He knew that in his mind positively ?—I do not know what he knew in his mind, but what the Act of Parliament said was that it should be lawful—that it would not be a violation of the Truck Act—to make those deductions.

9425. They could not be sprung upon him summarily ? —That is not a part of the Truck Act at all. The Truck Act simply says it shall not be a violation of this Act that you make a certain deduction from the man's wages, but as between employer and man that you should give him notice.

9426. For instance, taking the first section of the Act of 1896, do you know a case where both are in operation ?—I know at the time in 1896 I made some alternative forms where they desired to adopt the first one, and where they desired to adopt the second, but I cannot call to mind any case where they are both in operation.

9427. In your opinion would it be illegal if they were both in operation because the phrasing is "or" there must first of all be a list or something else ?—I cannot quite follow how they could both be in operation, for this reason, that if the first is in operation you do not want the second. If it is part of a man's contract he will pay certain fines under certain conditions, and he does not need to make another agreement to pay them ; therefore I cannot see how you can have both in operation at the same time.

9428. Supposing I tell you there are many cases where both of these things are in operation where they have the scheduled notice of the amount of the fine and the offence, and not only have they that, but instead of adopting the expression "or" they use the term "and," and they impose fines, what would you say ? Would you call that illegal ?—I should say they have misunderstood the provisions of the Act of Parliament, and I should like to go and see a place of that sort.

9429. And that fines are imposed under such circumstances ?—I cannot conceive that anyone giving it any thought could have a state of things like that, because you do not want both ; you only want one. If you have a contract with a man that for a certain offence he shall be bound to pay you 5s. and you have advertised that contract, you do not want a special contract when the offence is committed that he is to pay you the 5s.

9430. You are under the impression, I think, that if that is the case such a person would be acting illegally ?—No, not illegally, but I should say foolishly. I should say he had misunderstood the meaning of the Act of Parliament. Do not you see the explanation I have given you is that you cannot have both ?

9431. But I am suggesting to you that there are cases where they are using both ?—The only reason I can give for that is that they must have misunderstood the provisions of the Act of Parliament.

9432. The provisions of the Act of Parliament would not allow them to use both if it were known of course ?—The second provision would be useless in a case like that. If you have got a contract with a man that he shall pay, say, for breaking a lamp 5s. and you have got that advertised, that is a part of his contract, and if he breaks a lamp he cannot help himself, he has to pay you the 5s. You do not need to have another contract with him that he will pay the 5s., because he cannot help himself. But if you have not got the first and it is no part of his contract and he breaks a lamp then you have to agree with him whether he will pay you 5s. or whether he will not.

9433. I put it to you that it would take a large schedule to contain the whole class of offences that may arise in a coal mine ?—I agree. I should think it would take a very big schedule.

9434. Yes, and that therefore an employer might be desirous of only scheduling certain offences and bracketting the amount of the fine against those offences and yet also be desirous of holding himself at liberty to enlarge the area of the fines as from time to time might be required? —I cannot say yes to that. If the employer is willing to be put in this position : "I will take my chance when the time comes as to whether I can get the men to agree to a fine or not," I do not see the use of his making a bargain with the man that he will under certain conditions pay a certain fine. If we had to start doing that we should just have the same difficulty that I was mentioning with reference to the lamps. You would have to alter the conditions of the employment that have been prevailing for years and there is no telling where the difficulty would end.

9435. With regard to the Permanent Relief Society I understood you to say that it was of great importance to the miners that these societies should be maintained ?—That was what was represented to the employers, and I agree with it.

9436. Yes, you said that it was of great importance to the miners that such societies should be maintained. I understood you to say that the owners paid a contribution up to the year 1898 ?—Yes.

9437. They paid up to that date right away from the year 1881 in order to compound their obligations under the Employers Liability Act ?—I believe that was so—no, I think they paid something before.

9438. Yes, in some few cases they did ?—I think they paid something before the Employers Liability Act was passed. In order to justify the contracting out of the Act they increased their contribution.

9439. Have you got the figures of membership of the Permanent Relief Society up to the year 1880 ?—Yes, I have them here. In 1874, 10,424; 1875, 14,430; 1876, 19,449; 1877, 22,977; 1878, 24,089; 1879, 27,281; 1880, 31,846; 1881, 32,073; 1882, 32,184; 1883, 34,372; 1884, 36,540; 1885, 36,866; 1886, 38,232. Then it goes on gradually increasing every year until 1898, when it was 53,924. It dropped down in 1899 to 41,581, but it has been increasing ever since until it has got now in 1907 to 49,622.

The Chairman.

9440–1. Mr. Walsh has a good deal more to ask you, Mr. Ellis, and as there are some other members of the Committee who also desire to put questions to you we should be glad if you would do us the favour of coming here again next week. If you could manage to do that we should be very much obliged to you. Very well.

9442–3. Our next meeting will be on Tuesday next at half-past eleven, if that is convenient to you. Yes.

Mr. Maddison.

9444. I am sorry but I shall not be able to be present.

The Chairman.

9445–6. Perhaps Mr. Maddison might put his questions to you now.—I should be very pleased.

By Mr. Maddison.

9447. I have just two or three questions to put to you. I gather from your evidence that your chief concern is with regard to discipline for the purpose of ensuring the safety of the mine ?—In connection with fines.

9448. Therefore in taking that view you want to find the best deterrent to offences, I presume ?—Yes, with the least harshness to the men.

9449. Mr. Walsh put to you a question as to the comparative or almost absolute privacy of these fines; that is to say a man may do something which may have been fairly serious—I know nothing about mine work, but I imagine although serious not known except to just a few of the men immediately around him. He is then taken into the office and is fined say 10s., which although that seems to be regarded as a serious fine, none of his workmates apparently would know anything about it, would they ?—Yes, I should think nearly all of them would, because it is known pretty well in the pit whether a man is fined or not. But in many cases—at least I will say in some—they are advertised. It is not popular amongst the men for them to be advertised, but I am told they are advertised in some cases, and the inspectors consider it desirable to do so where it has been found that the fine itself is not sufficient, but experience has shown that it is generally sufficient, although if necessary it can be advertised.

9450. You say it has been found sufficient ?—Yes.

9451. Is it a fact that apart from certain accidents in mines which have been met by scientific methods safety has really increased in mines. Are there less accidents now than there were formerly, do you think ?—I think there are less accidents, and that safety has increased. Of course the only person who can judge of the general discipline of the mine is the manager, because you must remember that he has got the responsibility. If discipline is not satisfactory he is responsible, and if he is satisfied that the method he adopts secures discipline it is rather for him as to how he should do it.

9452. I am trying to keep to the respective values of fines of a private character and the value of the publicity of being taken before the magistrates. Do you think this private method of punishment does make for safety as much as the more public form of it ?—I think in the cases in which it is dealt with by a fine it does. I know we have tried to ascertain this in connection with the other inquiry as to accidents in mines, but we have not yet had full information upon the subject. You cannot, however, point out in cases where they prosecute everybody that discipline is any better than where they partly fine and partly prosecute.

9453. Have you any figures showing where there has been a repetition of offences by the same man in different collieries ?—No, I have not got any such figures as that.

9454. What I want to know is, whether this fining system, as we have had evidence of in other industries, becomes a matter of course with a certain type of man. A man may be fined half-a-crown and if he is a careless sort of chap it does not affect him very much and he goes on getting fined?—The mining industry, I think, is different from any other, because the policy of the Mines Act is this, to place upon a head the responsibility. That head has to see that discipline is maintained, and if he does not do that he himself is responsible. If he is satisfied that he does succeed in maintaining the discipline in his mine by these means which are less harsh and less expensive to the men he is the only man who can give you information.

9455. That assumes that every offence is of a major character and not of a minor character. I think you will admit, without using the 1,001 illustration or method of estimating, that there must be in a large mine a large number of offences which do not endanger life at all, and which are not likely to endanger life at all—all sorts of carelessness which may impede the working of the mine without absolutely causing danger to the men. Of course I am totally ignorant of mining matters ?—Offences against the regulations outside a pit are very different from offences committed down below. You do not know what the result may be below, but assuming there was some offence committed down a pit which did not cause danger, but which was an offence against the rules, I should say in a case like that that the manager should have a discretion whether he should visit the man with the serious penalty of prosecuting him, or whether he should consider it would be sufficiently met by a fine.

9456. Yes, but in these non-dangerous offences, if I may use that term, in mining practice the ordinary effects of fines, which apply in any industry, operate, and you would admit, would you not, that continual carelessness may go on under this system of fining ?—No, I should not agree to that.

9457. Why ?—I think if the manager is to be held responsible for the discipline of the mine you must leave him a free hand as to how he is going to maintain it, provided that you safeguard the workmen from oppression. That is the principle which I put before the Committee.

9458. I will come to the question of oppression in a moment, I am now only wanting to get to know from you whether this system of fining becoming a stereotyped system and probably being repeated in the case of one man several times a year does really act as powerfully as a deterrent as other methods, such as bringing before the magistrates might do,?—The managers of mines I believe, are of opinion that the system which is adopted now is sufficient, and does sufficiently safeguard discipline.

9459. Yes, but may not that arise from it being more convenient, because of the saving of their time and all the rest of it? That is no proof, is it, that it is a better deterrent than the public form of punishment ?—I think if you find that it is the general experience of men who are responsible that it is a sufficient deterrent in small cases that their opinion should be deferred to, and that it would be a very harsh thing to the men to say: "Now then, we will compel every case to be taken before the magistrates regardless of the cost to you and the time you lose; we will prohibit any other method of maintaining discipline except by going before the magistrates."

9460. You have already admitted, and it seems to be so, that there are a large number of offences for which you could not take the offender before the magistrates ?—I should not say there was a large number. There are offences that you could not prosecute under the Mines Regulation Act, but I do not know whether you could not prosecute under some other Act.

9461. Take the case of the breaking of a spade, for instance ?—A spade might be broken under circumstances that would enable you to prosecute him for wilful damage before a magistrate. You cannot tell from

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looking at a list like that without knowing. the conditions how far it is serious and how far it is not.

9462. Have you any figures from any large colliery showing the number of fines in any given year, the number or the amount will do ?—I have not got them, but I have no doubt I could get them. I have a list here from one colliery. It is not a large colliery, but I suppose they get 300,000 or 400,000 ton a years. This list, I believe, is all there are in ten years.

9463. How many would there be on that list ?—There are thirty to the page, and I have five pages here, so it would be about 150 in ten years.

9464. How many men will they employ about ?—I am afraid I can only tell you roughly.

By Mr. Walsh.

9465. Six hundred or 700, I should think ?—I should have thought more than that, but you will know better than I.

By Mr. Maddison.

9466. You would say from that, that the number of fines in a colliery is not very heavy ?—I do not think they are very heavy, but it is so difficult to say, because in a great many cases the men would rather be fined than be taken before the magistrates.

9467. Have you any information which would afford a comparison between those mines where the practice of fining for almost everything except very serious offences prevails and those where they more generally take the man before the magistrates ?—I asked the inspectors who were giving evidence in the Accidents in Mines Inquiry, and some prefer fining and some taking the man before the magistrate. I asked them whether they had anything to show with regard to whether discipline was better maintained at one mine than at another, and they said they did not think there was any difference.

9468. In your examination by the Chairman you said you objected to a published contract ?—Yes, I said I came to the conclusion that it would not work. I did draw out a suggestion for those who wished to try it, but I think they found the other system was more convenient.

9469. What is your main reason for objecting to the published contract ?—My first objection is this, that it is a difficult thing to agree with a man that under certain circumstances he must be fined. Then the next point is what are you going to fine him, because the same offence committed under certain conditions might be serious, whereas committed under other conditions it might be much less serious, and if you put up that maximum fine for committing such an offence is so much, it does not convey anything to the man. Then, as Mr. Walsh said, the number of offences that can be committed in connection with a colliery are so numerous that I found it impossible to make any classification that was of any use. Therefore I came to the conclusion that it would not be worth complicating the conditions of employment, which are that he is to be employed and to work for so many days a week, with the extra conditions that under certain circumstances he shall be fined a certain sum of money.

9470. I gather from your evidence that you think it is a perfectly fair thing for a man to enter into what you call an agreement after an offence has been committed to pay a certain fine ?—For a man to enter into an agreement to pay a fine I think is a perfectly fair thing to do. I point out this, if I may venture to ask you to look a little wider at it than what Mr. Walsh has put about the man's ability to enter into the agreement. It is always a question of degree, to what extent a man may be under pressure. But here a man has an alternative which he may accept or decline. He may either cease to be employed at the colliery, because there are plenty of other collieries, to which he can go, or he may pay the fine. There are many cases where a man has to accept an alternative where he likes neither the one nor the other, and I am of opinion that it is a perfectly good form of contract. There are many cases where a man has to accept one or two alternatives neither of which is very palatable to him, but that is no reason for saying that the man should be protected from the employer.

9471. Do you know of any case where one side has imposed an agreement upon the other without the man having any opportunity of revising it or entering into its fairness. This contract is fixed already apparently ?—No, I beg your pardon, he does not take a fine out of the list; he says: "You have done this," and he says, "I shall fine you so much money, or if you do not agree to pay the fine I will summon you before the magistrate." There is no injustice in that, because the man can choose which alternative he likes.

9472. But it is a condition of employment, is it not, that he shall accept the assessment of damage done or of the gravity of the offence by a person who is an official of a colliery. He has no appeal from it, he cannot argue about it, he must take it or leave it ?—That is just exactly what it is not, it is not that at all. It would be that if it were done under the first alternative and advertised, and the contracts were affixed. He would have no appeal then, but in this case he is not bound to accept it at all; he can please himself.

9473. The only alternative is dismissal ?—It may be or not; I do not know what the alternative is, but I will assume that the manager says: "Very well, you have done this, I must either dismiss you or I must bring you before magistrates." The man in all probability then will say, "Do not do that, fine me." I will assume that the man does say that, and that the manager says: "Very well, I will give you a choice of either of the three."

9474. I will put it to you in this way, does the man who pays the fine imposed by the colliery officials get the same opportunity of arguing about either his committal of the offence or the gravity of the offence as he would if he were brought before the magistrate ?—I have never been present when one of these fines has been imposed, but my experience is that the collier takes the opportunity of objecting when he thinks he ought to object.

9475. Have you known any case of a colliery remitting the fine on objection by the man ?—I cannot tell you of one.

9476. I gather from your evidence that the man is supposed to have committed a certain offence, and that the colliery manager says to him——?—I should rather put it that the man has committed a certain offence.

9477. I should rather put it that he is supposed to have committed an offence in the absence of evidence that he had actually done it ?—The man would not pay if he had not committed it. These men are not children, and they would not pay if they were unjustly fined. They have a very powerful union behind them, and if the man could not protect himself he would get his union to protect him.

9478. This Committee has to take into account all men, whether they are helpless or whether they are powerful ?—I think they might make an exception probably in the case of miners.

9479. I agree that in most counties you can fairly do that. However, I do not wish to labour that; I do want to get my mind clear on this point. As it appears to me, the colliery official says what he thinks the offence should have as punishment. All the man has to do is to pay, or, if he likes to carry it to an extreme, to leave ?—Or he can say "I will not pay." All he has to do is to say: "I will not pay it."

9480. Can you conceive an official keeping a man who said he would not pay ?—What I should do I think if I were the official would be that I should take some other remedy for the maintenance of the discipline. I should consider whether I should discharge him or bring him before the magistrates. It would depend upon the offence, but if the man said "I will not do that," I should do something else with him.

9481. What else would you do with him ?—I should have to consider whether it was a case where it would be a sufficient remedy to dismiss him. I think it would be probable that that would not be a sufficient remedy, and that we should have to take proceedings against him.

9482. Assume that it is an offence where you cannot take proceedings against him, what would you do then ?—You are putting a hypothetical case to me, but if I was a manager and had come to the conclusion that a man had committed an offence in respect of which he ought to be punished, if he had been stealing something for instance —— .

9483. Take the case of 1s. fine ?—If he had wilfully damaged something the offence is the same whether the fine is 1s. or £1.

9484. Certainly ?—If I had any legal remedy against him for the fine I should consider whether it was worth my while proceeding with that or whether I should simply dismiss him or prosecute him. I am dealing with discipline. If it is a question affecting the safety or discipline of the mine I think I am bound to prosecute.

9485. I am dealing with a case which does not affect the discipline of the mine or the safety of the mine but one of these admittedly minor offences where the man considers the fine too much or considers that he is not really responsible for the act or where there may be some other objection and the man says "I will not pay." In your answer you have given me nothing yet but dismissal as the alternative ?—I do not know that I can give you anything else. If the manager is of opinion that the offence is of such a character as to require to be punished at all then if he says to the man, "Now I will give you the chance of accepting this punishment," and the man says, "No, I will not have it," as he has quite a right to do, the manager must then consider whether it is worth his while to let it alone or to dismiss the man, or, if it is a case for the magistrates, he has to consider whether he should bring him before the magistrates. That is in a case affecting the man himself, but if it is a case affecting the safety or the discipline of the mine he may say "I must see that my discipline is maintained, and I must enforce it."

9486. So that it works out as a condition of employment that you must pay any fine imposed upon you or leave ?—No, there is no condition of employment at all. The Act of Parliament says distinctly that there shall not be.

9487. I am not talking about a legal matter. I am talking about how it works out in practice. Would not you say that it is a condition of a man working in that particular mine that he accepts and pays any fine imposed by an official ?—No, no more than you would be entitled to say that this man is entitled because of the conditions of his employment to do anything he likes in the mine with impunity. I should not allow it and he would not allow it if he did not want to be fined.

9488. I put it to you that this is an arbitrary imposition ?—He can choose whether he will pay it or not.

9489. That is not the point. Has the man himself, or anybody representing the man, the slightest control over the amount of the fine ?—What more control can he have than by saying, "I will not pay it at all" ?

9490. That will not give him any control over the amount ?—Surely if he says: "I will not pay anything," he has control. Of course if it is an offence for which the man says: "I ought not to pay," he has full control because he says: "I will not pay the fine." I will go as far as I possibly can, but I really cannot go to the extent of saying that where No. 2 alternative is in itself a condition of employment that the man shall pay any fine that the official likes to ask.

9491. I will put it in this way; does the man who agrees to pay a fine have any voice in its amount ?—Only this, that he need not pay it unless he likes.

9492. It is no good putting that because he has paid it. Here is "A" has paid a 2s. 6d. fine. Had he any voice in the fixing of that fine ?—I am afraid I cannot make myself understood more than this. If he chooses to say, "I will not pay anything," he has a voice in it, but if it happens in this way, that the official says: "You must pay a fine of 2s. 6d.," and he says: "I will pay it," he has a voice in it because he agrees to pay it. If he says: "I will not pay it," he has also a voice in it.

9493. Assume that the man did pay the 2s. 6d., before he paid it had he any voice in the determining the amount of the fine ?—Only this voice, that he had the choice of saying: "I will pay," or "I will not pay." It seems to me he has a very important voice in it.

9494. Of course that does not answer my question ?—I will answer your question as fully as I can, but I cannot see quite what it is you want me to say. I cannot say that he has no voice in it because he has a voice in it as to whether he will pay it or not. Of course he does not fix the 2s. 6d. The manager fixes that.

9495. The manager alone ?—The manager alone, but the man has a voice in it because he can say: "I shall not pay it."

9496. Do you really think that a fine imposed by one party without the other party being able to get a penny off it is what you would call a fair and reasonable agreement ?—So long as you can say that the other party has got the right to say: "I will not pay it at all," I think it is a perfectly fair thing.

THIRTY-SIXTH DAY.

Tuesday, 19th March, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq., (*Secretary*).

Sir FREDERICK HARRISON, called; and Examined.

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By the Chairman.

9497. You are general manager of the London and North Western Railway?—I am.

9498. You have had, I believe, for upwards of forty years, experience in connection with railway management and looking after the employees in the service?—Yes.

9499. As you are aware this Committee has had a remit made to it by the Home Office to inquire into the subject of fines and of deductions from wages?—Yes.

9500. We are all agreed, I presume, that particularly in railway service, discipline ought to be maintained?—I think we are.

9501. Without that the consequences might be of a most serious kind to the railway service, and not only to the carrier but to the travelling public?—I think very serious consequences would be likely to ensue otherwise.

9502. You have a certain opinion which I should like you to express with regard to the public policy as to weakening the authority or discipline?—I think it is highly essential for the safety of the public and the efficient service by railways, that those in authority over what I will call the rank and file working staff should be able to maintain discipline in the way that they think best, and not subject to control as perhaps other employments are.

9503. Before Parliament or the public can assent to that view the general lines of the way the railway companies think best will have to be, of course, exposed?—Yes, I imagine so.

9504. I mean so as to be ratified by the good sense and the good feeling of the public, otherwise, of course it would be a secret system, which you undoubtedly would have no desire to propagate?—What I had in my mind more was that looking at the Truck Act (although I do not profess to be fully informed of the provisions of it) and the variations that have been made in it at different times with regard to the relations, more particularly in the matter of punishment, the supervision between the employers and the employed, I think if Parliament were to legislate in that direction with regard to railway employment, in my humble opinion it would be a very disastrous matter for the safety of the public and the efficiency of the railway service.

9505. You remember, of course, very well, Sir Frederick, the state of matters prior to the passing of the Truck Act of 1896?—Yes. I had prior to that for a good many years intimate connection with the working staff on the London and North Western Railway and other railways, and the mode of punishment that was in force then. I have also had acquaintance with it since, but not perhaps so intimately in association actually with the working man—more as general supervision.

9506. Before being general manager what position did you hold?—I was assistant traffic superintendent at Liverpool; then district superintendent at Chester and then for some ten years I was practically in charge of the out door working both goods and passenger on the London and North Western Railway generally.

9507. Resuming the reference to the Act of 1896, could you describe to the Committee generally one or two points that I shall put to you in turn. In the first place, I should like to know what was the category of things, speaking as I say, generally, for which fines were imposed?—It would be almost impossible to define it. It ranges from incivility to the public, inattention to their duty, neglect of duty and a number of other offences.

9508. Lateness?—Yes; of course that is neglect of duty. Then there is want of intelligence in carrying out what was obviously the proper course of conduct. It really covered the whole of what you may call inefficiency.

9509. Quite so. Then the second point which I wish to get from you generally is could you tell me the scale of the imposition of fines?—There was no recognised scale.

9510. Let me give you one or two illustrations. We shall suppose the case that you first mentioned of incivility. What would be the fine for that?—It a great deal depended at that time upon the individual, and the particular extent of the incivility, whether it was rudeness through want of intelligence or through his natural manner, or whether it was a deliberate act of incivility and the only person who could judge of that would be his superior officer when he had ascertained all the circumstances. There could be no scale of fines for that.

9511. Was there no antecedent scale of fines?—No. I do not know in all my experience until after the passing of the Act of 1896 of any scale of fines being in operation for particular offences.

9512. The third point is, who was the authority that imposed those fines?—In some cases it would be, I will not say his immediate superior in the same rank of life as himself, but taking a station like Crewe where, I suppose, there are probably 500 men employed, it would be the station master in the first place. If that, however, was questioned at all that would be submitted to the superintendent, but the station master would make his recommendation in the matter of fine. He would report the circumstances to his superintendent, and the superintendent would decide the fine, but he would decide that on hearing what the station master had said.

9513. Just to go a step further, his report would be handed to the cashier, would it?—Yes.

9514. Then the cashier would treat that as a debit item?—Yes.

9515. And would pay the man so much less?—Yes; and those fines were always entered up in proper form, and it came under the review of the directors periodically.

9516. When the Act of 1896 came into operation would you describe what was the change in your practice in order to square with the provisions of that Act?—The North Western and some of the other companies, almost all the other companies, attempted to frame a schedule of fines for particular offences in cases of misconduct and they fixed them at the maximum for each offence, reserving a discretion within the amount set down, as to what might be carried out according to the circumstances of the particular case. There was considerable difficulty felt in practice in carrying that out, and it was resolved by some of the

companies, including the North Western, to abolish a direct pecuniary fine for the offence, but to either deal with the men by reprimand or by removal from their position or suspension from duty, with loss of pay, or by dismissal.

9517. Under the system preceding the Statute of 1896 of course in any gross cases, cases where you thought that a fine did not meet the situation, you had, of course, the power of dismissal and I suppose you exercised it?—Oh, yes Even prior to 1896 when fines were in operation more generally than they are now, there was still the power of the company, that is the master, to deal with its servants as it thought best in the interests of the service that they were employed in, and they repremanded, removed, degraded, or dismissed according to what they thought the offence warranted.

9518. I gather that you have found it expedient, in view of the restrictions imposed in the 1896 Act, to adopt the threefold system of warning, suspension and dismissal?—Warning, suspension, degradation or dismissal.

9519. That is four-fold. Have you found that that system so substituted for the fines preceding 1896 is satisfactory?—I think so. By that I do not mean to say that the preceding system was not satisfactory also. I do not think the discipline of the North Western, speaking for the North Western, has been either strengthened or weakened by the change that the legislature made.

9520. I might put it axiomatically to you that the good discipline of the North Western has been maintained under the changed system?—Yes.

9521. A suggestion has been made to the Committee that some check ought to be put upon the system of suspension?—Yes, I have heard of that; I have read Mr. Bell's evidence.

9522. I will come in detail to the questions that were submitted to you that were answered by Mr. Bell, but speaking generally on the question of suspension, would you tell me now how, in practice, it works out, so far as the authority suspending is concerned. Who is that?—In some cases it would be as I said in the case of fines, the responsible officer immediately in charge of the men. To keep to my illustration of Crewe——

9523. Yes. Take the case of a guard at Crewe who has committed some delinquency. Just give us an illustration of what he might do?—Unhesitatingly his superior officer has the power to suspend that man from duty and it is absolutely essential that he should. All that he does of course comes under review afterwards.

9524. Yes, but I just want to get, so as to make it vivid, a case of a guard. We will suppose the delinquency to be that he is found intoxicated on the platform. Does the station master suspend him on the spot?—Yes.

9525. So that in the interests of the public and of the company he is taken off the service at once?—At once.

9526. To whom does the station master report?—He reports the circumstances to the superintendent in charge of the district.

9527. The superintendent then makes inquiry?—Yes.

9528. Does he make inquiry of the man and of the station master?—Both. I should say a wise superintendent would make inquiry of both; he would not take it from one side only.

9529. Thereupon, I fancy, he confirms the suspension and fixes it for a certain period?—Yes.

9530. Shall we say a week or a fortnight?—The probability is in the case you have put of a man being found intoxicated on duty, he would be suspended and if the superintendent was satisfied it was so it would not be a case for suspension then. He would not resume duty until the superintendent was satisfied, and it would be a case then for the superintendent to decide whether he should re-enter the service, or be removed to another position and given another trial or how he should be dealt with.

9531. Is there anything that occurs to your mind as to giving the man or the company any right of appeal to anybody—say the Inspector?—At the moment?

9532. Yes?—No, I do not think you could at the moment go beyond the authority of the officer in charge. It is quite possible that the station master in charge, if he had any doubt, and I should think he would if the superintendent happened to be there, or one of his assistants probably say:—"Is this man in a fit state to remain on duty?" But every man in the service has a right to appeal through his superior officer, and ultimately through him to the directors against anything that he considers a grievance, whether it is as to punishment or in any other way.

9533. Is that right of appeal known?—Oh yes; it is in the rule book of the company.

9534. Is there any appeal to any outside authority—any Government representative?—No.

9535. Do you approve or not approve of that?—I disapprove of it absolutely.

9536. You think it would be inconsistent with sound discipline?—Absolutely, and not only with sound discipline but the consequence would be unsound discipline.

9537. Am I to understand from you that after the Act of 1896 the system of fines was not adopted at all?—Not by the North Western. We abolished it.

9538. Do you happen to have the rule book by you that you referred to just now?—Yes. (*Producing book.*) The book is rather a big one, but at the bottom of page 38 of the London and North Western book of rules and regulations the rule is:—"Should any servant think himself aggrieved at any time he can memorialise the board, but in such case the memorial must be sent through the head of his department."

9539. What is the number of that rule?—There is no number to it. I may explain that the general rules and regulations that I am quoting from are those generally adopted by all the companies, but some companies felt that the whole book of rules would not meet all the cases that they desired should be met, and in the particular way they desired to meet them, and therefore they put in supplementary instructions, and those are not numbered. With the North Western they are in the front part preceding the general regulations.

9540. Is the passage you have read preceding the general instructions?—Yes.

9541. Do you think it would be in the interests of the men if suspensions were rendered illegal?—Personally I do not. I have rather a strong view that suspension is not only better for disciplinary purposes, but it follows almost as a matter of course, better for the men themselves.

9542. Tell me about the suspensions, to what period do they extend—from what period to what period?—There is no arbitrary rule.

9543. For a couple of days?—They extend to a week.

9544. From a couple of days to a week?—From one day to a week. I think that would cover it. There may be cases of ten days or so, but they are very, very rare.

9545. Beyond that it would be a case of dismissal?—Or degradation or removal in some way.

9546. There is something in your proof about the railway companies endeavouring to get over the difficulty by publishing a list of the fines for various offences?—Yes. The North Western drew up a list of fines, and we were about to issue it, but we were told that there was a question whether that would sufficiently comply with the provisions of the Act. Our lawyers told us that they did not think it would. That list was drawn up, as I think I said before, to provide for the maximum penalty. I should say with regard to suspensions why I think it in the interests of the men as well as of the service is that I think, if I may be credited with having a good deal of consideration for the welfare of the men as well as for the welfare of the service, that it is a far better object lesson to the man when he has done wrong, if, instead of leaving his home in the morning and coming back at the end of the week with 6d., 1s., 2s. or 5s. less than his wages, he has to stay at home, and let his better half become aware that there is some reason for his being unable to go to work. That has a better moral effect than his having to go home at the end of the week short of what his wife knows to be his proper amount of wages, and he has in some cases

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then to make excuses for how he has got rid of it. In the case of suspension he has not the same opportunity. He may go out, but he does not go with his tin of food in all probability in the way that he usually does.

9547. That seems to be going one point further than you went before when you were contrasting the pre-1896 system with the present. You seemed to think then that the preceding system was not better than the present system ?—There were suspensions previous to 1896.

9548. Suspensions or disrating ?—Both. The only difference is that on the North Western we do not fine at all now. We used to fine and suspend as well.

9549. You do not fine at all now, but in lieu thereof you do those other things which you say have a good moral effect ?—I think enquiry would show, and speaking from my general experience of it I believe that probably the reprimands take the place of the small fines, the sixpences and the shillings, and the half-crowns.

9550. Can you give us now any information as to the extent of this system with regard to the numbers of men affected. How many men are in the employment of the London and North Western—between 70,000 and 80,000, are there not ?—Yes. That includes the clerical staff, but I should say there are 70,000 under this system.

9551. In the course of a year how many men have been dismissed absolutely ?—I could not tell you. I could get it, of course, but I have not that information here.

9552. How many have been disrated, do you know ?—No.

9553. Would your assistant be just so kind as to note these points—the numbers of dismissals and disratings and suspensions for short periods, and warnings ? I fancy it would be difficult to get the list of warnings because, there would be no record of that, would there ?—There is in a great many cases. I do not wish to hesitate about giving you the fullest information that you desire, and that can be got, but it would be a very voluminous statement and rather costly to go through all the books that are kept to find all these facts with regard to all these matters.

9554. We want it only as illustrative for one year ?—I know, but if you realise for a moment that we have got some, I suppose, 25 district offices, or more than that—we have that number nearly for the Traffic Department alone—and they keep, certainly so far as reprimands are concerned, that information there; that means it has to be collected from each office, and brought together and the same with the removal from one position to another, and degradation. A man may be removed from one position to another not because he has committed a particular offence on a particular occasion, but because perhaps he is found not to realise the expectations of those who have put him into the position that he has recently been occupying, and to obtain all that information by examination of the books of the North Western would mean a vast labour.

9555. Then we shall take out of that questions of reprimand, but the Committee is anxious to obtain, if it can, the numbers under those three heads of temporary suspension, disrating, and dismissal. I wonder if that could be furnished for one year—any year you care to select. Suppose for instance, you take one year within the past four or five years ?—I should not like to say no to that. Nothing is impossible, and I should not like to discourage the idea of your getting information, but also I should not like to say off-hand that it could be got without an amount of work that I do not think it would be fair to put upon the company to incur, but if you will leave it with me I will inquire of those who are competent to advise me how long it would take, and what the cost would be, and I will let you know, because it would all have to be done by the people who get out the information in addition to their ordinary duties, and it is no small matter

9556. I do not presume to judge about it, Sir Frederick, I agree about the reprimands, but so far as regards the other three heads one would say that it would not be such a stupendous undertaking ?—With all submission, if you will allow me to confer with those who will be responsible for getting the information out, they will be able to give me some idea as to how long it would take and what it would cost, and I will let you know, and it will be for you to decide whether you will require that or not.

9557. Would you mind taking this alternative from me that if you find over the whole system that it is beyond the scope of reasonable labour, you might confine your effort to, say, a selected district. Suppose you take Crewe, then you could by a simple multiplier let us know, I fancy, how it affects the rest ?—No, I would not undertake to do any arithmetical sum of that kind. I am quite accustomed to dealing with figures, and I know the fallacies that can be created by dealing with averages and arithmetical calculations when you mutiply one figure by another.

9558. What would you say as to Crewe alone ?—Crewe is an important junction station in what we call the Northern Division under the charge of the superintendent for passenger purposes at Liverpool, for goods purposes at Crewe, and the permanent way outdoor engineer's head offices and for locomotive purposes at Crewe, are at Crewe.

9559. I think you said there were about 500 employees there ?—That was for the passenger station alone, and the shunting yard, but Crewe, I suppose, has got in all the departments that are centred there something like 12,000 or 14,000 men, but I am speaking quite without reference to any figures.

9560. Quite so. It is just to give us a general idea ?—I have an idea that if on enquiry I find the work very great I shall have to put it to you, I think, to decide as to whether the work would be too stupendous for you to call upon me to carry it out, but I will give the alternative of a fairly representative point in the way of a district or locality.

9561. Yes, a fairly representative point ?—I can tell you now, if you will take that as part of the information the number of cases in which there were temporary suspensions for a year, or in fact for a series of years.

9562. You could do that now?—Yes, I can give you the number of cases for two years prior to 1896, and since.

9563. This would be quite a convenient opportunity if you can give us that now ?—Yes. In 1894 there were 2,150 cases of suspension and 3,690 cases of fines. In 1895 there were 2,406 suspensions and 3,526 fines. Then in 1896 there were 2,246 suspensions and 3,209 fines. In 1896 the fines ceased, or I suppose they did—at least the statement goes then to 1902. In 1902 there were 7,736 suspensions ; in 1903, 6,638 ; in 1904, 5,674 ; in 1905, 5,248 ; and in 1906, 4,996. So that there has been of late years a gradual reduction in the number of cases of suspension, but they vary very much.

9564. Still for five years that does seem a pretty steady decline ?—Yes.

9565. I fancy that points to an acquiescence in both parties to the system, and a more effective discipline ?—Yes, I dare say it does. Of course, it is impossible to draw any sound conclusion from these figures, in that direction at all events. You can imagine it, but it does not follow that the conclusion you arrive at is sound.

9566. Those figures at least seem to justify this conclusion that the suspensions in point of number seem to have been equal to the number of fines ?—Yes. If you will take the last year of 1906, and the last year when there were both suspensions and fines, 1895 or 1896—there is not much in it—the number of cases are between 500 and 1,000 less in the later period.

9567. That is no doubt true, but I should hardly fancy that you would care about that, because the nearest approximation would be to get as near to 1896 as possible, and the nearest you can get to 1896 is 1902, according to the figures you have given me ?—1902 is rather above 1896—a good deal.

9568. Yes, and so is 1903 ?—Yes.

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* Sir Frederick Harrison has since forwarded to the Secretary a return of punishments of the Wages Staff for the month of November, 1906, showing that in that month the number of men warned or reprimanded was 631, the number disrated 22, the number reduced in position without change of pay 1, the number suspended 477 and the number dismissed 93.

9569. Very well, we can make what conclusions we like. We are very much obliged to you for those figures. We see you have a certain amount of material ready to hand. You will take note of the request the Committee makes that you will select some representative district and assist us to the best of your power about it ?—I will with pleasure.

9570. You have considered, I believe, the evidence that was given by Mr. Bell ?—Yes.

9571. I call your attention to Question 4731 on page 369 of the evidence. You observe Mr. Bell is asked this question: "Who would be the officer who would take stock, so to speak, of the delinquency and make the assessment; would it be a clerk ? (*A.*) That would vary with the different companies," and so on. What is your view about that ?—I think Mr. Bell is quite right there; no doubt the practice does differ upon different railways, but whether he intended to imply that the fines or punishment—he deals with fines there, and I suppose he is not referring particularly to the North Western, but he says another company give more authority to subordinate officials, and we get what we may call a local foreman of a locomotive shed, and they give him authority to fine the men. We do not fine, as you know, but we should in such cases as the local foreman or station master felt that, for the proper discharge of the duties he is responsible for, a man must be suspended from duty, he would have power to do it, immediately reporting the case. The check upon him as to whether he exercises that authority or discretion properly or not would be that he has to report it to a superior official, and if necessary that superior official's action comes under review.

9572. Now I call your attention to 4746, where Mr. Bell refers to a case of three North Western brakesmen at Stockport, who were suspended for one day for errors in making out the drivers' tickets ?—Mr. Bell treats it rather lightly there. He treats the punishment as a severe one and the offence as a very light one, but that punishment, I find on inquiry, was inflicted when it was found necessary to bring the men under proper control. They had disregarded the reprimands they had received, and it became necessary to make an example of them.

9573. Is the duty of correctly making out the drivers' tickets important ?—Very important.

9574. Why is that ?—It is the record of his work, and it is necessary for the company to have a check upon that for various purposes.

9575. These cases occurred, but I gather from you that it was considered necessary to make an example in such cases ?—Yes.

9576. There are other questions, 4757, 4849, and the Questions 4890 to 4902. Those are cases of Crewe drivers being suspended for emitting black smoke and for blowing off steam. Mr. Bell treats the case as one of an officious foreman on the platform at Rugby reporting a man ?—Yes. At one of the subsequent questions he appears to refer to what he had said before and attributed the punishment to some officious foreman on the platform at Rugby reporting a man for blowing off steam in the case of a train running from London to Crewe.

9577. What do you say with regard to that ?—I say there is absolutely no foundation for such a statement. Mr. Bell does not give in his evidence much chapter and verse for what he says, but I say unhesitatingly, and I am confirmed in that by the officer in charge of the locomotive department, that even if an officious or any other kind of foreman was to report a driver for blowing off steam when he was running from London to Crewe and not stopping at Rugby—blowing off steam when passing through Rugby station—he would not be attended to. He would be looked upon as a foreman who was not fit for his place. The man would be expected, having run down to Rugby and having to slow down to go through the station, to blow off steam; but if he was standing in Rugby station blowing off steam to the annoyance of the people on the platform and to the waste of the coal and water that he had got in his engine, the foreman would be perfectly right in reporting him, and it would be for his superior officer to decide whether he should be blamed or not.

9578. So that it might have been a case of the latter kind, in which case you say the punishment would be quite justified ?—Yes. If Mr. Bell adheres to his statement that a foreman reported and obtained the punishment of a man running with a train through Rugby station from London to Crewe blowing off steam, I say he is incorrect.

9579. Then as to the engines emitting black smoke ?—As the Committee know, the company are liable to be taken before the magistrates and fined if they improperly emit black smoke from their engines, and we have been fined on occasions and there is no excuse for a driver doing it if he knows his work and attends to his work properly. Therefore if a man is reported for that and still continues, and is reported more than once, we will say several times, he has to be punished or removed to some other class of work.

9580. The next matter Mr. Bell refers to is at Questions 4763 to 4765. He gives instances of drivers being suspended for dropping lead plugs ?—With all deference to Mr. Bell, I do not think he knows much about what he is talking about, when he is speaking about dropping a lead plug being a minor offence.

9581. Will you just explain it to us ?—The lead plug is a plug of lead in a certain position in the boiler-plate, and if the water falls below that, the lead gets melted and the engine becomes out of use. It may even cause serious damage, because the engine is there useless on the line causing obstruction in the working, and, as I say, may possibly cause accident to the two men on the foot plate and damage to the engine, and there are very few cases of it. Mr. Aspinall, when he comes, will be able to explain, perhaps, more vividly to you than I can the result of this dropping of lead plugs, but there are very few cases in which, when a driver drops a lead plug, there is not gross carelessness on his part, and I have known cases in my own experience where they have dropped their lead plug for the purpose of shielding themselves from other neglect, perhaps neglect in making steam properly.

9582. Are these cases treated on their merits ?—Absolutely.

9583. In what way: is there an opportunity of explaining ?—Yes. The man is first of all bound to make a report of it himself, and that goes through his foreman. The foreman sees the engine when it comes into the shed. With the North Western there is generally an expert attached to the shed—a boiler-man. He makes his investigation and the driver is had up and has an opportunity of saying all about it, and in the end the superintendent decides whether he ought to be punished or not.

9584. There is one serious statement which has been made by Mr. Bell at Question 4798. He says that men are suspended pending inquiry, and then when found free from blame they are not paid for the time of their suspension. What do you say with regard to that ?—With regard to the North Western, that never has been the case. Whenever a man is suspended pending inquiry his case is fairly heard. It is not prejudged by the fact of his being suspended, and if it is found that he is not to blame, he is paid for the time that he is off work.

9585. There is a series of questions beginning at 4800, as to the signalmen's bonuses. You have something to say with regard to that; have you not ?—As far as the North Western is concerned, I think Mr. Bell is quite under a misapprehension. The bonus given by the North Western Company to signalmen is in no sense part of their wages. They are of varying amounts according to the class of signalmen, and they are given at the end of twelve months if their conduct has been good and if they have been free from irregularity or accident during the preceding twelve months. There are cases in which a man may have had some irregularity during the period, but on the superintendents and the chief officers going through the list at the end of the twelve months when these cases are brought up they see them, and if the man has had perhaps one or two irregularities that in their judgment they think are not sufficient to deprive him of the whole of the bonus he is deprived of half or perhaps a quarter of it; in other words, he has not been sufficiently good in his work during the whole of the twelve months to earn the full bonus.

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9586. What is the wage of a signalman in an important station signal box, for example ?—It goes up to 30s. a week, 32s. 6d. some, and his bonus would be £3 10s.

9587. Supposing he has a clean record for a year, his bonus is £3 10s. ?—They tell me that it goes up as high as £5. I think it goes from £2 10s. up to £5. That is from the lowest class of signalmen up to the highest, but it is in no sense part of the wages. It is really very much on the same principle, as some of the Committee know, as the quite common system in marine practice where the captain of a vessel will have a certain fixed rate of pay, but if he navigates his vessel for twelve months without accident, he has a bonus varying from £50 to £100.

9588. Is this bonus made a matter of contract as a rule ?—No, we could withdraw it at any time.

9589. When was this system instituted ?—In 1882. Then again I should say if the man is deprived of part of his bonus or the whole of his bonus—if his bonus is not allowed him and he feels that he has not been fairly treated he has a right of appeal and that comes to me and goes to the directors in the same way as any other grievance he has.

9590. He can memorialise the directors ?—Yes.

9591. You refer here to a meeting of officers held each half-year ?—Yes.

9592. What is that ?—The signalmen are all under the superintendents of the different districts. A superintendent will have perhaps—it varies according to the density of the traffic in the district—from 100 to 200 and they meet annually and go through the list of signalmen and decide as to whether they ought to be deprived of any portion of their bonus or not, but *prima facie* it is treated as if they were entitled to it.

9593. Is it consistent with your experience that that system of memorialising is ever adopted ?—Yes, I do not think there is a month but what in one department or another there will be a memorial from the men. I say monthly, because the committees meet monthly.

9594. Quite so. The men, of course, are an organised body—I mean they have their own unions, have not they?—Not to an appreciable extent on the North Western. Mr. Bell represents a certain number of men on the North Western, the Railway Amalgamated Society's Union, and the skilled mechanics are in their trade unions, but, speaking generally, by far the larger proportion, a very large proportion, I should think 80 or 90 per cent. of the North Western have nothing to do with Mr. Bell or any other union.

9595. That is not exactly what I was aiming at. I was rather aiming at this; you can understand that in a case of suspension which might be a considerable grievance to an individual man he might not report it, whereas if he was backed up by his union it might, so to speak, articulate the grievance as a class one and bring it before the directors ?—I can imagine that, but then perhaps I have a powerful imagination. That is not the fact in practice on the North Western. I do not know of one case in fifty where an appeal of the man that comes to the directors, or comes to me, has any indication that it is supported by the union or otherwise. He appeals entirely off his own bat and without hesitation to his superior officer. I think if the North Western men were polled they would say "we have no hesitation if we think our immediate superior or the next one above him is harsh"—because they go in grades—if the man thinks his inspector has been harsh upon him he has no hesitation in appealing first to his superintendent and then beyond him to me, and to the directors.

9596. That answer induces me to inquire whether there is any existing means such as there are in other parts of the country and in other trades of, so to speak, convening the employer interest and the workman interest together ?—Not with railways.

9597. Now we will come to another point, as to the friendly societies. That is referred to in Mr. Bell's evidence at Question 4812 and various other Questions ?—It is rather difficult to follow Mr. Bell in some of his statements.

9598. Just take your proof and see what you say ?—Yes, perhaps I had better read from that rather than trust to my memory.

9599. Do you think Mr. Bell's account is correct or authentic ?—No, not at all. I do not think he has mastered it with his usual determination to investigate.

9600. With regard to the insurance company on the London and North Western, what do you say ?—On the passing of the Workmen's Compensation Act of 1897, the North Western Railway abandoned any attempt, because it was made illegal by the provisions of that Act, to contract themselves out of the provisions of the Act. They accepted their liability under it, but it is well-known, no doubt, by the Committee that under the provisions of that Act the liability only commences after the expiration of two weeks from the date of the accident.

9601. Of course that by last year's statute is reduced to one ?—Yes, by the statute running from July 1st next. The insurance society that Mr. Bell speaks of provides an allowance to the men injured for the period before the company's liability takes effect—that is for the first fortnight—and also in case of temporary disablement a supplementary allowance to that provided under the Act and for which the company are liable. Therefore, beyond the company's liability under the Act the insurance society supplements that so as to bring it nearly up to the full wages or as nearly as the funds may afford.

9602. There is also an allowance in case of death ?—Yes, there is an allowance in case of death or permanent disablement arising from accident in the discharge of duty in those cases where under the Act the company is not liable—there are cases where the company is not liable under the Act—and an allowance in case of death arising from other causes than accident.

9603. Now the subscriptions ?—The subscriptions vary from 1d. to 3d. per week. The accident pay for the first two weeks ranges from 8s. to 24s. per week, and the supplemental allowance during the continuance of disablement from 4s. to 12s. per week. The natural death allowance varies from £5 to £15 and the allowance in case of death or total disablement where the company is not liable under the Act, varies from £20 to £60.

9604. Is there any supplement to the sum allowed where there is liability in case of death ?—Yes. There is no liability in the case of natural death.

9605. But in cases under the Act, you leave that to be assessed under the Statute ?—No, they are supplemented by the insurance society.

9606. To what extent ?—In case of temporary disablement they are supplemented to the extent of from 4s. to 12s. per week.

9607. It is the death cases I am pointing to. There seems to be a hiatus there you see ?—They are supplemented to the extent of where the company are not liable under the Act in case of death by sums varying from £20 to £60.

9608. Yes, but it is the case where the company is liable ?—In that case we accept our liability under the Act.

9609. You allow that to be assessed and there is no supplement from the insurance society ?—I suppose not. The company have practically nothing to do with the society.

9610. I know. I just want to get how it stands ?—The company have nothing to do with the society and they accept their liability in case of death or injury and the society steps in and says "We will supplement that by so much."

9611. The affairs of the society are managed by a committee are not they ?—Yes, they are managed by a committee composed of twelve members nominated by delegates elected by ballot to represent the members of the society. The company nominate three additional members to the committee of management, but, as will be seen, the management is really vested in the men themselves, who have a majority of twelve to three on the committee. The company do not contribute to the funds of the insurance society at all—they accept their liability under the Act—except at the commencement, they supplied a sum of money to start the fund, so that there should be something in hand without waiting for the weekly contributions to come in.

9612. Is membership of the society optional ?—Yes. it is optional for the insurance society.

9613. I think notwithstanding that there are upwards of 50,000 members ?—Upwards of 50,000 belong to it.

9614. Although nominally optional can you inform us, is there any kind of pressure put upon the men on the part of the company to join ?—Not the slightest. The position of the company in the matter with regard to accident or those cases covered by the insurance society is absolutely neutral. They take their liability under the Act but when the Act came into operation there had been an insurance society before to which the company contributed, as I said, to start the fund and contributed afterwards, but when the new Act came into operation it was put to the managing committee formed by the men, that they had better consider what they would do in order to provide for themselves if they wanted to provide for any thing beyond what the Act gave and they decided to do what I have said now.

9615. On leaving the service there is no portion of their contribution given back of course ?—No.

9616. The ordinary insurance principle applies ?—Yes. There is another society for the benefit of the men on a different footing to deal with natural causes of disability from earning. That is called the Provident and Pension Society.

9617. May I ask you this before you pass from the insurance society. The company act as receivers of the money practically as bankers, do not they ?—Yes.

9618. That is of course a matter of great convenience to the men ?—Yes.

9619. And the credit of the 3d. is taken off their weekly wages ?—Yes, it is deducted from their wages. The company act as the bankers and pay 5 per cent. interest upon the money.

9620. You were referring to the Provident and Pension Society ?—That is on a different footing in some respects, but it is managed in the same way by a committee elected by the members. The company have three nominees on the committee out of fifteen and the company contribute to the funds of the society. I observe in one of Mr. Bell's answers that he states that the men have only two or three representatives, and that the management of the society is in the hands of the officials—I suppose he means the officials of the company; but that is not so, and I do not see how if he took pains to inquire he could have got such information. There are men of his own society who are on the managing committee of these two societies, and there is not one of them that would tell him that. They are very good men; they are good servants, and very intelligent, and give us in the management of these societies very great assistance; and for anybody to represent, or misrepresent rather, the facts in this way is beyond my comprehension.

9621. What are the objects of the society ?—To provide a weekly allowance in case of illness, a retiring gratuity for old or disabled members, and a death allowance to representatives of deceased members, and a pension to old or disabled members.

9622. In that case the membership of the society is compulsory, is it not ?—Yes. The committee perhaps would like to know one of the reasons for that. It was felt by the company when this society was formed that it was a good thing for provision to be made for the men under the circumstances I have just mentioned, and it was felt that it was not fair to the company, and to their fellow workmen who did join the society, that their fellow workmen, when the time came for them to be either ill or disabled or die that they should throw themselves on the charity of the company. The Company could not when a man had been working for a number of years simply turn him out into the street because he was unfit for work any longer, and they said, "You cannot see quite so far ahead as we can perhaps. So in your own interests this fund will be formed and first of all those who like to join it may join, but after a certain time all will have to join it or they will not be considered by the company to be doing their duty to themselves."

9623. Although it is called a provident and pension society, substantially you represent it as a universal system of deferred pay ?—I suppose that would be so.

9624. What I have in my head are the representations which are made in Parliament and so on as to superannuation to the police; it is always treated on a principle of deferred pay ?—Yes.

9625. In those cases have you any system for repayment supposing a man is leaving the service of the company ?—Yes. Members retiring from the service from any cause other than voluntary resignation or misconduct before reaching pension age are entitled to the return of one half of the premiums they have paid in respect of pensions.

9626. Can you tell me how much these credits of 3d. amount to in the course of the year ?—Perhaps the most simple way would be to hand one of these balance sheets to the Committee.

9627. Yes; if you will be so good as to give me the figure first ?—For the twelve months ending 31st December, 1906, the members' premiums and something for cards—that is the same category as premiums—amounted to £55,448 6s. 1d.

9628. A contribution is made by the company is not it ?—Yes; During that year the company contributed £10,921 8s. 6d.

9629. Upon what principle is that computed ?—We started the fund with a certain amount, and we have increased that from time to time until it has come up to this figure according as the membership increases and the fund seems to want assistance, and we have just obtained authority from the shareholders to subscribe as may be necessary from time to time an additional £5,000 a year.

9630. What I am rather pointing to is—one has of course to keep these things in view—would it be within the competency of the company to discontinue the contribution altogether ?—I suppose it would.

9631. Of course the likelihood of that is out of the region of all possibility ?—I think so—at least there is no knowing what changes may take place. But at all events they do not appear to be very imminent seeing that the company have gone on increasing their contributions regularly since the fund started. It was started by their own initiation, and they have gone on increasing, and up to 1904 they had subscribed £146,404 19s. 1d. in the next year they subscribed £6,827 and last year, that is 1906, the figure I have mentioned, £10,921, and within two months of the end of that year, that is in February last, they appealed to their shareholders for authority to subscribe up to another £5,000 a year. I do not think, seeing that the fund has been in force since 1883, that there has been much indication that the company intend to run away from their responsibility towards it.

9632. Still the question that I put to you remains. Is there any indication of a proportion of the contribution that is in the view of the company expedient or proper being withdrawn ?—No.

9633. It stands at present apparently about one-sixth of the whole, I mean relatively to the workmen's contributions ?—About that.

9634. Now will you turn to Question 4861 in Mr. Bell's evidence ?—Mr. Bell there is a little bit wrong. He says that the company recently formed a pension fund for the locomotive men without consulting the men at all, and made membership of it compulsory on appointment or promotion.

9635. How do the facts stand ?—The facts are really that in the early eighties the men in the locomotive department preferred to have a separate pension fund of their own, and one was established in 1883, but some dissatisfaction arose, and in 1889 the society was dissolved at the men's own request and by their own action and the fund was divided. Recently within the last year or two finding that these locomotive men were not provided for in old age as the men in other branches of the service were, they applied to the directors to establish a new fund for them. The directors were of opinion that the establishment of a new and additional fund was unnecessary seeing that there was already in existence a society established in 1889, comprising upwards of 45,000 members in other branches of the service, while the number of locomotive men requiring to be provided for did not exceed 12,000. There was no necessity to have

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several funds going. The case was, therefore, met by the withdrawal of the restriction which had hitherto precluded the locomotive men from joining the existing society, and a considerable number of them have since joined, although it was quite voluntary on the part of the men already in the service. The men in the service appealed to be allowed to join a fund. The directors said, "There is a fund established already, and you are not allowed to join it, but you shall be in future if you desire to do so under the rules of the society," and the men managing that society—the directors having allowed the rule to be altered so as to enable these locomotive men to join—the committee of management of the Society formed by the men, then drew up a scale of payment by which they might be admitted, but it was decided that men who obtained promotion in the service or joined the service after that time, should be required, as the existing 45,000 members had been, to join the society.

9636. So that it is made a condition of service in fact ?—It is made a condition of service.

9637. Is there any hardship in that, in your opinion ?—I do not think so at all.

9638. Who fixed the scale of contribution ?—The men's committee of management.

9639. Do you supplement in that case ?—It is part of this society.

9640. Now Question 4874 : That is the case of a North Western engine-driver ?—Yes. Mr. Bell mentions the case of a North Western engine driver who had been unable to obtain an allowance he claimed from the insurance society in respect of injury in the course of his employment. The facts are that the company paid him what he was entitled to under the Workmen's Compensation Act, and the allowance he claimed was from an insurance society attached to the locomotive department, which is in no way supported by the company, and in the management of which they have no part. It has nothing to do with this society at all. It is purely a voluntary association formed amongst the men themselves, and managed by them, so that the dispute is one between the man in question and his fellow-workmen, while it is put forward as a grievance against the company. In this connection, Mr. Bell says, "There are many such cases where the men cannot get their reasonable due because the societies are largely in the hands of the officials of the company who dominate the whole policy, although the men are compelled to join." I think I have explained sufficiently to the Committee that on both the societies that the company take any part in, their membership of the committee of management consists of three members and the men of twelve, and the three representatives of the company on those two committees are really more to give the men advice, good or bad as it may be, and not to take a controlling part in the conduct of affairs.

9641. Then Question 4941 ?—Mr. Bell states that all the societies are badly insolvent, and that there is no guarantee for their solvency. He does not say what is his authority for the sweeping statement.

9642. Do you believe it ?—No, I do not think so. It has never been actuarially investigated, but I do not know that an actuarial investigation even would prove that it is either solvent or insolvent. The North-Western Provident and Pension Society, at any rate, has a balance in hand at the present moment of upwards of £220,000, and the guarantee for its solvency is that the contributions and benefits are fixed by the members through their delegates, and could be adjusted, if necessary. If the members and their delegates consider that the fund is insolvent as Mr. Bell does, it is a simple matter for them to reduce the benefits so as to fit with the contribution.

9643. Or increase the contribution ?—Yes.

9644. Then questions 4990 and 4996 ?—Mr. Bell apparently makes it a grievance that when a man belongs both to the Insurance and Provident Societies, if he meets with an accident, he cannot draw accident pay from the Provident Fund, while if he is laid up by ordinary sickness, he cannot draw benefits from the Accident Insurance Fund. Seeing that the two funds are established for two different purposes, this would naturally follow, but where a man belongs to both these societies, in case of death from any other cause than accident on duty his representatives do receive an allowance from both. So that Mr. Bell totally inaccurate in that. In the same way if a man is permanently disabled by an accident in the discharge of his duty, but for which the company is not liable under the Workmen's Compensation Act, or is only liable up to £10, he would receive an allowance from both societies, namely his pension from the Provident Fund, and the permanent disablement allowance from the Insurance Society.

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9645. I suppose, Sir Frederick, even when your system of fines was in existence there would still be the reprimand ? —Yes.

9646. Many times when fines were not inflicted at all ? —Yes.

9647. And the caution, I suppose ?—That is the reprimand. The reprimand and caution are the same.

9648. They would be convertible terms then ?—Yes. I think the committee would be rather surprised if they were to see—in some cases I know it often surprises me—the number of times a man gets cautioned without any other punishment, until at last he happens to commit himself, and the wonder is that he has not been disposed of before.

9649. You put it to us that there are a good many cases where nothing except a caution is administered ?—Yes.

9650. At last, however, the offence becomes a serious one and the man is suspended or possibly dismissed ?—Yes.

9651. So that in addition to the figures that you gave us up to 1896, the fines and the suspensions, there really ought to be added those cases of reprimand ?—Yes, those cases are on all fours ; those figures did not include reprimands in either period.

9652. Both classes of years do not include reprimands ? —No.

9653. I notice since 1902 there has been a very considerable drop in the number of suspensions ?—They have been gradually going down I think.

9654. It is very considerable if we compare the last year with 1902. There has been a very considerable drop indeed ?—Yes.

9655. A fall of about 2,800 ?—Yes.

9656. Or getting well on for 30 per cent. of the suspensions in the year 1902 ?—Yes.

9657. So that that would seem to imply that after all the fines had not a very elevating effect upon the *morale* of the men so to speak, does it not ?—You can infer a good many things from these figures but my own personal feeling is that the suspension has a better effect upon the *morale* of the men than fines, but that is only my own view, everybody does not agree with it.

9658. We are all quite certain that the management of your company has not deteriorated, and inasmuch as it is found year after year that the number of suspensions is very considerably going down, we are driven to the conclusion or at least I am driven to the conclusion, that the suspension has a better moral effect on the men. In the case of these two societies where Mr. Bell complains that if a man meets with an accident he does not receive provident pay I understand you to say you do not see there is any real grievance in that. You fail to perceive a grievance if one exists ?—Yes.

9659. I notice from your evidence that you say they are two distinct societies ?—Yes.

9660. Under separate managements ?—Yes, but a good many of the men are on the same committee, if not entirely.

9661. There are two distinct elections ; two ballots are taken ?—Yes.

9662. And the *personnel* of the committees will vary somewhat ?—Yes, I think they do somewhat, but it is insignificant if it does.

9663. Still, admittedly, they are two different societies ? —Yes, they are for two different purposes.

9664. Supposing a man were to pay to two distinct societies in any other respect would he not get two distinct classes of benefit—I mean supposing these societies were not in existence at all just for the purposes of the moment ?—May I put it my way ; I dare say it will meet your point.

9665. Yes ?—If a man insures with a public insurance company against accident, and he dies a natural death he would not get paid by that accident society unless it was part of the conditions of his policy. I think if he insures his house against burglary with one office and against fire with another, that both offices will not pay him in the event of the burglary.

9666. Supposing now that I had insured against sickness —there are companies that insure against sickness ?—Yes.

9667. And I met with an accident in the course of my employment, would that company not pay me during the time I suffered from the results of that accident ?—I should say it depended entirely upon the conditions of the policy.

9668. I will put it in another way: do you know of any ordinary friendly society that does not pay to the member his sick benefit when he has sustained an accident in the employment of some company ?—That is part of the conditions upon which he joins the society. He joins these two separate societies, one of which he need not join at all unless he likes. But my point really is—I do not see that there is any unfairness in the present conditions of the two societies, but if the men think there is they can consider what alteration of the rules would be necessary in order to remove it. But I think it would be found rather a difficult matter to get the men who are in the one society and not in the other to agree to alter the rules and to make both societies provide for the same thing.

9669. Have you any knowledge as to what proportion the payments made by the men to the insurance society bears to the ordinary payments to the various friendly societies throughout the country ?—No, I have not

9670. Have you any knowledge as to what the proportion of weekly payments made is to the benefits received ?—No.

9671. Are you aware whether the ordinary Friendly Societies, the Foresters, the Oddfellows, and so on, make payments for sickness to their members when they meet with an accident ?—I do not really know.

9672. You are not aware ?—No.

9673. With regard to the areas—when a man meets with an accident have you surgeons appointed for particular areas ?—The society have surgeons—doctors.

9674. For the purpose of the Workmen's Compensation Act the company will have surgeons appointed ?—We have our own doctors in different parts of the country.

9675. It would be absolutely necessary, I take it, that the man's case should be reported as quickly as possible for the company's own purposes, and that for the purpose of treating the case there will be surgeons in attendance as quickly as possible ?—Yes.

9676. Is the surgeon for the company generally the same surgeon as attends for these societies—is he one and the same person ?—I cannot say. I have not inquired what the society do really; the society manage their own affairs; I could not tell you.

9677. You could not inform the committee as to whether the surgeon who attends for the company when a man has met with an accident is the same surgeon to whom the cases are reported for the provident and insurance societies ?—I am not sure myself. I do not know of my own knowledge, but if the Committee desire somebody who is more intimate with the affairs of the society than I am he can come and tell you.

9678. Is that information not in the possession of your assistants who are present ?—Here is the secretary of the society, but he must not pass that through my mouth; I am not going to interfere with the affairs of the Society. If I did I should be accused later on by Mr. Bell of having taken an active part in its affairs, and I cannot give evidence with regard to it.

9679. You may take it from me that I am not troubling in any way with Mr. Bell's evidence. Every one of these questions is prompted from my own practical knowledge as to how these matters are carried out ?—I would sooner not speak of matters connected with a society that I am not acquainted with. There happens to be a gentleman in the room who is possessed of the information, and he can come here and answer any questions on that.

9680. Perhaps the gentleman who is present can go into the witness chair ?—If the committee desire it.

9681. I do not think it is necessary just at the moment. However, the complaint of Mr. Bell is that the management of these societies is largely in the hands of officials of the company ?—Yes.

9682. You have given to that, I will not say a blank denial, but a fairly effective denial ?—I meant to.

9683. A blank denial ?—I meant to.

9684. Of course, it is difficult to say what the full meaning of the term "official" might be. Is it a fact, however, that these two societies are largely dominated by men who are looked upon as your officials—officials of the company ?—No—absolutely no. They are officials of the company, of course, or they could not be in the society, but that their influence is directed at all by the company I distinctly deny, I give to the words "officials of the company" the ordinary acceptation of the words, and the one that I have not the slightest doubt in my mind that Mr. Bell intended to convey to the committee was that the business of these societies was controlled, or influenced, I do not know which word he uses, by the officials of the company. I say it is distinctly untrue that it is controlled by officials of the company. They are employees of the company, but the men whether they are drawing wages at a weekly rate, or at a monthly rate, are officials of the company; therefore, strictly perhaps, Mr. Bell is correct in saying that the affairs of the societies are controlled by the officials of the company. That is the only excuse I can make for him, but that is not the impression he intended to convey.

9685. I rather think he was giving a narrower significance to the term "officials" ?—So do I.

9686. He was referring, I imagine, to salaried officers rather than to men who were simply in your weekly service, or fortnightly service, as the case may be, and receiving wages in the ordinary sense. With regard to the pension fund that was recently instituted in connection with the locomotive department; you say it is now a condition of service in the case of new appointments that the men must contribute to that fund ?—Perhaps I did not make it quite clear. There is no pension fund recently established in connection with the locomotive department. The pension fund that exists has opened its doors to the men in the locomotive department to become members if they desire.

9687. An intimation was sent out several months ago, I suppose from your offices at Crewe, to the locomotive men. Anyhow new appointments in your service are dependent upon membership of that fund ?—Yes.

9688. And promotion, even in the case of old appointments, is also dependent upon membership of that fund ?—I believe that has come into operation now.

9689. Do you not think that that is rather a hardship upon the men ?—I do not think so.

9690. I only ask you that because you say here that if there is any hardship in that you fail to perceive it. You say: "If there is any hardship in this, or it constitutes any grievance on the part of the men, witness fails to perceive it" ?—Yes, I do not see any hardship in it.

9691. I would like to put this question to you. Many of these men who are forty-five years of age will have been in your service a great many years, I take it ?—Yes. I should say that the rules of the society prevent anyone of the age of forty-five years and upwards being admitted.

9692. Forty-five and under, I am speaking of ?—I beg your pardon.

9693. Those who are forty-five, or even a few years under, of course have at present to join if they look for promotion ?—Yes.

9694. Promotion is naturally sought by every man in your employment I suppose ?—I hope so.

9695. And they accepted employment in the reasonable hope, if they gave you efficient service, of promotion ?—Yes.

9696. Without any such condition as this being then in existence ?—Yes.

9697. Do you not think that is rather a hardship ?—They also, I think, I am entitled to say, expected that when they reached the end of their period of service with

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good conduct, the company would, if they had not made provision for themselves, give them something in their old age.

9698. But that would be quite conditional upon your own good will, would it not. They would have no claim upon you, although it has been done to the amount of some thousands of pounds a year for these particular men. I am submitting this point to you for your consideration that these people under forty-five years of age, many of them comparatively young men but getting on to middle age, when they accepted service in your company, they accepted service under open conditions, a condition which is now existent not being then imposed upon them, and that inasmuch as the men are giving you—otherwise they would not be in your employment—effective service, that they ought to have a reasonable hope of promotion, but that if that promotion is now dependent upon other conditions the knowledge of which they did not possess a little while ago, I submit to you that there a hardship is imposed upon these men. Do you still think there is no hardship upon them ?—I do. I do not think any hardship has been imposed upon these men. I should like if you can give me an instance or two where that has been the case.

9699. I suppose papers have been supplied to these men pointing out——?—Why not be practical for a moment ? Why not, instead of generalising in this way, be practical and say if you know of any cases where a man has been refused promotion because he has not joined this society.

9700. Let me say this : I will be practical for a moment : I have seen the papers that have been supplied from your Crewe office ?—I can quite imagine that.

9701. And one of the conditions is to this effect ; that promotion in the case of people under forty-five will be dependent now upon their joining the society ?—How long ago did you see it ?

9702. I think I am rather being cross-examined myself. I saw it a few months ago. It came from your Crewe office and it is signed by a gentleman whose name is Mr. Whale, I think. I saw the printed matter myself.—As I am being cross-examined by a gentleman who evidently will not show the information which he has got, I will read what I have got at all events which may assist the Committee in forming an opinion. The gentleman who issued a notice from Crewe is the head of the locomotive department and his name is Whale. His printed notice which I can hand to the committee is dated October 3rd and it says that workmen obtaining in the ordinary course or specially an advance in the rate of their wages are not to be thereupon required to join the provident and pension society, but may like any other eligible person, join voluntarily. I think that answers your question.

9703. Was not an earlier notice than that sent out ? —There has been no later one.

9704. Was one sent out in May, or about May, of last year ?—There may, or there may not have been.

9705. Are you aware that the condition I stated was upon the notice sent out in May last ?—I am not aware of it. I am aware of the present instruction, and that is it. (*Handing in document*).

9706. But you do admit that promotion is dependent now in the case of all these people who have been years in your service upon their joining the society ?—I do not say anything of the kind, and I do not see how you can draw that conclusion. If that notice is adhered to, as I believe it is, you can get promotion, or an advance of wage, and it says those who obtain promotion or an advance of wage, are not to be required to join the society. How can he obtain promotion without a advance of wage ?

9707. An advance of wage is not neces arily promotion ?—Is not it.?

9708. You are evidently a much higher authority than I am, but I suppose a man's wages can be advanced without his being necessarily promoted ?—Is it profitable for us to discuss these questions ; I do not think it is.

9709. I think it is, if you will pardon me. You see you make a definite statement here that you do not perceive any grievance in a certain condition which is now imposed. May I read your own statement : " It is certainly now made a condition of service on appointment or promotion " ?—Yes.

9710. This thing is now being compulsorily imposed upon the men. It is made a condition of appointment and it is also made a condition of promotion. It is quite a new condition which was not laid before the men when they started in your service sixteen, or possibly twenty years ago, and I ask you, do you think there is no hardship in that ?—I have said more than once that I do not think there is a hardship in it. Mere repetition of the question and answer will not make it any more forcible.

By Mr. Delevingne.

9711. I think the salaried officers of your company are under a different pension scheme from the wage-earning members ?—Yes.

9712. The salaried officers therefore would not be members of the provident and pension society ?—No.

9713. Would they therefore be eligible for election on the committee of management ?—No, except as one of the three representatives of the company.

9714. So that the twelve representatives of the members on the committee of management must all be wage-earning servants of the company ?—Yes.

9715. And not officials in the ordinary sense of the word ?—No.

By the Chairman.

9716. May I ask your attention to this document signed by Mr. Whale just in order to clear it up. It says : " Following up my circular No. 2603 of the 1st ultimo "—do you happen to have that circular ?—Yes I have a copy of it here.

9717. Can we have it ?—Certainly. (*Handing in document*).

9718. The date of the circular I see is September 1st ? —Yes.

9719. It is followed by this placard which you have handed in which is dated October 3rd ?—Yes.

9720. Both in the year 1906 ?—That is so. Perhaps I should explain that the directors were approached, by the locomotive men, who, I think, number between 11,000 and 12,000, with a strong desire expressed, as I said in my evidence in chief, that they should have a society formed for those purposes, and after consideration the directors felt that they could withdraw the prohibition against their belonging to or joining the present society, and I think they not unnaturally concluded that there would be a desire on the greater part of the 11,000 or 12,000 men to join, and the first intimation that they would be at liberty to do so conveyed also the intimation that they would be required on promotion or on new appointments to join. That attitude caused a grievance amongst some of the men and it was then decided to suspend the compulsory joining of the society for a time until it was hoped the men would see the reasonableness of joining what they had asked for.

9721. This circular of September 1st, 1906, starts by this reference : " Certain grades of workmen having desired to be provided for by pensions payable on old age or on incapacitation, I hand you herewith a copy of the general manager's circular No. 3163 embodying the terms upon which they can be admitted into the provident and pension society." Can I get that circular ?—Yes, this is the circular. (*Handing document.*)

9722. I just want to get at the bottom of this mysterious document ?—Quite so.

9723. That circular is dated September 1st, 1906 ?—Yes.

9724. I see it starts by the statement : " It has been decided to allow the staff employed in the locomotive department to join " ?—Yes.

9725. Then it gives the scale of payments ?—Yes

9726. It will be seen that only men under forty-five years of age are eligible ?—Yes.

9727. "The company's regulations will in future require that men otherwise eligible shall join the society upon receiving an advance of wages" ?—Yes.

9728. I think we are now getting at it ?—Yes.

9729. That no doubt has been probably the secret of the source of Mr. Walsh's information ?—No doubt.

9730. At any rate so late as September 1st, the company's regulations were stated to require that men otherwise eligible shall join upon receiving an advance of wages ?—Yes.

9731. To that extent it is modified, is it not, in the circular of October 3rd, by saying that the workmen obtaining in the ordinary course or specially an advance in the rate of wages are not to be thereupon required to join the provident and pension society, but may do it voluntarily ?—That is so.

9732. I am sorry I cannot give you any further contribution to elucidate it, but so far, that is correct ?—That is so. That resolution was suspended for the time.

9733. Is there anything which was antecedent to those circulars of the September 1st, 1906, with regard to the joining of this provident and pension socity. If so I would like to have it ?—No, not with regard to the locomotive men. There is a book of rules of course for the society if you would like to have that ?

9734. Can you give us the reference to the rule affecting this subject in the book of rules ?—The society existed prior to these circulars, but the London and North Western Company had made a rule that the staff in the locomotive department would not be eligible to join this society.

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9735. Can you give me the reference to that rule ?—That was a minute of the board.

9736. That was the state of things in the autumn of 1906 ?—Yes. They withdrew their minute of prohibition, I suppose, in August.

9737. They came to a decision to allow the staff in the locomotive department to join ?—Yes.

9738. Was that information on September 1st the first information giving a scale of contributions ?—Yes.

9739. There is nothing else you can give us to clear up this little matter is there ?—No, I do not think so. I hope the point is clear that the directors having received an application of almost a universal character from the men in this department to have some fund formed for provision for them in case of sickness or old age, said: "Well, at present our instruction debars you from belonging to the existing provident and pension society, but we will withdraw that instruction and ask the committee of management of that society to draw up a scale of contributions and benefits under which you can be admitted," and the committee of management did so and I intimated by that circular to the staff of the locomotive department that those were the terms upon which they could be admitted, and then Mr. Whale, as the head of the locomotive department, passed this on with his own intimation, as you see by those two circulars.

Mr. JOHN AUDLEY FREDERICK ASPINALL, called; and Examined.

By Sir Frederick Cawley (*in the Chair*).

9740. You are the general manager of the Lancashire and Yorkshire Railway Company ?—I am.

9741. You are in the habit, of course, of controlling a large number of men ?—Yes.

9742. You speak from an experience of over thirty years ?—Yes. For a number of years previous to my appointment as general manager of the Lancashire and Yorkshire Railway in July 1899, I had been chief mechanical engineer of the Lancashire and Yorkshire Company, after having been on the Great Southern and Western Railway of Ireland, controlling a large number of men employed in the running of trains, and in the various locomotive and carriage and wagon-building workshops.

9743. You are very much impressed, I think, with the necessity of having proper discipline and some means of maintaining it amongst men ?—Yes. It is essential that you must have some method of maintaining discipline with any army of men such as you have upon a railway and unfortunately you sometimes have to punish if you sometimes have to reward.

9744. Your staff numbers something like 33,000 ?—About 33,000.

9745. Does that include the clerical staff ?—No, that does not include the clerical staff; those are the wages staff. That is a round figure.

9746. After the Truck Act of 1896 was passed, you instituted a new scale of fines ?—Yes, we issued a scale of fines which might be imposed by the company for certain acts or omissions which were mentioned in the notice, though, of course, such a notice cannot possibly cover the multitude of things that may happen on a railway.

9747. That was a reduction of the fines that were previously imposed, was it ?—That arrangement was come to as a matter of experience from the fines which had been previously imposed.

9748. But necessitated by the 1896 Act ?—Yes.

9749. Those rules and regulations and list of fines are supplied to all your staff, are they ?—Yes, the rules and regulations are supplied to all our staff, and every man who comes into our employment signs a form in which he agrees to abide by our conditions.

9750. Any fines are, of course, taken off his wages at the end of the week ?—Yes, and the men are quite aware of what they are subject to.

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9751. Have you a scale of the fines here ?—This is the kind of thing that was issued. (*Producing document*). This is headed "Lancashire and Yorkshire Railway Company, Truck Act, 1896. For inattention whilst on duty. Absence from duty without leave. Coming late on duty. Leaving duty before proper time, or before being relieved. Coming on duty without proper rest, or otherwise unfit for duty. Permitting relief by men unauthorised or unfit for duty," and so on. Those are all fines of 2s. 6d. Those are the maximum fines.

9752. Have the tendencies in your management been to do without fining so much, or do you still continue as you began in 1896 ?—We still continue to fine, but we have believed that we can, what shall I say, make the punishment fit the crime. The fact is that there are two views; you have heard one expressed this morning and I do not know that they contradict one another really, but it is a question of graduation. We rather felt that if we were to have suspensions only, we might sometimes punish a man more severely than the actual offence warranted, and therefore, we thought we ought to retain the system of fining. We explain that by saying that supposing you have a driver earning 7s. 6d. a day, and you suspend him, he loses a day's work, and that is a 7s. 6d. fine. If you have the power to fine him, perhaps you would consider, supposing it was his first offence, or a comparatively trivial offence, or for any other reason which might appeal to your mind as affecting the question, that half-a-crown would be quite sufficient, and the reason why we have retained our fining system has been merely on the side of moderation.

9753. Might I put it in this way, that although you would agree with Sir Frederick Harrison that suspension might be quite as good for discipline as fines you think that suspension is rather harder upon the men than fines ?—I do not think I should say that right away through. I think it may be harder in such a case as the one I have mentioned, and, of course, the figures which were given to you by Sir Frederick Harrison rather tend to show that the result of suspension as put by one of the members of this Committee has been to reduce the number of occasions for suspension. That may be due to the system being one of greater severity.

9754. Or because of greater efficiency ?—Whichever way you like to put it, but it may be that the punishment

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for an offence is so serious that it produces greater discipline. It is arguable either way I admit.

9755. It would be a matter of argument whether severity of punishment and efficiency are more or less synonymous, or whether one follows the other ?—I quite agree, but I think you can argue either way, as I said just now.

9756. You desire, as I understand, to keep on your present system of fines in preference to adopting such a system as the North Western adopt, who rely upon suspension and do not have fines at all. You prefer your system ?—I should prefer to go on with our present system of suspension and have fines where suspension is unnecessary. I think you must have some form of punishment. The only thing is that you have to take care that your officers deal with the men justly and fairly.

9757. You do not consider that your system is any harder on the men than the North Western system ?—No, I think not.

9758. You have read the evidence given before this Committee by Mr. Bell ?—Yes.

9759. You would like to refer to some of the statements made by him ?—Yes.

9760. Will you take Questions 4724, 4727, and 4728, where Mr. Bell refers to the scale of fines in force on the Lancashire and Yorkshire Railway, and states that there is no general list or schedule supplied to the men ?—That I have already handed in. That statement is quite incorrect.

9761. He then goes on to say that the fixing of the fine for the particular offence is left to the caprice or will of the employer ?—I think not. The schedule shows what the fine may be. Sometimes the fine is less than the amount which is shown in the schedule, but I should say no fine is inflicted without the greatest consideration. We do not put it in the power of minor officers to fine our men, and any fine which is inflicted has to be agreed to, or rather has to be imposed—because he is the only man who can impose it, by the head of the department concerned. In the event of any offence having been committed it is the duty of the subordinate officers to make their recommendations to the head of the department, and he may, or he may not, agree with them. If the head of the department even then fines a man, or suspends him, that in the ordinary course goes up to the general manager for review, and is finally submitted to the directors. I may say that there are a number of checks upon any injustice.

9762. Then you disagree with Mr. Bell altogether in that respect, and you think that fines are not imposed capriciously or injustly ?—I disagree with him entirely and I think it is a most disagreeable duty which has to be performed by the officers, which they, as they are obliged to punish the men, dislike very much, and therefore they take the very greatest care to see that their punishments are just. I should like to add if I may that it is suggested at question 4729 that the employee does not know what amount he will be fined for the breach of regulations. I have already explained to the Committee that the man is always told in writing what amount he has been fined, and he knows beforehand from the published list of fines what the deduction is as a maximum, and, of course, it may be less, you see.

9763. Then at Question 4731 Mr. Bell states that the locomotive shed foremen have authority to impose fines? That is not the case on the Lancashire and Yorkshire Railway ?—It can only be done by one of the chief officers of the railway, and even then it is subject to revision by superior authority.

9764. With regard to the Question numbered 4735 what have you to say ?—The fine is mentioned in Clause 5 of the printed notice, so that the statement that he does not know is not correct.

9765. In that case it was stated that a driver at Accrington was fined 3s. 6d. for causing wagons to get bufferlocked at Accrington from the 7th to 10th November. (Under Clause 5, notice dated October, 1899), and the witness added that the entry is signed in the name of the chief mechanical engineer but really initialled by somebody else, " Very likely some subordinate officer has had the authority given to him " ?—Yes. It must not be inferred, because a document or letter is initialled by somebody else that the chief officer, the chief mechanical engineer, has not given the instruction because in such a department there are hundreds of letters which must be signed by somebody other than the chief officer although it can only be done with his authority.

9766. And now with regard to Question 4780. Mr. Bell in his evidence gave instances as to Wigan on the Lancashire and Yorkshire Railway, stating that the total number of cases in which fines were inflicted during the ten weeks ending May 18th, 1905, amounted to ninety-five, and the total amount of fines was £13 5s. 3d?—That is entirely inaccurate. As for the period in question there was only one case of a fine at Wigan shed, namely, 5s. I have taken the trouble to ascertain the number of fines inflicted in our traffic department during the same period in the Wigan district and find that there were only four cases. I cannot understand how such a statement as appeared in his evidence could have been made by Mr. Bell. He must have been absolutely misinformed. It is, I think, evident from the interrogations by the Chairman of this Committee that he could not believe Mr. Bell to be right.

9767. With regard to Question 4784 Mr. Bell there mentioned a case of seven cleaners fined 2s. 6d. each and one cleaner 5s. for the week ending March 16th, 1905 ?—Mr. Bell's evidence appears to indicate that the seven cleaners who were fined 2s. 6d. each and the cleaner who he says was fined 5s. were employed at Wigan, but this is not so. The men were employed at Sand Hills and the fine of 5s. should be 3s. for card playing. If men are not to be fined for absenting themselves from their work and playing cards I don't know what they are to be fined for.

9768. Will you please now notice the three succeeding questions put by the Chairman in Mr. Bell's evidence which read as follows :—

> " *Question* 4786 : I wish to ask you specially about the proportion that those cases at Wigan bear to the number of men employed. The depot at Wigan has 230 men and boys employed there ?—Yes.—I was going to say about 250.
>
> *Question* 4787 : It is out of that number that in ten weeks there were ninety-five cases ?—Yes.
>
> *Question* 4788 : The point I wanted to get from you is, are you quite sure of that figure, because there seem to have been in ten weeks ninety-five employés fined out of 230 ?—Yes.
>
> *Question* 4789 : You observe that is about three-eighths of the whole staff ?—Yes."

—It is quite clear that the Chairman of this Committee could not quite believe that Mr. Bell was accurate and gave him every opportunity of putting the thing right. Mr Bell is absolutely wrong.

9769. Mr. Bell has been communicated with and he writes :—

> " I have made a full enquiry from those who supplied me with the information and I desire to inform you that I was led to understand all the cases is question happened at Wigan. This turns out to be incorrect. The information was copied from a list periodically posted on the Lancashire and Yorkshire system giving particulars of cases which have happened all over the line ; particulars from the list posted at Wigan were sent to me in a way which caused me to believe that all the cases had happened at that centre instead of throughout the system. This list is of a very similar character to that which I handed in in connecttion with the London and North Western Company. The cases quoted will stand good with the correction that they do not apply to Wigan alone but also to other depots on the line. I regret that there should have been any error."

—A strong statement of the kind in question ought not to have been made without proper enquiry and foundation.

9770. Do you rebut the evidence, apart from the fact that the cases did not occur at Wigan alone ?—The force of the statement lies in the fact that so many fines were said to have been inflicted upon a body of 230 men.

9771. Do you agree that the evidence is accurate as applying to the whole system ?—No doubt it is approximately accurate if it is applied to the whole system, but the whole system means 33,000 men. The average amount per annum of the fines imposed on the staff of 33,000

in the employ of the Lancashire and Yorkshire Company during the last four years amounted to £161 3s. and last year (1906) it was £121 15s.

9772. You do not take these fines at all for the benefit of the company ?—Oh no, certainly not. They are paid to the credit of a special fund out of which charitable grants are made to men or their dependents who have been employed by the company from time to time in necessitous cases where there is no other fund of the company to draw upon, and I may say that frequently the company adds considerably to the amount.

9773. With regard to the institutions which you have in connection with your line will you tell us what they are ?—In connection with large railway works there are generally some institutions of which the men like to become members. We have, for instance, a mechanic's institution for which the men pay a subscription. They enter it entirely at their own pleasure and at their written request. For their convenience, the subscription is deducted from their wages and paid over by us to the institution, but that is only done upon their own formal written request, which they are at liberty to withdraw at any time.

9774. Have you any pension fund such as there is on the London and North Western Railway ?—We have an insurance fund for which the men pay 1d. per week, which is deducted from their wages. They manage the insurance fund entirely themselves and we have nothing to do with it.

9775. The company do not contribute to it ?—Not to that. The men manage it entirely and pay their own secretary, but we give them a room and some office facilities.

9776. Is it a condition of their employment that they should join ?—Yes, no man is taken on, unless he joins the insurance fund. The workmen elect their own delegates from the different districts and manage the whole thing through their own committee.

9777. Is that the only fund of the kind you have ?—We have a superannuation fund for the officers of the company. A certain number of other employees were formerly admitted, drivers and firemen, but we do not receive them now. The company are about to establish a pension fund which has not yet, however, come into force. We got powers under an Act of Parliament last session to guarantee that fund, and it will be brought into operation this year.

9778. You heard Sir Frederick Harrison's evidence, and with reference to it what I wanted to know is have you any institutions analogous to those which he spoke of in connection with the London and North Western Railway ?—Not similar to those he spoke of. I have mentioned those that we have, namely, the superannuation fund for the officers, the pension fund that is to be and the insurance society which the men manage themselves.

9779. What do you mean by the officers ?—That term covers all the salaried staff. The doors of the fund were opened some few years ago to a certain number of drivers and firemen, but they are not now admitted to that fund

By Mr. Walsh.

9780. Is the printed Truck Act notice produced a copy of the notice shown and posted at your works ?—It is a copy of the notice posted at all the various depots but not of the notices posted at the workshop where the indoor men work under different conditions from the outdoor men.

9781. You have said that the conditions of employment are in the companies book of rules and regulations supplied to every member of the staff. Does that book contain these conditions ?—Yes.

9782. May I take it that there is a large variety of offences that are not named here ?—The outdoor men,—that is, the men conducting the traffic, drivers, firemen guards, shunters, porters, signalmen, etc., every class and grade conducting the traffic—come under that notice, but the workshops are on a different footing.

9783. I suppose there would be a large variety of possible offences that cannot be included in the Truck Act notice ?—The notice is so drawn as to endeavour to cover everything.

9784. The interpretation could be of an expansive character ?—No doubt it could.

9785. You say that the men know beforehand from the published list of fines what their deductions may be ?—Yes, what they may be.

9786. Anything under the maximum ?—Yes, quite true.

9787. And perhaps it is in that sense that Mr. Bell spoke of the capricious amounts ?—I am quite willing to believe it.

9788. You got the fines down last year to about £121 as the total amount ?—Yes.

9789. Which is a little less than 50s. per week over the whole of your system for 33,000 men ?—Yes.

9790. Does not this suggest that you could nearly do away with the fines, when the total gets so low ?—I don't think so. I think that these fines becoming known to everybody have a moral effect in preventing others from committing offences. It is not only the effect upon the delinquent himself, but the effect on the rest of the men that we have to consider.

9791. Do you think that these fines, which must have been very small in individual cases, can, after all, have a very deterrent effect on other individuals ?—Yes, I think so, because men don't like to see their names on the fine sheet.

9792. Referring again to the evidence of Sir Frederick Harrison, whose company is largely run on lines similar to your own, do you not think the deterrent effect could be brought about by suspension ?—No doubt. My own view with regard to suspension is that it sometimes punishes a man rather too severely; but we do suspend in some cases. Perhaps I might mention that some years ago when I had charge of the mechanical engineers department there was an occasion when a number of drivers and firemen came to see me upon certain questions connected with the conditions of service, and they made a special request that the system of suspension should not be adopted. They strongly urged that we should adhere to the system of fines instead of suspension. I give your committee that for what it is worth.

9793. A complaint has been made that many of the fines are inflicted for what perhaps can hardly be described as offences. Mr. Bell, for instance, spoke to us about an engineman who was fined for pulling the guard's van off the track. He may have manipulated the engine so as to pull the van too quickly or with greater power than was necessary. Mr. Bell pointed out to us that this would not be done by an engineman willingly and that for such an act as that a driver ought not to have been fined ?—That depends entirely upon how the guard's van got off the line. If, through carelessness, the driver sent it through the trap points and thereby blocked the road it would be a serious offence. Is the whole railway to be held up because a man is careless ? Vans may come off the lines in a dozen ways, and I don't know the circumstances of the case in question, but if the man was careless and so brought the van off the line that would be a serious offence, and not a trivial one.

9794. Might not many of the alleged offences depend on matters on which there might be wide diversity of opinion—for instance, permitting relief by men unauthorised or unfit for duty. How would one man know that the other man was unauthorised or unfit for duty. Is not that a matter upon which there might be diversity of opinion ?—I don't think so. Suppose one man gets on to an engine to relieve No. 1 although he has been told that he has to relieve No. 2. That would upset all organisation. It is the officer in charge whose business it is to determine the relief. He knows where the man is going to and what he can do with him next. It would never do if each man was to take his own course.

9795. I do not suggest that ; but is the man who is relieved always informed beforehand who is to relieve him ?—He cannot possibly, but he will know whether he has got the right man or not.

9796. How ?—He will know whether his relief has been sent from the shed. You may depend that there have been cases where arrangements have been made by men between themselves that have led up to this rule.

Mr. J. A. F. Aspinall.

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9797. Mr. Bell gave us to understand that, whilst in the old time drivers had the same engines constantly under their charge, engines are now changed and there is a good deal of "swopping" that sometimes leads to men being held responsible on account of things for which they are not themselves really to blame ?—That is an argument often used to get out of responsibility ; but a driver has always an opportunity, when he takes over an engine, to examine it and see whether it is all right.

9798. Supposing a man is relieved by another, how is the relieved man to judge of the other's fitness for duty ? —He could see, for instance, whether the man comes on the foot plate the worse for drink.

9799. But this does not refer to drink ?—That is one of the things it is intended to refer to.

9800. A man may be unfit for duty because of many reasons other than drink ?—Perhaps you would suggest some.

9801. He might be unwell ?—Please do not suppose that a driver would be punished on account of his relief being unfit for duty owing to sickness or illness.

9802. The schedule seems to reserve to the employer the right to do that ?—But you must agree that there is a sense of justice in dealing with these matters. Considering the sieve that all these matters go through it is scarcely possible for a man to be punished unless he is guilty.

9803. The amount of the fines certainly would seem to show that there cannot have been any great injustice done.

By Mr. Delevingne.

9804. Could you give us any figures showing the number of suspensions in the course of a year ?—I am afraid I have not the numbers here at hand.

9805. It might be interesting to compare them with the London and North Western statement, so perhaps you could put them in later ?—I shall enquire about that.*

9806. Is it your practice to visit an offence which is not of too serious a kind with a caution in the first instance—reserving a fine for the second offence ?—Yes, in a great many cases an offender is reprimanded, and that is recorded against him.

9807. Have you a black list ?—I don't like to call it that. We have a record of the services of each man ; but then this difficulty comes in, that when you have a record of that sort, which starts with a reprimand and goes on for a year or two to fines and suspension, you may come to a case where a man is dismissed because of an offence which appears to be comparatively trivial in itself ; but it may be the last of a series of offences that have gone on for a long time, and it is the last straw which breaks the camel's back.

9808. May the Committee take it that you have no practice of imposing fines indiscriminately for offences, but that your system is carefully graduated, commencing in most cases with a caution or reprimand, and gradually leading up in the case of persistent offenders to suspensions or dismissal ?—Yes.

By Mr. Yarrow.

9809. You were telling us of the pension fund that is to be and the superannuation fund that is. Are these got up only in the interest of the workmen ?—Mainly. The pension fund was started after an urgent request on the part of the men that we should have it. That meant of course, a large contribution on the part of the company. We started the movement some years ago in response to that request, but we delayed the commencement of operations until we got powers last year to guarantee it.

9810. Then, in reality, the railway company is practically a loser by these funds, at all events by the amount it subscribes to them ?—Yes, absolutely.

9811. You heard what Sir Frederick Harrison said about doing away with fines. If I understood him right he said the discipline of his railway was equally good now without fines as it formerly was with fines. Suppose that Parliament wished to dispense with fines on all railways, could you see your way to maintain discipline equally well without fines ?—If Parliament so decided, we should have to fall back on suspensions.

9812. Are you of opinion that the discipline of the line and the safety of the public could be equally well ensured without fines ?—I should say so. That, of course, applies to the men working the trains and not so much to those employed in the workshops.

9813. I see that your fines work out at something like one penny per man per annum, which cannot have a serious deterrent effect ?—You have to look at the moral effect, quite irrespective of the amount.

9814. If suspensions were the usual expedient, could you manage the line almost equally well ?—The only fear we should have would be that some men might be punished too severely.

9815. Would you be influenced by the inconvenience that might be caused to the railway by suspending a man suddenly and not having another ready to take his place ?—I don't think we have looked at it from that point of view.

9816. Is the superannuation fund compulsory ?—Yes ; every officer who comes into the service must join the fund.

9817. Is it the view of the company that by making the fund compulsory you secure a more thrifty lot of men as compared with those who might not care to insure ? —The object is to secure that they shall have something in their old age when they have to retire.

9818. Is that purely in the interests of the men ?—I should not put it quite that way. I think it cuts both ways. It is also in the interest of the company that it should have men who feel safe and contented.

9819. Don't you get a more thrifty lot of men who look to the future ?—I do not think that follows : because in this case the men are made thrifty by compulsion.

9820. But those who were not of a thrifty disposition might not care to join the service in consequence of the compulsory rule ?—Possibly.

By Sir F. Cawley.

9821. You heard the answer given by Sir Frederick Harrison to Mr. Bell's allegation that men were sometimes suspended because of letting steam off in a station or making smoke in a station or an account of a fusible plug giving way ?—Yes. The fusible plug is put on the top of the fire box in order to show whether or not the boiler is running short of water. If the driver permits the boiler to run short of water, it is supposed to give way as a safety appliance. It is better it should give way than that the boiler should be blown up. If the driver allows the water to become low, he may, without observing it, have got the top of his fire box red hot, and if he then turned fresh water into the boiler, I do not know where the driver or his boiler or the engine itself might go to.

9822. Are there not cases in which an unsuitable metal might be put in the plugs so that they may give way ?—I do not think so. They are carefully tested. If any unsuitable material did by any chance get into the boiler, it would soon be found out and put right.

9823. But that might be after the man had been fined ? —Then you might argue that the material in any part of the engine might be inferior and that he might be fined for anything that had gone wrong with any part of the engine. I do not think that idea would stand examination by any jury of engineers. With regard to the other point, if a man permits his engine to blow off steam at a station, it makes a hideous noise, offensive to passengers and everybody. It is also wasting steam and coal, and he is doing wrong. If on the other hand his engine is blowing off steam when passing through a station, that is not an offence in any way, and I do not think anybody would suggest that it was.

9824. Then with regard to the emission of smoke ?— A great deal of smoke can be prevented if the drivers are careful. It is not possible absolutely to prevent it ; but that fact is taken into consideration by the locomotives department. The locomotive engineer knows what class of coal a man is burning. In some cases he is burning nothing but South Wales coal which gives off no smoke ; in other cases he may be burning smoky Scotch or Lancashire coal which requires a great deal more care. We expect and require our officers to deal fairly with all these considerations.

9825 Your company has been fined before now by the local authorities for smoke nuisance ?—Yes, I am afraid we have upon more than one occasion.

9826. And you want your men, as far as possible, to save you from being brought up and prosecuted ?—Yes.

9827. But you would not fine or suspend a driver for the first offence, *i.e.* he would be cautioned more than once ?— I do not go so far as to say that. If a man were grossly careless, he might be fined in the first instance, but, speaking generally, our system is one of reprimand first followed by more severe punishment.

* Mr. Aspinall has since informed the Secretary that the number of cases of suspensions in all branches of the service during the year 1906 amounted to 625.

THIRTY-SEVENTH DAY.

Tuesday, 16th April, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. T. RATCLIFFE ELLIS, recalled; and further Examined.

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By Mr. Walsh.

9828. I think that when business was interrupted we were discussing the question of the Permanent Relief Societies?—That was so.

9829. You suggested that it was very necessary that those societies should be continued?—Yes, that is my opinion.

9830. Largely on the lines of deductions in the pay office for that purpose?—Yes—that it should be permitted to make a deduction from the wages at the request of the men for their contributions to such societies.

9831. And that if it had to depend upon entirely voluntary payments, as against the system of deductions from wages, you thought it was extremely probable that the societies would suffer considerably in their membership?—When this truck question was being considered in the House of Commons a short time ago, Mr. Fenwick spoke upon the matter, and with reference to the Miners' Permanent Relief Society in his district he strongly urged the necessity for the collection of the money as at present, as necessary for the maintenance of the society. The reference to his speech is Vol. 152 of *Hansard*, No. II., of February 27th, 1906, page 1087. He is reported to have said: "In the counties of Northumberland and Durham and Cleveland they had had for over forty years what was known as the Miners' Permanent Relief Fund for widows and orphans, and it also provided superannuation for aged and infirm miners. Deductions for this purpose were made at every colliery from the wages of the miners. Would such deductions be regarded as truck? If so, he would very much regret that any action which this House might take should interfere with an arrangement like that, because before they adopted the plan of having these deductions made from the wages in the office of the colliery the contributions of the workmen were very often neglected through carelessness, and when accidents happened it was frequently found that the workman had allowed his contributions to lapse, and when the widow expected relief it was often found that no compensation was forthcoming. Now that these contributions were deducted in the colliery office no such cases occurred, it had added considerably to the stability of the fund, and, therefore, he should regret any action which would interfere with or put an end to an arrangement of that kind."

9832. Do I understand that your own conclusions are largely on the lines of Mr. Fenwick's remarks?—My own opinion—yes—from the information given to me by the officials of the Permanent Relief Society. I should like to say that in putting this matter for the Lancashire Relief Society I am putting it from the men's point of view, not from the employers' point of view.

9833. Anyhow, of course Mr. Fenwick is a very great authority on many matters, but you agree with his conclusions there?—I see no reason to differ from them.

9834. Are you aware of any very large colliery companies where payments are made by the men to such societies as these—payments, not deductions from the wages?—I think they are all made by the authority of the workmen.

9835. I did not ask that. I mean the money handed over by the man after receiving his wages at least in full, so far as any particular payment is concerned, handing it over voluntarily?—I believe that in the Wigan Coal and Iron Company the system is that a workman is supplied with the amounts that have to be deducted or paid by him; he receives from one window his full wages, and he passes to another window very near, in which he pays out of his wages the deductions which are put upon the paper as the deductions that he has to pay.

9836. You say "the deductions that he has to pay." I think that is rather a strong expression?—I mean that he has agreed to pay—the deductions that he has agreed to pay is what I mean when I say deductions that he has to pay.

9837. But liberty is left to him to the extent that he may receive his wages in full and then the payment is a voluntary action on his part?—Of course he could go away without paying if he chose, but I have never heard of a case in which the man did not pay the money.

9838. I put it to you, that these societies would not necessarily go down if the payment was made by the men instead of deductions being made in the office?—I think it would be a serious danger to the societies if you altered the system. It has gone on for a great many years. The grievance of what is called the New Permanent, so far as I have understood it, is not that it is any injustice to the men to deduct it, but that it is an injustice to that society that it is treated differently to the other society.

9839. I do not know that I have brought in any New Permanent yet; we had better keep to the matter in hand for the moment. The whole contention of these societies is that they depend and rely upon the voluntary payments of the men?—I have not heard that contention. Which of the societies contends that?

9840. We had a very large deputation here, a deputation of four very strong men, with a very big memorandum, in which the whole contention that they rely upon is that these payments are made voluntarily by the men, and that they really meet the men's needs to such an extent that the payment is really a voluntary one?—I suppose that would include representatives from the district for which Mr. Fenwick speaks. I have given you his view on the subject.

9841. But they represented a separate "association for the relief of distress caused by mining accidents," so that they really represented the whole country?—You heard what Mr. Fenwick says; that they frequently find that a man omitting to make his payment and then an accident happening is very disappointed to find that he is to get no relief.

9842. Now you know of course that the employers paid largely to these societies, and to the Lancashire one in particular, up to 1898?—Yes, I think they increased the payment when the Employers' Liability Act was passed. They used to pay, up to 1898, 25 per cent. on the men's contributions.

9843. When the Employers' Liability Act was passed, they were paying about 10 per cent., broadly speaking, to these societies, were they not?—Up to that time I think

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so; I cannot tell exactly what it was. I have had prepared this memorandum showing the whole progress of the Lancashire and Cheshire Miners' Permanent Relief Society. (*Harding in Memorandum.*)

9844. In 1880 Parliament imposed an entirely new obligation on the employers?—Yes. It extended the Employers' Liability Act; it extended the persons for whom the employers were responsible.

9845. Parliament made a new Act altogether in 1880?—But the principle was that it made the employer responsible for an extended class of persons.

9846. For the purpose of meeting these new obligations the employers paid an increased contribution to those funds?—It gave the parties power to contract out of the Act, and as a consideration and a condition of that contracting out of the Act the employers agreed to increase their contribution to 25 per cent. upon the men's contributions.

9847. It was held, broadly speaking, to be an equivalent to the new obligations?—It was accepted as an equivalent to the new obligations.

9848. In 1898 these obligations were extended?—In 1898 contracting out of the Act was made impossible except by an agreement for something better than the Act.

9849. And so because of these extended obligations the employers withdrew from these societies?—They did not withdraw from the Lancashire and Cheshire Society. At that time there were a great many encumbrants on the fund, widows and orphans. The employers wished that these funds should be as far as possible safeguarded in order that these encumbrants might be taken care of. Now there were two courses; one was to have the society wound up; at that time actuarially the society had not 20s. in the £, and it was urgently pressed by the representatives of the men upon the permanent relief societies that this would be a very unfortunate thing to do, because, although some people thought that the Act of 1897 would put an end to permanent relief societies, other people thought differently, and considered that they might be continued. Then it was agreed that the employers should continue to retain their position as having representatives on the Board of Management as before, and that they should undertake practically that the method of collecting the contributions which had been in existence since the commencement of the society should be continued. They did not pay any money contributions, but that was supposed to be a very valuable assistance to the society. Now it was further provided that in order to see how it went along, instead of having a quinquennial valuation, there should be a biennial valuation, and if at the end of two years matters did not seem to be improving there should be a readjustment in order that it might gradually become solvent. The result has really been better than was expected. From that time the number of members of the society has been increasing; they have got the largest number at the present time that they have ever had, as you will see by this paper, and their financial position is pronounced to be very satisfactory. It is not quite yet 20s. in the £, but it is on the high way to getting to that, and as I said it now represents very nearly 50,000 members.

9850. So that in order to get the society into a position of meeting 20s. for every £, the employers have not paid any contribution; they have given the use of their offices, so to speak, that is all?—They have continued the collection of the contributions as before.

9851. For which of course a distinct percentage is charged?—Not to the coal owner; he makes nothing out of it.

9852. But the coal owner or the colliery proprietor pays nothing?—He pays no contribution directly, but he gives the use of his office and various other assistance, which is considered an equivalent. What the employers wished was that they should be able still, so far as they could, to safeguard the funds of the society by retaining their position on the Board of Management. It is well known that the actual working of the matter is not with the employers at all, but with the ordinary members of the Board of Management, who are directly representative of the men, many of whom are members of your Federation and some of whom are officials in your Federation. The result showed that that was getting upon the right lines, because the financial position has very greatly improved.

9853. I am not questioning the result of the procedure of 1898. I just wished to ask you whether the employers have paid anything since, to help to reduce the insolvency that admittedly existed in 1898?—No money contribution has been paid by the employers.

9854. Now because of the amplified obligation imposed upon them in 1898 they felt it necessary to establish an indemnity association of their own, or two or three did that, did they not?—Many mutual insurance companies were established in various parts of the kingdom.

9855. Certain benefits that had been given to the men in 1880 were also enlarged in 1898?—The employer in 1898 was made answerable for every accident of every kind except such accidents as were due to serious and wilful neglect on the part of the man himself. Before that time the law only made the employer answerable for his own negligence or the negligence of somebody else for whom he was responsible.

9856. In 1880 certain restricted benefits, so to speak, were conferred on the men, and in 1898 these benefits were practically extended to almost every class of accidents?—The benefit extended in 1880 was this, that the employer was made responsible for persons whom he placed in control; he was made responsible for accidents happening by reason of defective plant, and that was a very considerable increase upon his previous responsibility. Now it was a question of bargain. If the employers were to continue as they had continued, taking part in the management of the Miners' Permanent Relief Society, it must be upon certain terms to be agreed upon, and those terms were that as a condition for contracting out of the responsibility their contribution should be 25 per cent. upon the men's contributions.

9857. I do not wish to press this matter very much further except to ask you this: was the reason that the employers left the societies in 1898 because certain extended obligations from which it was difficult to contract out were imposed upon them; was that the reason that they left the societies?—They never did leave the societies.

9858. They unburdened themselves of their financial obligations?—The employers ceased to make a contribution in money, but the employers representation on the board of management continued as it was before.

9859. Except that now they are simply honorary members?—They were honorary members then.

9860. But their continuing as honorary members entirely depends on the willingness of the men to have them as honorary members?—So it did before. There are a certain number of honorary members appointed from the employers' side and a certain number—a large number—of ordinary members. All these are appointed at the annual meeting. There has been no change in the constitution of the society. Subsequently to the Compensation Act they stopped paying the 25 per cent., but as a consideration of their being allowed to retain whatever share they had in the management of the society they continued to collect the funds as they had been doing before, which was considered by the representatives of the men on the board of management to be essential in order that the society might continue its operations. The effect of the Act was to make the employers responsible for every accident except such as might arise from the serious and wilful misconduct of the men; they could not contract out of the Act; they could not get out of their liability. They could get out of their liability before upon contributing that 25 per cent., because it was permitted under the Act to contract out of it, and the men had to look for relief to the funds of the society; therefore the employers being relieved from the Act of 1880 properly contributed a money support towards the funds of the society from which the men received their compensation.

9861. Now there was, as you say, a very large number of accidents that would not have been provided for under the Employers' Liability Act, and the men really made their contribution of 3d. or 4d. a week because of this vast mass of accidents that would not otherwise have been

provided for ?—No ; I think you must go back to the establishment of the fund in 1872. Before that time there was no provision made for the men, and (you will remember it perfectly) it used to be a very sad sight in the colliery yards on pay days ; you used to find people there—widows and orphans—collecting what they could from the men as they left their work.

9862. I am only speaking of the time when a legal obligation became imposed upon the employers ?—It was then that the men agreed to pay the contribution towards these societies in order that there should be some organised provision made for widows and orphans,

9863. In 1880, however, the first legal obligations—except those at common law—were imposed on the employers practically ?—You say the first legal obligations ; I should prefer to put it, if I might, that the obligation of the employers was extended considerably. The employer had a legal obligation before, but of a different character ; his obligation before was for his own negligence.

9864. There was a vast mass of accidents that would not have been met under the Employers' Liability Act ?—It is very difficult to commit yourself to say a vast mass of accidents. After the Act of 1880, unless the claimant could prove that there had been some negligence either on the part of the employer or on the part of somebody for whom he was responsible, or that the accident was caused through defective plant, there would be no compensation, and so far as those cases where that could not be proved were large, you might say there would be a large number.

9865. The men really paid for a big range of accidents that they would not have received compensation for under the Employers' Liability Act ?—They did nothing that had not been done before ; they had been paying for a time so much to this society ; there was no change on the part of the men ; the change in 1897 was that the employers said that they could no longer contribute to these societies.

9866. I am speaking now of 1880. In 1880 it was made compulsory upon the men. I think if you remember—it was made a condition of employment—to become members of these societies, one in particular ?—Yes, I believe it was in the conditions of employment.

9867. Practically throughout the county of Lancashire that was made a condition of employment ?—I think you are right about that.

9868. If you will go through this list you will see that tens of thousands of men were forced into this society who had not been previously in it ?—I would not like to say that men were forced into it. I agree with you that it was made a condition of employment, but I think the great majority of the men very willingly adopted it. It might be that there were some people who would not wish to contribute at all, and those men who would not do what was reasonable in the view of other reasonable men you might say were forced.

9869. As all accidents, with very few exceptions, are now compensated for under the Act of 1897, does there seem to be any special need why these societies should remain in existence ?—If I were speaking from an employer's point of view—I offer this opinion with considerable hesitation—I should probably say that the employer would have less compensation to pay if there were fewer of these societies ; and I will tell you why. Manifestly—statistics show it—the greater the number of societies in which a man is and the greater benefit which he is given when he is hurt, the longer he continues absent from his employment, and therefore I should think probably the employer would have less to pay ; he would have shorter time to pay. But speaking from the men's point of view (and in speaking of this Permanent Relief I wish it to be remembered that I am speaking from the men's point of view) I consider it very desirable that the men should not be merely dependent upon the half wages that they get from the employer but that they should have something else for which they are prepared to pay.

9870. That seems to be rather a kind of undue solicitiousness on the part of these societies ; the men would probably be members of outside societies such as the Oddfellows or the Foresters and so forth ?—But you must remember that in those societies there is a limit of time during which members can receive compensation ; it is a benefit for sickness and not, as a rule, for accident. I cannot help feeling, if you will excuse my saying so, that a good deal of this arises from what is called the New Permanent Society. That is a society established locally. It does not extend to other parts of Lancashire than the neighbourhood of Wigan ; it is a society of 13,000 members. There is no such society anywhere else. They complain not that it is an injustice for the men to have these funds collected at the collery office, but that it is an injustice to their society that their contributions are not collected whilst the contributions of the Permanent Relief Societies are collected. Now I see in the report of the New Permanent for 1904 there is this statement, "and in all cases where pressure is being brought on members to force them against their will to pay to the old society, to inform the board and they will deal with it." There seems to be an impression on the part of those who have the management of the New Permanent Society that there was some pressure put on the men to join the old society. I am instructed (and I have made very careful inquiry since the last meeting of this Committee) that there is no such pressure at all. A man is asked when he joins "Do you want to be a member of the Permanent Society ?" If he says "Yes" his deduction is made ; if he says "No" his deduction is not made. I could give statistics, but I do not want to trouble the Committee with such detail. In many of the collieries they have a large number of men who are not in the society. Now the employers have refused to collect the funds of the new society ; they think, rightly or wrongly, that it is a mistake to have two societies and that the better plan is to support a society which is firmly established, which has a membership of 50,000 men, instead of supporting a society which is struggling along with 13,000 members, and, therefore, they do not think it is right to support this new society at the cost of the existing society. That is the whole story.

By Mr. Delevingne.

9871. I take it that one object which the owners and managers have in view in this system of fining is the maintenance of a proper standard of discipline in the mines ?—That is entirely the object and the sole object, and they think that they can do it with less harshness to the men and less friction than if they were compelled either to prosecute a man or to dismiss him.

9872. Are we to understand that the contention of the owners is that the discipline of the mine depends not merely on the observance of the special and general rules, but on a number of points, many of them small, but in the whole going to make up the order and discipline of the mine ?—That is so.

9873. Would you draw a distinction between definite offences against statutory provisions or against the special and general rules and a number of miscellaneous things not directly making for the safety of the mine, but which are of importance in the interests of good order and discipline ?—I should only draw this distinction, that in respect of the first there is a statutory obligation upon the owner if he does not himself see to the best of his ability that the rules are carried out ; in reference to the other cases, there is no such responsibility upon the owner, although, as you say, those things are necessary in the interest of good order and discipline.

9874. You think that in addition to the rules there are a number of things which are not put in the rules and which probably could not be put in the rules, but yet which are of importance as going to make up generally the good order and discipline of the mine ?—That is so.

9875. Leaving apart the question of special and general rules for the moment how would the owners enforce their standard of order if the power of fining were taken away from them ?—By dismissing the man.

9876. Have you considered what alternatives would be open to you if Parliament took that course ?—I do not see what alternative would be open to us except that the discipline might become slack.

9877. There is of course the power of suspension ?—I do not quite understand what is meant by suspenson what power you could legally suspend a man. A man

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is engaged for a certain period; you can discharge him by giving him notice, or you can discharge him summarily if he has committed any act which justifies you in discharging him summarily, but I do not understand what power you can have to suspend a man.

9878. We have had evidence that that is what is done in the case of some mines?—I know; but I am not sure how far it is a legitimate practice. You might put it in his contract, I suppose, that he should be liable to suspension upon certain conditions; but any alteration in the terms of contract in a great industry like the coal trade is sure to lead to trouble.

9879. Assuming for the moment that suspension would be legally available, do you consider it a satisfactory method of dealing with the matter?—I should not think it at all a satisfactory method. You must have somebody to do the work; there is no surplus labour about a mine; there is no room for people who have no job to do; each collier must do his work; you cannot find another man in a day or two to fill the man's place. I think it would be a very unsatisfactory method to suspend a man even if you could do it.

9880. It has been put to the Committee in the case of other industries that the necessary discipline of great works can be maintained by careful supervision on the part of the managers and foremen without any necessity for fining?—I can only say that as long as human nature is what it is, I think you must have some punishment; there must be some penalty.

9881. Would you say that the circumstances of the mine and the circumstances of the factory were similar or different in respect of the possibility of maintaining a high standard of discipline by means of supervision?—I think the circumstances are very different indeed.

9882. In what way?—Take the circumstances of a mine, the danger that results from breaches of the rules is very serious; what appears to be a very trifling thing may result in a great explosion.

9883. I was not thinking so much of the rules, because the manager or owner has his remedy by a prosecution if he likes?—Well, I do not suppose there is much difference between the mine and the factory so far as regards these insignificant things that you refer to, such as insubordination and things of that kind which are not necessary for the safety and good working of the mine.

9884. Is it as easy to maintain discipline in the case of a mine as in the case of a factory?—I should not think you can say that it is as easy as in a factory. In a factory you are in the light and there are always plenty of people about who can see what is going on; in a mine the people are scattered all over the mine; and it is dark. There are many difficulties in finding out a breach of discipline which would not exist in the case of a factory. If you find out a breach of discipline I do not see what difference there would be between a breach of discipline by a factory hand and a breach of discipline by a mining hand.

9885. I may take it that you do attach great importance to maintenance of a high standard of discipline and order in a mine?—Absolutely; it is most essential to the safety of the mine. Then may I point out this—in the first place the man has to agree to the fine; secondly, the fine has to be reasonable and proper; thirdly, the man has to have the fine on his pay ticket in order to show what the fine is; then it has to be registered; it is subject to the examination of the inspector and the inspector is entitled to prosecute the owner if he thinks the fine is excessive for a breach of the Truck Act, and the man is entitled to recover the excess of the fine. I cannot conceive how a man could be more protected than he is against any improper exercise of the right of fining on the part of the employers.

9886. It is rather difficult, is it not, for the inspector to examine each of these separate contracts that are made with regard to fines?—He can examine the registers.

9887. Still it is very difficult for him to exercise any effective control, is it not?—I do not know that it is difficult. First of all, suppose there is no complaint——

9888. I am thinking of cases where there is no complaint?—Then the inspector has got a list there; I do not know what more he could have.

9889. He can only really form an opinion as to the fairness and reasonableness of the fines by special inquiry into all the circumstances under which the fine is imposed?—If he sees anybody with a grievance—and they very soon communicate with him—he can find it all out from inquiry.

9890. Do not you think it would be fairer to the men to have a general notice posted at the pit-head of what the fines imposable are?—Suppose you make it part of a man's contract that for a certain offence he shall be liable to a fine of a certain amount. That amount must be the maximum, because you could not prescribe in each particular case what the fine should be for a particular offence; an offence might be committed under circumstances which would justify a very small fine, and the same offence might be committed under circumstances which would justify the maximum fine; if you put up on your notice the maximum fine you give the man no information at all about it except that he cannot be fined beyond that maximum. If you adopt that course the man has no option but to pay the fine; it is part of his contract and he has to pay. I think the man is very much better off, if when the offence is committed you say to him: "Now will you agree to have a fine and to have a special contract." That is provided for by the second part of the conditions under the Truck Act, and then the man could please himself whether he would adopt it or not.

9891. But suppose the men themselves prefer to have a notice put up at the pit-head showing the things for which they were liable to be fined and the maximum amount of the fines that could be imposed. Do you see any objection to that?—In connection with the iron and steel industries I have something to say about that, but in reference to the coal trade I have never heard any complaint as to the present system, and I should hesitate very much indeed to alter a system which I think is very necessary for the maintenance of discipline unless I saw clearly that that system was working badly.

9892. We are only on the question of the alternative between posting a notice and having an individual contract in each case after the offence has been committed. As regards the system of fining that would not be affected one way or the other, would it?—The owner is not bound to fine; neither is he bound to take a man before the magistrates. He can let the matter slide if he likes, and if you make it too difficult you run the danger of his doing that. If the Committee should think there is any use in putting up a list of maximum fines—if that is any advantage—and that that should be held as a part of the man's contract, of course it would have to be done; but you would then have to revise all these contracts with the men; in the case of many hundreds of thousands of men employed under the existing contracts you would have to insert in their contracts the condition, "You are liable to be fined according to the list we are going to put up at the pit-head." I anticipate that there would be very serious difficulty and very great friction in settling any such new contract.

9893. Now one or two questions upon a point that came up last time. A list was handed in to the Committee which was shewn to you on the last occasion, including fines for such things as breaking glass and breaking a spade. They were treated as fines under Section 1. Is it possible that although they were so called they were really deductions for damage under Section 2?—I think it would be more in the shape of deductions for damage in the case of breaking a spade.

9894. Is it customary to treat deductions for damage which properly come under Section 2 as fines under Section 1?—I am afraid there is no great distinction between Section 1 and Section 2 with reference to such matters as you mention. No doubt strictly the requirements of the two sections are the same.

9895. Not quite?—You have to give the same particulars and it has to be by agreement.

9896. But in the case of damage the deduction must not exceed the cost to the employer?—Quite so. I cannot say that the distinction is very clearly recognised in collieries.

9897. Would you say how deductions for damage are made; are they also individual contracts?—Yes.

9898. Not under a notice posted up ?—No.

9899. Is there ever an audit by the men for deductions for sharpening tools ?—There may be, but I have never heard of one. There is a provision in the Truck Act of 1887.

9900. Section 9 of the Truck Act of 1887 requires the employer to make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the workmen. Can you say whether the employers do make up such an account ?—I should think they make up such an account.

9901. Do they submit it to the workmen ?—I do not know. I have never heard of the workmen asking for such an account. I suppose they would be entitled to it if they asked for it.

9902. But the section requires the employer to do it—it is not merely at the request of the workmen ?—I suppose if two auditors came and said: "We want to see this account," the employers would have to show it; it does not oblige the employers apparently to submit it to the workmen.

9903. The employers do not treat it as a matter of course that it is their duty to render the account ?—I could not say that they do not make out the account but I have never heard of the workmen asking for such an account or its being submitted to auditors at all.

9904. Are you aware that fines are imposed for improper filling ?—That is a matter that I mentioned at the end of my proof that I should like to say something about if I may. That is the question of Section 12 of the Act.

9905. I am not on deductions under the Coal Mines Act; I am on the subject of fines imposed under the Truck Act as a penalty for improper filling, not as a deduction under the Coal Mines Act ?—I believe there are cases, and I think I have heard of them in North Wales, where it is part of the agreement with the men that there shall be a certain fine payable in case of improper filling. For instance where the men ought only to send a certain class of coal up the pit—round coal and not small coal—and they send a larger proportion of small coal than they are entitled to send, then I think there are in some cases fines for that breach of contract.

9906. Do you consider, in view of the fact that Parliament has provided in the Coal Mines Act a means by which deductions may be made in respect of small coal or dirt sent up, and has imposed very strict restrictions as to deductions that are to be made, that it is proper for owners to put aside that procedure altogether and impose fines by way of penalty for sending up small coal or dirt ?—Parliament having provided a section which it is quite impossible to understand to begin with, and which if you could understand you could not carry out, I suppose the excuse is that some other method must be adopted to punish breaches of contract.

9907. Do you consider this legal ?—I should like to know a little more about it before answering the question. Suppose it is part of a man's contract that he is not to send up small coal or more than a certain proportion of small coal, and he sends up that excess of small coal, that is a breach of contract on his part; then the owner would be entitled to set that off against the man's claim for wages. Now until the case of *Williams* v. *North's Navigation Collieries* it was assumed that having a right to set it off he could deduct it from the man's wages, but that case distinctly says that he cannot do anything of the sort at all. I am bound to say that if that case is good law he would not be able to set it off against wages either by way of fine or in any other way.

9908-9909. I am rather taking the case that you have brought to our notice where the deduction has not been made by way of set-off at all, but has been made as an actual fine, a penalty, a punishment for doing something which the employer considered the man ought not to have done ?—I think you would have to see the contracts. I think, speaking from recollection, I at one time appeared before the county court Judge in Wales defending one of the colliery owners for charging a man; there it was by way of deduction for improper filling, and the court held in that case that the employer was entitled to do it—that under the contract it was part of the man's contract, and he had been guilty of a breach of contract and that therefore he was liable to pay a certain amount to the owner. Until the *Williams* v. *North's Navigation* case we were under the impression that in that state of things we were entitled to deduct it from what we owed the man. We could do it by going to court, but it was thought that we could do it without going to court; if he owed us money it was a foolish thing to pay a man who was not a capitalist something that we owed him, and not deduct something that he owed to us.

By Mrs. Tennant.

9910. I gather from your reply to Mr. Delevingne, that you are of opinion that if Section 1 of the Truck Act of 1896, Sub-section 1 (*a*) were enforced, there would be friction between the mine-owners and the workmen ?—I think this. We have got at the present moment contracts of employment; these contracts do not include any power to make deduction from the men's wages for fines. Now if we had to work under Sub-section 1, we should have to include in the men's contracts the right to make that deduction, because Sub-section 1 says that the contract must be advertised; that means that there must be in existence a contract in order that it may be advertised, and therefore, there must be in existence between the employer and the workman a contract to deduct these fines. I think that to endeavour to introduce that right would cause a great deal of trouble and friction.

9911. You think that if the men understood, as the legislature in our opinion intended they should understand from that provision, that they were liable to be fined, that they would resent that liability ?—I do.

9912. They might appeal to the inspector ?—The inspector would have nothing whatever to do with it; we might not be able to arrange a contract with them; it might end in a strike.

9913. But if the fine proposed to be imposed were not reasonable the inspector could step in ?—Certainly. Now we make a special contract in each case under the latter words of that clause.

9914. You act under Section 1, Sub-section 2 (*b*), which provides that particulars shall be given in writing showing "the acts or omissions in respect of which the fine is imposed ?"—We do that.

9915. But the sub-section to which I am referring is Sub-section 1 (*b*), which provides for specification of "the acts or omissions in respect of which the fine may be imposed," not "which is," but "which may be ?"—May I point out that there are two parts of that Sub-section; the first is that the terms of the contract are to be advertised; the second is that the contract is to be in writing, and signed by the workman. Now, we adopt the second part.

9916. Will you forgive me for a moment, and continue reading. If you will go on to (*b*) you will see that it must be read with (*a*): "The contract," that is, the contract referred to in (*a*), "specified the acts or omissions in respect of which the fine may be imposed ?"—We do that.

9917. You do it "in respect of which the fine is imposed," which is mentioned in (*b*) of Sub-section 2. There is a great difference between "may be" and "is" ?—Well, that had not occurred to me before, but we do carry it out in this way. I quite understand what you mean. The word "may" in (*b*) implies that the man must have notice that he is liable to be fined for certain offences, and then having that notice we could continue to make our special contract in writing in each particular case for the fine, leaving the man at liberty to pay the fine or not as he thought fit.

9918. But what you really give him now is not a contract; it is what one might call an invoice. If I, as a householder, ask to have a contract for the supply of so many tons of coal, and I afterwards have the coal supplied, I expect to receive two documents—one, the contract to deliver, and the other the invoice of delivery. In this case the workman expects to have the first document under (*a*) and then secondly the invoice under (*b*) ?—That view had not presented itself to me before, but I cannot quite understand that being consistent with (*a*) Suppose that this was what had to be done: that you might either have it as part of the man's contract that he

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is liable to be fined to a certain amount, or you might advertise, without making it a part of his contract at all, "Fines may be imposed at these works for the following offences," without putting up any amount at all. Up to that point there is no part of the contract which intimates to the man that he is liable to be fined. Then the contract in writing would be, "I agree to pay so and so," and, so long as that was in respect of some offence which the notice had intimated that he would be liable to be fined for, it would fit in with (*b*); but when you look again at (*a*) it does not contemplate that there is to be a notice put up that the man is liable to be fined; it is a notice of "the terms of the contract," that is, the contract under which the man undertakes to be fined. The two things do not seem to work together. I admit the point you make, that it does look as if there must be some arrangement by which a man may be fined, but (*a*) contemplates more than that; it contemplates that there is a contract in writing by the man undertaking to be fined for particular offences.

9919. As an alternative to the general contract with all the workmen. You have the alternative of a general contract with the workmen or a particular contract with the individual workman; and the contract which is I think in your mind, his hiring contract, is not a contract under the Truck Act. He may or may not have a contract under which he engages to do labour for you, but he does require a contract under the Truck Act if you wish to fine him?—If that is the legal construction of this, and this remained the law, that would not be answered as (*a*) is now, but it would make (*b*) understandable if you put up the notice "A man is liable to be fined for any breaches of the Mines Regulation Act, or any breaches of discipline." Then under (*b*) if he commits an offence for which he may be fined or an offence to which his special contract would apply he undertakes to be fined for that offence.

9920. Then according to your view there must be repugnancy?—I think, if your view is right, that the words "may be" under (*b*) contemplate that there must be some notice that a man is liable to be fined. That is a good deal less than what (*a*) contemplates, namely, that there must be a contract that he will be fined.

9921. But why do you suggest that there must be something less. When you speak of (*a*) are you speaking of paragraph (*a*) of Sub-section 1?—Yes. Sub-section 1 (*a*) makes two alternatives; the one is that "the terms of the contract are contained;" that is to say the contract under which the workmen you are going to fine has agreed that he will pay a fine; or "the contract is in writing signed by the workman." Now you raise this difficulty, that when you come to (*b*) which is another condition of fine the words are "the contract specified the acts or omissions in respect of which the fine may be imposed." Now if it had been "in respect of which the fine is imposed" no difficulty would have arisen; but your suggestion is that the words "may be" there contemplate that there is some regulation of the mine that a man may be fined for certain offences. That may be quite apart from the contract that he will undertake to pay a fine. It may be that if you put up a notice, "Persons employed at these works are liable to be fined for certain breaches of the Coal Mines Regulation Act," that would be quite sufficient without making it a part of a man's contract that he would be fined, to make (*b*) fit in with (*a*), but that is something which is not provided for at all. It is not provided that a notice that a man can be fined is to be put up, it is a notice of the terms of the contract under which you are entitled to make a fine.

9922. I am afraid I cannot agree. It seems to me that Section 1 is perfectly clear. It is divided into two parts. The first part deals with the contract and its nature. By the first part I mean Sub-section 1 of Section 1. It says in the first place that an employer shall not make a contract at all, unless he makes it in accordance with requirements—the requirements which are set out in (*a*) (*b*) (*c*) and (*d*). It goes on to say that provided he satisfies the law in respect of these requirements he then may not make a deduction unless he satisfies another set of requirements. In the first instance his contract might be illegal unless these conditions are satisfied. In the second instance the deductions that he endeavours to make may be illegal unless he satisfies a second set of conditions. Of course if he does not satisfy the first set of conditions he cannot make any deductions at all, because the law says that he must not make any deductions except in accordance with these conditions, which implies that you have a satisfactory contract?—If you refer to the beginning of Section 1, Sub-section 1, you will see "an employer shall not make any contract with any workman for any deduction from the sum contracted to be paid."

9923. Unless the terms of the contract are contained in it?—Exactly; that is to say, it assumes that a contract has been made with the workman for a deduction from his wages and then it says that that contract shall be advertised.

9924. I think you are not grasping my point, which is, that there is a distinction between the requirements of Sub-section 1 and the requirements of Sub-section 2. The requirements of Sub-section 1 require the workman to be informed beforehand of his liability to be fined. Sub-section 2 requires that he shall receive particulars of the fine imposed. That is why the Legislature says in the first place "may be" and the second place "is." Surely there is a distinction between "may be" and "is"?—I cannot quite agree that there are not two distinct methods of fining in Clause (*a*)—I mean two methods of legally fining. The one is where the contract exists, and if it does exist it must be advertised; the other is where there is no such provision but the employer and the workman enter into an agreement which is signed by the workman that he will pay that particular fine. I admit that when you come to Clause (*b*), the words "may be"—whether that was the intention or not it is impossible to say—do imply that there should be some notice or some knowledge on the part of the man or some regulation of the works, you might say, which has given him notice that he may be fined; I think that is something quite different from the contract which has to be advertised, which is an agreement which the workman has entered into that he will be fined.

9925. These are details which have to be in the contract whether it is an advertised contract or whether it is a personal contract. It says clearly that the contract must specify "The acts or omissions in respect of which the fine is imposed"?—We do that in our contract.

9926. In your invoice, if I may so call it?—Well, it is an agreement.

9927. I think you say yourself that you are satisfying Sub-section 2 (*b*) by those particulars which you give. If I may turn to my old illustration, do you think that I as a householder, making a contract with a coal merchant for the supply of coal, could be held to have had my requirements satisfied if I receive only one document, the invoice which accompanies the delivery of the coal?—I think if you signed a paper saying that you were willing to pay for one ton of coal at a certain price you would be held responsible, and that is exactly what we do in our contract. I handed in a form of contract which is:—"I ( ) agree to pay a certain sum for 'so-and-so,' and I request you to deduct this from my wages." That is his contract.

9928. That could not be a contract of any value to me if I receive it only when I receive the coal. The moment of the imposition of the fine is the same to the workmen as is to me the moment of the receipt of the coal?—If you sign a paper to say, "I have received this coal and I agree to pay for it," it would be binding upon you, I think. The workman says, "I agree I have committed this offence and I agree to pay a fine."

9929. I agree, but my point is that the price of coal is possibly fluctuating, and in January I make a contract for the supply of coal four months ahead at a certain price: say in April the price of coal has risen; I am not supplied with coal; I can take no action at all against the contractor if I have no document to show that he has promised to supply me with coal at a certain price?—With very great respect, I do not think that that is a parallel case. The parallel case would be this: In April you get a document which you sign, in which you say, "I agree to pay so much for this coal." That is what the workman does.

9930. But I may have made a contract for coal at 30s. a ton; I may be presented with an invoice in April at 40s. a ton?—Then you do not pay. So the workman says, "I will not pay the fine."

9931. But I have no remedy, and I have to buy at the higher price from somebody else. If I have a written contract I then have a guarantee that I shall receive my coal at 30s. a ton, or I have my remedy against the contractor if I do not get it at 30s. a ton. I wish to show that there are two distinct documents required if you ask for a contract in writing, and afterwards for written details of the performance of the contract. I think here it is quite clear that there is a contract asked for in writing in the first place, whether it is a general advertised contract or a particular one, and afterwards something which I call an invoice—the particulars in writing of the fines imposed under that contract?—I cannot agree. I think the word "contract" there is something more than notice. It must be the terms of the agreement between the employer and the workman by which the workman agrees to pay a fine, and that has to be advertised if it is a general contract. The workman does not escape from it; he can be made to pay. The other is that there is no such arrangement as a part of the contract of service, but all the parties themselves agree that at a particular time they will agree to a fine for a particular breach of the law.

9932. There is one other point I would like to put. I suppose coalowners, like all other employers, wish to avoid friction?—We do.

9933. And you speak of a prosecution as a matter which is apt to cause friction. Now, in the circumstances you have described, the system under which you act, it is only open to the inspector to prosecute if he finds, on looking at the register, that a fine which he considers unreasonable has been imposed?—We should be guilty of a breach of the Truck Act.

9934 And the remedy then is by prosecution?—By prosecuting us. But if you look at Section 5 of the Act of 1896 you will find that the workman is given his remedy there.

9935. But the point to which I am coming is that under your system the remedy is prosecution after the offence has been committed, and an attempt to recover after the overcharge has been made. We will assume that an offence has been committed. Working under the system that is generally adopted when the terms of the contract are advertised, or the inspector is able to see them in the hands of the worker, he can say to the employer, "This would be an unreasonable fine; if you threaten to impose it I shall feel obliged to recommend a prosecution." Would not his taking that course be likely to avoid friction?—Of course, you cannot prosecute a man until he has committed the offence; he is not liable to be prosecuted until the offence has been committed.

9936. He is liable to a prosecution, on our reading of the section, for a contract which he is not allowed to make?—Yes, it is a breach of the Truck Act.

9937. It says under Paragraph (*d*) Sub-section 1: "The amount of the fine is fair and reasonable"; you may be prosecuted for having a contract in which are exhibited fines which are not fair and reasonable?—Yes, you may be prosecuted for fining at all unless you comply with all these requirements. Then one of the grounds upon which you violate the Act would be by imposing an unreasonable fine, and we could be prosecuted for that; and the man can recover any excess, where it is a question of amount only, under the provisions of Section 5.

9938. My general proposition is that a warning is less likely to lead to friction between say the employer and the Home Office than a prosecution would be. Do you agree to that?—I should say that if the warning would be sufficient to maintain the discipline of a mine no one would wish to do anything but warn.

9939. This is not as between the mineowner and the worker, but as between the mineowner and the Home Office?—I am not so sure. I have frequently had cases in which the inspector has said that he requires you to prosecute, and some of the inspectors make complaints because there are not prosecutions.

9940. But on the general principle that if an inspector saw exhibited a fine which he thought unreasonable he could draw the attention of the mine-owner to the unreasonableness of the fine—do not you think that would be less likely to lead to friction than if he could only prosecute after the offence had been committed?—I think it would be less likely. I think if there was a list of the fines such as you suggest, or a notice that the men would be liable to be fined an amount not exceeding £1, then the inspector might come along and say, "I think a limit of £1 is too much." That again is most difficult. You have a great number of offences which would present a difficulty in this way: the same offence may under certain circumstances be deserving of much greater punishment than under other circumstances, and the difficulty is in advertising (to be of any use to the man) the fine which you are going to inflict for any particular offence. The extent to which you might do it, it seems to me, is to say: "Persons committing any breach of the Act or any breach of the rules or by-laws of the colliery will be liable to be fined a sum not exceeding" so much money.

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9941. That is a very common system, is it not; you find notices up for example that if a certain offence is committed the offender is liable to a fine not exceeding so much; if the limit is 40s. he may be fined anything from 1s. to 40s.?—Yes, railway companies and others advertise the maximum penalty; I think they are bound to do so.

9942. You said just now that apparently a small offence might lead to very serious consequences in mines?—What might appear a small offence.

9943. Do you think it should be left to the judgment of the manager of the mine whether the offence is likely to lead to serious consequences or not?—Whether it had led to serious consequences. Of course he would know what the result had been.

9944. But a certain offence might, we will say fortunately, not have been followed by serious consequences owing to the absence of some conditions; but that absence may not have been within the knowledge of the workman, and so far as the culpability of the workman is concerned that would not be taken into account?—Just so.

9945. Do you think that it is wise to leave the judgment in a matter of that kind to the manager of the mine?—Yes, with the provision that there is in the Coal Mines Regulation Act which is that the owner is himself responsible for the act of anybody unless he can show that he has done what he can to secure the maintenance of discipline and the observance of the rules. That being the case, I should leave it to him very largely to say in what way he is going to maintain the discipline of his mine. If it is not satisfactory, under Section 5 of the Act, the inspector can summon him. That being the case I think you should leave him as wide a discretion as you can as to the way in which he shall maintain the discipline of his mine. He would not wish to do it in a way unduly harsh to the men or in a way likely to cause friction. That he should not be too easy with the men is I think guarded against by the fact that he is himself responsible if he does not, in cases which are proper to prosecute, prosecute, and if he fines in cases where he ought to take a more drastic remedy.

9946. It has been put to us in evidence that the prosecution designed under the Coal Mines Regulation Act is often avoided by the manager because of the expense, loss of time and the probable friction with the miner?—If you will add to that "and very frequently at the request of the man himself" I should agree.

9947. Do you think that with those elements involved it may safely be left to the judgment of the manager to decide whether there shall be a prosecution or not?—I think so, with the safeguard that he himself is made responsible it he does not do his best to maintain discipline in the mine.

By the Chairman.

9948. A large portion of your evidence necessarily has reference to the construction of the Act of Parliament, and I am afraid that we must not detain you much longer

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upon that; but might I ask you two or three questions so as to get clearly into our minds the view which you are recommending on the part of the employers. I gather that your advice is proceeding and has been followed since the passing of the Act of 1896 on this view: that there are two classes of contracts provided for, one is the general contract publicly notified and the other is an individual contract in writing?—That is so.

9949. And the individual contract you have further advised, if in writing, can be made in writing after the matter in respect of which the fine is imposed has occurred?—That is so.

9950. Would you now please address yourself to these two particulars under the section. Look at Section 1, Sub-section 1 (*a*). With regard to the public notification of the general contract, there is no repugnancy at all in the section so far as any of us can discover; that is to say, all the other parts of the section get into a publicly notified contract?—Yes, I should agree with that. I do not see that there is anything inconsistent.

9951. So that the difficulty that arises has reference to the private contract in writing. Now observe the language:—"Or the contract is in writing signed by the workman, and (*b*) The contract specifies the acts or omissions in respect of which the fine may be imposed." In order to make your reading correct you would require that instead of that language it should run in this way: "The contract is in writing signed by the workman, and (*b*) The contract, but not the contract last mentioned, specifies the acts or omissions in regard to which a fine may be imposed"?—I do not think I should want that in it, because the contract—that is whatever the contract is, whether the general or the special contract—is to "specify the acts or omissions in respect of which a fine may be imposed." It is the words "may be" that cause the difficulty. What you do want to make them quite clear (and I would remind you that it is not always that you get an Act of Parliament of any kind that is perfectly clear) is, "specifies the acts or omissions in respect of which the fine is imposed." Then I should put it that it would be made quite clear if there was an obligation to notify, not as a part of any contract at all, but to notify the offences for which the man could be fined.

9952. We are not going to argue it, but suppose you had the language "is imposed," you observe that that would apply to the particular contract which you are referring to which arises after the offence has been committed and the fine is imposed. That again would not apply to a case of antecedent notification of the general contract?—I do not quite see that.

9953. It could not apply—surely you must see that—for this reason. If you antecedently notify a general regulation, that is not a contract under which a fine *is* imposed; it is a contract under which a fine in certain eventualities *will be* imposed?—Yes, but this (*b*) is when the fine has been imposed.

9954. I am asking you to consider my language, namely, that the general contract of regulation which publishes antecedently what is to be the relation of workman and master does not impose the fine, but stipulates what in certain eventualities will happen. You must agree to that?—I cannot quite agree, for this reason. It seems to me that supposing you have the words "the fine is imposed" this (*b*) relates to the time after the offence has been committed—I am submitting this with very great respect of course.

9955. Then I will take it on your own footing. Your own footing is, that in order to make it equate with your view the language would be in this form: "In respect of which the fine is imposed"?—"Is or has been imposed."

9956. I take it that that is your view?—That is so.

9957. Now, that being your view, let me present to you another matter. We are agreed, are we not, that sub-section 1 applies to the making of a contract?—Yes, it applies to the prohibition of a contract; you are not allowed to make a contract.

9958. Are we agreed that Sub-section 2 of Section 1 applies to the making of a deduction?—A contract for a deduction.

9959. Pardon me, that is not the language of the Act. The language of the Act is, in Sub-section 1 of Section 1, "An employer shall not make any contract." Sub-section 2 of Section 1 begins, "An employer shall not make any deduction"?—I have got here Sub-section 2 in this way, "An employer shall not make any contract for any deduction."

9960. Where do you get that?—That is the Truck Act of 1896.

9961. That is Section 2 that you are looking at?—I beg your pardon, I was mistaken.

9962. I think that now you will see, by the mistake that you have made, that your view would have been sound if Sub-section 2 of Section 1 in its language had been the same as Section 2, but I again point out to you that it is not so; that Sub-section 1 declares: "An employer shall not make any contract with any workman," and Sub-section 2 declares "An employer shall not make any such deduction or receive any such payment"?—That is so.

9963. Then we are agreed that Sub-section 2 applies to making of a deduction?—That is so.

9964. Now observe the conditions: "Unless the deduction or payment is made in pursuance of or in accordance with such a contract as aforesaid." Does that not suggest to your mind, or would it not suggest to anybody's mind, that the making of the deduction is to be in terms of something which has been done under Sub-section 1, namely, the antecedent making of a contract?—I cannot agree. I think it may refer to either contract.

9965. I have put that point to you. Now the next point I put to you is this: "And (*b*) particulars in writing showing the acts or omissions in respect of which the fine is imposed, and the amount thereof, are supplied to the workman on each occasion when a deduction or payment is made." Does not that suggest to your mind that there is an antecedent contract and that on each occasion when there is an offence there are to be particulars of each deduction?—Well, I give you my own opinion, and I give it with very great deference to your Lordship. I think that means this; that when you make the deduction the particulars must be given to the man as to the deduction which you make from his wages. That we think we have complied with, and we have not acted in this matter upon my advice merely—it is of course a very important matter, and I took the best advice I could get—we think we have complied with that by, when the deduction is made, putting on the pay ticket particulars of the deduction.

9966. In fact the document which you employ and which has been sanctioned by your advice, which I have no doubt has been very skilfully and conscientiously rendered, comes to this at all events, that you so read the Act that instead of a contract under (*a*) of Sub-section 1 plus particulars under (*b*) you round the two up together, and instead of supplying particulars on each occasion, you make a contract on each occasion, which contract embraces the particulars?—Not quite. We make a contract on each occasion; the contract specifies the offence and the fine imposed, and we give the man the particulars when we make the deduction. The deduction is not made until the time that he comes to receive his wages, when we give him a pay ticket upon which we show the deductions we are making. The contract is made when the offence is committed; the deduction is not made until the week's end or whenever his wages become payable; then we give him the particulars of the deductions required in (*b*) of Sub-section 2.

9967. Now I think we have elicited your views upon the Statute, and we will go to the other matter to which you wish to refer?—I wish to call the attention of the Committee to Section 12 of the Coal Mines Regulation Act of 1897, That provides as follows: "Where the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, those persons shall be paid according to the actual weight and the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable." That you will see provides first of all that where the persons employed are paid by weight the actual weight they send up the pit, "mineral gotten," which would include mineral contracted to be gotten and mineral not contracted to be gotten, has to be truly weighed. That is the first point. It is the actual weight gotten by them of the

mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed. In other words, what we have to weigh is coal and stones and dirt and other things that we do not want bringing up the pit at all if we can help it. Now, manifestly of course, to pay the man for the whole of that weight would be an injustice. We employ him to get coal. Then the proviso is "Provided that nothing in this section shall preclude the owner agent or manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than mineral contracted, which shall be sent out of the mine with the mineral contracted to be gotten." That is the first thing; nothing shall prevent the persons agreeing to deduct from the total weight, the weight of the mineral not contracted to be gotten; or we may agree to this: "or in respect of any tubs baskets or hutches being improperly filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him such deductions being determined in such special mode as may be agreed upon, between the owner agent or manager of the mine on the one hand, and the persons employed in the mine on the other, or by some person appointed in that behalf by the owner, agent or manager or (if any check weigher is stationed for this purpose as hereinafter mentioned), by such person and such check weigher, or in the case of difference by a third person to be mutually agreed on by the owner agent or manager of the mine on the one hand, and the persons employed in the mine on the other, or in default of agreement appointed by a chairman of a Court of Quarter Sessions within the jurisdiction of which any shaft of the mine is situate." Your Lordship sees that all that can be done there is to agree to deduct from the total weight the weight of that which is not contracted to be gotten. That gives to the coal owner no compensation whatever for the loss which he sustains by the workman bringing up the pit dirt and refuse and stones, which it is not part of his contract to get and which on the other hand he ought not to get. The extent of the relief that can be given is that we may subtract as far as we can by agreement that which he shall not get from the total weight which comes up from the pit, and we get no compensation for any loss we sustain by having the dirt brought up the pit. Now, it is recognised I think by everybody that this as it is is not a fair nor is it a workable provision, and various arrangements are made at present by agreement between the managers of the mine and the workmen in the mine, entirely outside this section. In some cases it is provided that the dirt is put on one side and divided amongst the whole of the men. That of course is a rough and ready way of doing something, but it is not a fair thing to the men, because a man who sent his coal up pretty clean has to suffer for one who sends up coal which is far from clean. Then in order to give the employer some compensation for his loss there is provision made that if there is more than a certain quantity of dirt in a tub, the whole tub is forfeited. But your Lordship sees that is contrary to the provisions of this Act of Parliament; because then the man is not being paid for the mineral contracted to be gotten. You must pay him for the coal. This, I may say, is not a new question. In the year 1895 Mr. Asquith, the then Home Secretary, brought in a Bill to amend the Coal Mines Regulation Act, and he endeavoured to insert a clause recognising that this is wanted. His Amendment provided this: "Any agreement to vary wages in accordance with the amount of stones or substance other than the mineral contracted to be gotten, or in accordance with the mode of filling any tubs, baskets, or hutches, shall be treated as an agreement for deductions under Section 12 of the principal Act. In estimating any deduction under that section, regard may be had not only to the amount of the stones or substance aforesaid, or to the nature or extent of the improper filling, but also to the diminution in the value of the coal, or to any additional expense caused thereby. And such agreement for deductions, and any deduction made in pursuance thereof, shall be illegal, null, and void unless the agreement is evidenced by a memorandum in writing signed by the workmen, and the deduction authorised by the agreement is reasonable having regard to all the circumstances of the case. Any deduction made in pursuance of any such agreement shall not be lawful unless particulars in writing, shewing the nature and items of the deduction are supplied to the workman on each occasion when the deduction is made."

9968. You are reading from, as I understand, the sections of a Bill?—I am reading from the clauses of a Bill which Mr. Asquith introduced.

9969. Do you happen to remember what happened to that Bill?—It did not go through. It was a General Bill—this was only one of the suggested amendments—and the Bill did not pass. Then in 1896 the then Home Secretary, Sir Matthew White Ridley introduced a Bill to amend the Act, and he also inserted clauses substantially the same as Mr. Asquith, viz., enabling an agreement to be made between the workman and the employer that the deduction might be made from wages—not from the weight—but from the wages—in respect of the coal or dirt or stones improperly sent up the pit, and protected them pretty well in the same way as Mr. Asquith proposed to protect them in his clauses. That did not get through. In speaking upon Sir Matthew White Ridley's amendment in 1896, Mr. Asquith said this:—"As to the promise of the Right Hon. gentleman to omit all those provisions which did not come within the category of life saving, or life protecting provisions, he viewed with regret the disappearance of the clause as to check-weighing. The state of the law at the present time was nothing short of scandalous. When he was at the Home Office he used to take opinions from the law officers on the subject, and as the law officers changed frequently he got a great variety of opinions. . . . He did not believe that there was any mine owner in the country who at this moment knew whether the system of deductions observed in his mines was legal or illegal, and whether he was not carrying on a system which might even have been agreed to between masters and men, exposing himself to daily penalties. The law being admittedly in that condition, it was regrettable that an attempt to make it clear such as was contained in Clause 3 had to be abandoned. It was a clause which had been the subject of much misapprehension outside, and he hoped, if not in the present session, then in subsequent years, such modifications as had been shown to be necessary might form the subject of a separate enactment. But he agreed that the clauses of the Bill ought not to be imperilled by the introduction of disputable matter which was extraneous to its primary purpose—the protection of life. Therefore the right hon. gentleman would have with him the universal approval of all in abandoning for the time being those particular provisions, and in asking the House to concentrate its attentions on what was so necessary for the safety of the mining populaton." Now in that Bill of Sir Matthew White Ridley's these check-weighing clauses were dropped. There was strong opposition on the part of the workmen. The opinion of Mr. Asquith, as I have just read, was that the state of the law on that subject then—and it is the same now—was nothing short of scandalous. Then last session there was a Bill introduced, at the instance, I think, of the Miners' Federation, to amend the provisions with reference to the check-weigher. We attempted, on the part of the coal-miners at that time, to introduce these clauses in order to remove this scandal from the Act of Parliament. Very strong opposition was made on the part of the men. It was represented that this was a desirable amendment as to check-weighmen, and that they had no objection to it, but it was also stated if we persisted in pushing forward these clauses we should wreck the Bill. It was stated then by the Home Secretary, that there would have to be some amendment of the Coal Mines Regulation Act, when this matter would be considered. Under these circumstances, I invite your Lordship and the Committee to consider some amendment to this clause. The amendment we want is in the direction of either Sir Matthew White Ridley's or Mr. Asquith's amendment—that instead of this unworkable method, we should have the means of deducting from the wages, under proper restrictions, something in respect of the loss that we sustain by their sending up from the pit something which should not be sent up.

9970. You want power, I gather, to make a deduction from the wages?—We do.

9971. Under the Act of Parliament there is power to make a deduction from weight?—Yes.

9972. Does not that come to the same thing in the end?—No, for this reason; we want something more than the actual quantity of the minerals.

Mr. T. R. Ellis.

16 April 1907.

9973. You want a certain allowance for the in-cost in sifting and so on ?—Yes, it is a very great expense.

9974. Some of the difficulty is possibly due to confusion in the original Act of Parliament ?—No doubt.

9975. Have any of these eminent men called attention to the fact that the amount of wages depends " on the amount of mineral gotten by them ; " that seems to be entirely repugnant to the remainder of the clause, which all assumes that there was something beyond the mineral gotten. If the clause had stopped near the beginning there, it never could have been construed to include in the mineral to be gotten this stone and dirt and so on ?—If it was not for the proviso ; but the proviso does assume that, apparently. But the whole clause together is not a clause that is workable or that is attempted to be worked at the present time. Both Home Secretaries have endeavoured to get an amendment, and we ask this Committee to give the matter their consideration.

9976. I am not quite sure whether it is within our functions as a Committee, but since you have mentioned it, may I put this point to you ? In so far as you wish to make a deduction from the wages which is more than the value of the illicit material per weight, it is a charge for improper filling plus a charge for the expense of sifting ?—It is. It is a breach of contract ; that is really what it is.

9977. Now, in so far as it is a charge for improper filling, that, of course, would fall under our purview, because it might be considered as a sort of ancillary to the question of discipline ?—I think that may be so. I suggest that it comes under these words in the terms of your reference. You are a Committee " to enquire into the operation of the Truck Acts and to consider and report what amendments or extensions of these Acts or changes in their administration are desirable ; particularly whether fines and deductions from wages should be prohibited."

9978. Is it upon that point that you are representing to us the opinions of the iron and steel manufacturers ?—No ; that is entirely as to coal. I may just add that it had been suggested that this provision really should form a part of a Truck Act and not part of the Coal Mines Regulation Act.

9979. Now I believe you have something to lay before us quite additional to the evidence we have so far had from you ?—Since the last meeting I have communicated with the principal iron and steel manufacturers in the kingdom, enquiring as to their opinions upon the subject of fining, both with reference to the maintenance of discipline in their works and also as to whether they have received any serious objection from the men upon it. I have got reports from the Lancashire Bar Iron Manufacturing Association, the South Yorkshire Bar Iron Association, South Staffordshire Iron Makers' Association, Steel Ingot Makers' Association and North of England Iron and Steel Manufacturers, Scottish Iron Masters' Association, Scottish Steel Makers Association, Birmingham Galvanized Iron Makers, Cleveland Iron Masters' Association, Cleveland Mine Owners' Association ; Brymbo Steel Co., Vickers, Son & Maxim, Dorman, Long & Co., Frodington Iron and Steel Co., W. Whitwell & Co., Ltd., North Eastern Steel Co., Ltd. These names, I think, would cover from Scotland southward practically all the steel makers and iron makers in the kingdom ; at any rate they are very largely represented, and I think from the figures that have been given to me it is a very moderate estimate to say that they cover an annual wage of something between £5,000,000 and £6,000,000.

9980. Can you give us the number of employees ?—I could not give the exact number, but it would be a great many thousands. There has recently been established a federation of the Iron and Steel and Allied Employers' Associations in the kingdom, and I have been authorised by a representative meeting of that federation to put before you the views of the trade upon the question of fining. I have enquired how far these various industries consider it desirable in the interests of discipline that fining should be permitted, and invariably from the whole of them I get a reply in the affirmative, both in the interests of the men and in the interests of the employers, as it is a method of maintaining discipline which is less harsh to the men and likely to cause less friction than either dismissal or prosecution where the offence committed is one for which they are liable to prosecution. Then I asked another question : did they find that there was any serious objection on the part of the men to this system, and the answer is no.

9981. Since you have opened this matter to us let me ask, are you able to inform us what is the scale upon which these fines are imposed ?—In some of the iron and steel industries where the men are getting very large wages they go as high as £5 ; that is for damage done in the course of their work ; they go from £5 down to as low as 1s. or 6d.

9982. Can you give us a list ?—I can supply a general list summarising what the amount of the fines is.

9983. We would like a list showing in particular as to ironworks, the amount of the fines and the particulars, the offences and so on ?—I will supply that. Now there is one matter to which I wish particularly to call the attention of the Committee as bearing upon this question as to how these fines are regarded by the workmen : whether they have an objection to them or not. In the Cleveland blast furnaces, fining is in operation there, and I have taken this case : " When the eight hours shift was introduced at the blast furnaces in 1897 (making three shifts in twenty-four hours in lieu of two shifts), one of the points on which apprehension was felt was, that the workmen might not present themselves with due regularity for work at the varying hours of changing shifts. The men's union officials fully recognised the difficulty of carrying on the operations at the furnaces unless the proper staff was in attendance at the three changing times, viz., 6 a.m., 2 p.m., and 10 p.m. The accompanying rules were accordingly drawn up and concurred in jointly by employers and workmen's representatives." The rules provide for fines for not observing the hours of work. The hours of work are set out : " Monday to Saturday (inclusive).—First shift, 6 a.m. to 2 p.m. ; meals, 8.45 a.m. to 9 a.m., and 11.45 a.m. to 12 noon. Second shift, 2 p.m. to 10 p.m. ; meals, 4.45 p.m. to 5 p.m , and 7.45 p.m. to 8 p.m. Third shift, 10 p.m. to 6 a.m. ; meals, 12.45 a.m. to 1 a.m., and 3.45 a.m. to 4 a.m. Sunday. —First shift (long turn), 6 a.m. to 10 p.m. ; meals 9 a.m. to 9.15 a.m., 12.15 p.m. to 12.30 p.m., 3.30 p.m. to 3.45 p.m., 6.45 p.m. to 7 p.m. Second shift, 10 p.m. to 6 a.m. ; meals, 12.45 a.m. to 1 a.m., 3.45 a.m. to 4 a.m. That eight hours work equal one shift on all days and any part of eight hours to be paid in proportion." Then there is this provision : " A workman who is not relieved at the end of his shift and in consequence works two successive shifts shall receive a premium of half a shift's pay, which shall be deducted from the wages of the man who fails to relieve him, except in the case of the 6 a.m. shift, when the premium shall be obtained by deducting the amount required from each of the absent men belonging to his class equally. If the manager is satisfied that failure to come out for the shift commencing at 6 a.m. was owing to a *bonâ fide* case of illness arising from causes beyond a man's own control, no deduction will be made from such man. For the purpose of this rule the men shall be classed at each works by agreement between the employer and the men's representatives." I need not read the remainder of the rules. Then my memorandum goes on : " The rules have remained in force, except that the employers do not now impose any fine on men who absent themselves from work at 6 a.m. The workmen's plea for abolition of this fine was that men were liable occasionally to oversleep themselves in the morning and that the employer usually had less difficulty early in the morning in replacing absentees than at 2 p.m., or 10 p.m. The regularity of the men in their attendance at 6 a.m. has not improved, but far otherwise, since the 6 a.m. deduction was given up." Now this is what I want to impress upon the Committee ; that when the Act of 1896 was passed, there was a provision, as you are aware, in the Act giving to the Home Secretary the right to exempt any industries from the operation of the Act. That is Section 9. Now in this district both the workmen and the employers applied to the Home Secretary to exempt them from the Act, and the Home Secretary in response to that application did exempt them, and continued to authorise the fines. I have put that forward as an instance where the workmen themselves asked for the continuance of the system, as to which, as I understand, some evidence has been put before this Committee, that the workmen strongly disapproved of it. The letter that was sent and signed by the Secretary of the Cleveland Mine Owners

Association, and by the Secretary of the Cleveland Miners Association, is as follows. This is to Sir Matthew White-Ridley, Home Secretary; it is dated December 11th, 1896: "Sir—Truck Act, 1896. Under Section 9 of this Act, the Secretary of State has power, if satisfied that the provisions of the Act are unnecessary for the protection of the workmen employed in any trade or business, to grant an exemption from those provisions in respect of the persons engaged in that trade or business. We, as representing the Cleveland ironstone mine owners and the Cleveland ironstone miners beg respectively to request that you will be good enough to exercise, as regards the Cleveland Ironstone mining district, the power conferred on you by Section 9 of the Act. The Cleveland mine owners and Cleveland miners are of the united opinion that the Act is altogether unnecessary for the protection of the workmen at the Cleveland ironstone mines. Whatever deductions are made from the wages of the men employed at the Cleveland ironstone mines are made by mutual arrangement between the employers and the workmen, and each week when the men are paid their wages the fullest possible details are set out on the pay-ticket which each man receives. We believe there are at the present time some twenty ironstone mines working in the Cleveland district, and the members of the Cleveland Mine Owners' Association are owners of eighteen of these mines. As regards the workmen engaged at the Cleveland mines a majority of them are members of the Cleveland Miners Association. The representative character of our respective positions will from the two preceding paragraphs be apparent. If, in order to obtain the relief desired, it should be deemed necessary for us to send a deputation to you, we should be glad to arrange for our reresentatives from our respective associations to wait upon you to supply any further information required."

Mr. T. R. Ellis.

16 April 1907.

9984. I gather from your evidence that that is the attitude of mind of both employers and workmen, so far as you are aware?—My evidence is this. It is distinctly the feeling of the employers, and I have not heard, as I stated in my evidence before, any complaint as to the principle of maintaining discipline by the imposition of fines, protected as the men are under the Act of 1896.

9985. So that suppose the Acts were re-cast, you would favour the inclusion of a section analogous to Section 9, giving the Secretary of State power to interpose and allow fines to be imposed?—Certainly. If it is considered desirable and fairer to the men that there should be a notice put up that any offence against the Coal Mines Regulation Act on the general or special rules or other rules, providing for the discipline of the mines should be subject to fine, I do not see that there is any objection to putting up such a notice. The men know it perfectly well, but if it is considered better to put up a notice, there is no objection. My objection is to having it part of the contract with the men; I prefer to leave it to be dealt with on each occasion. I do want to press this: that I think to have to alter all the contracts, and to insert a clause compelling the men to submit to a fine, would bring about untold friction and trouble.

DEPARTMENTAL COMMITTEE ON THE TRUCK ACTS.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

TRUCK COMMITTEE.

VOL. III.—MINUTES OF EVIDENCE (DAYS 38—66) AND INDEX.

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DAYS 38—66.

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	4	Thomson, Mr. R., M.B., C.M.	Scottish, Midland and Western Medical Association.
	4–7	Postgate, Mr. C.	Secretary, North Riding Infirmary, Middlesbrough.
	7–11	Woolley, Mr. H. H.	Leicester and County Saturday Hospital Fund.
39	12–18	Livesey, Sir G.	South Metropolitan Gas Company.
39, 40	18–31	Sweeney, Mr. J.	Draper, &c., Dungloe, County Donegal, Ireland.
40	32–38	Taylor, Mr. J.	North and North-East Lancashire Cotton Spinners and Manufacturers Association.
41	39–46	Hodges, Mr. I.	National Association of Colliery Managers.
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43	64–71	Crowther, Mr. C. H.	West Riding of Yorkshire Woollen Manufactureres and Spinners Association.
44	72–80	Holmshaw, Mr. R.	Sheffield United Cutlery Council.
	80–83	Wardley, Mr. W. F.	Sheffield United Cutlery Council.
45	83–91	Hobson, Mr. A. J.	Hon. Secretary, Sheffield Cutlery Manufacturers' Association.
	92–95	Bradbury, Mr. J.	Manufacturing Silversmiths of Sheffield.
	95–96	Beckett, Mr. W.	Sheffield Chamber of Commerce and Manufactures.
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52	161–167	O'Lehane, Mr. M. J.	General Secretary, Irish Drapers' Assistants Benefit and Protective Association.
	167–169	Rees, Mr. J. A.	National Association of Grocers Assistants.
53	169–181	Evans, Mr. B. B.	Chairman, Drapers' Chamber of Trade.
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III.—411. 1,500—Wt. 2227. 12/08. Wy. & S. 4791r.

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55	192–196	Debenham, Mr. E.	Debenham's, Limited.
56	197–204	Sergeant, Mr, W. A.	Manager of Peter Robinson's.
	204–207	Lang, Mr. F.	House Steward, Messrs. Cook, Son and Company.
	207–210	Burbidge, Mr. R.	Managing Director of Harrods, Limited.
57	211–215	Bell, Mr. J. Y.	Clerk, Secretary's Office, G.P O.
	215–219	Donaldson, Mr. H. F., M.I.C.E.	Chief Superintendent, Ordnance Factories.
	219–222	McNelis, Mr. M.	Clerk to the Glenties Union and Glenties District Council.
58	222–229	Whitaker, Mr. J. S, M.R.C.S., L.R.C.P.	Medical Secretary, British Medical Association.
	229–232	Marshall, Mr. C.	Laundry Proprietor.
	232–233	Trenchard, Mr. H.	,, ,,
	233–239	Gilding, Mr. H.	President, Liverpool Drapery and Allied Trades Association.
59	240–243	Muller, Mr. R.	Caterers' Employées' Union.
	243–247	Lawson, Miss E.	Organising Secretary, Freedom of Labour Defence.
	247–256	Martindale, Miss H.	H.M. Lady Inspector of Factories.
	256–259	Galway, Miss M.	Organising Secretary, Textile Operatives' Society of Ireland.
60	259–266	Smillie, Mr. R	Scottish Miners' Federation.
	267–269	Gavin, Mr. J.	General Secretary, Amalgamated Society of Steel and Iron Workers of Great Britain.
	269	Stuart, Mr. C.	Federal Union of Scottish Mill, Factory and Bleachfield Workers.
	269–275	Burton, Mr. W.	Chairman, Joint Committee of Pottery Manufacturers of Great Britain.
61	275–281	Healy, Mr. C. J.	Secretary, Scottish Chamber of Manufacturing Industries.
	281–283	McNicol, Mr. D.	Messrs. Robertson, Lockhart & Co., Jute Manufacturers, Glasgow.
62	283–290	Siemens, Mr. A.	Engineering Employers' Federation and Shipbuilders' Employers' Federation.
	290–292	Ward, Mr. J.	William Denny & Brothers, Shipbuilders, Dumbarton.
	292–294	Galloway, Mr. J. K.	Procurator-Fiscal, Shetland.
	294–295	Gray, Mr. G.	Superintendent, Shetland County Police.
63	296–302	Derry, Mr. A. E.	Messrs. Derry & Toms, Drapers, London.
	302–307	Jones, Mr. E.	Chairman, Bon Marché, Limited, Brixton, and Messrs. Jones & Higgins, Peckham.
	308–312	Cole, Mr. A. U.	Messrs. Cole Brothers, Limited, General Drapers, Sheffield.
	312–313	Forbes, Mr. G.	Shop Assistant.
	313	Pitstow, Mr. A.	,, ,,
	313–314	Bouillon, Mr. C.	,, ,,
64	314–320	Oliver, Miss M.	,, ,,
	321	Miles, Miss E.	,, ,,
	321	Ambrose, Miss Z.	,, ,,
65	322–328	Cormack, Mr.	Messrs. Jenner & Company, General Drapers and House Furnishers, Edinburgh.
	328–332	X, Miss	Shop Assistant.
	332–334	Maule, Mr. R.	Messrs. Maule & Son, Drapers, Edinburgh.
	334–337	Pettigrew, Mr.	Messrs. Pettigrew & Stephens, Ltd., Drapers, Glasgow.
	338–340	Taggart, Mr. H. R., Jr.	Messrs. Moore, Taggart & Co., Manufacturers and Wholesale Warehousemen, Glasgow.
	340–341	Pettigrew, Miss	Shop Assistant.
	342–343	Stewart, Mr.	Buyer to the firm of Messrs. Stewart & Macdonald, Warehousemen, Glasgow.
	343–344	Cox, Mr.	Shop Assistant.
	344–345	Y, Mr.	,, ,,
66	346–355	Rendell, Mr.	Merchant Draper, Kirkgate, Bradford.

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

TRUCK COMMITTEE.

THIRTY-EIGHTH DAY.

Thursday, 25th April, 1907.

PRESENT.

F. MADDISON, ESQ., M.P. (*in the Chair*).
E. A. BROTHERTON, ESQ., M.P. | STEPHEN WALSH, ESQ., M.P.
T. E. BETTANY, ESQ. (*Secretary*).

Dr. C. CRAWFORD, was called; and Examined.

Dr. C. Crawford.
25 April 1907.

By Mr. Maddison.

9986. I must express our regret that our Chairman, the Lord-Advocate is unwell, and cannot be present. On behalf of myself and the Committee, I regret that we have not the advantage of his presence to-day so that he might put to you, Dr. Crawford, in a way that I am afraid I shall not be able to do, the different questions. You represent the Scottish Midland and Western Medical Association ?—Yes.

9987. That association, I see, deals with the mining industry ?—Yes. The members of the association are chiefly composed of medical men engaged in mining practice and the greater part of their emoluments is derived from fees deducted from the wages of miners and other workmen.

9988. I suppose your evidence will refer to that branch of the profession ?—Yes; only.

9989. I see you say that the fees average 3d. per week ?—Yes, per workman.

9990. Does that apply to Scotland generally ?—Yes, I think it does. In some districts it is not quite so much as that, but I think 3d. per week is the maximum or 6d. per fortnight.

9991. It is about the average ?—It is about the average—at least our association has always aimed at getting all the works up to that level. Long ago it used to be much less—1½d. and 2d. a week but we have managed now to get them up to that level.

9992. Have you any means of comparing that average with the fees in any other association which gives medical relief. For instance, in the case of friendly societies they have sometimes what they call medical aid associations ?—Yes. It is different in the case of the ordinary friendly societies such as the Rechabites and the Oddfellows and so on. In mining practice for this 3d. per week the miner gets medical attendance, and if he is married and has a family, his wife and family get medical attendance also. But in the case of the ordinary friendly society, it is only the member himself who gets the medical attendance, you understand.

9993. Then this 3d. per week paid by each workman covers medical attendance not only for himself, but also for his wife and family ?—For all his dependents in fact—all those who are dependent upon him for their livelihood, and sometimes that includes about half a dozen children, so that if it were not that there were a lot of single men in the works, if they were all married men and had families, the pay would be very poor—the remuneration would not be enough.

9994. So that the single men really help to pay the fees of the married men; is that it ?—Yes, it helps to raise the average.

9995. These payments are deducted from the wages of the workmen by the employers ?—By the employers.

9996. Does the employer contribute anything at all himself ?—No, he contributes nothing. Of course, his clerk has a little trouble in deducting the fees, and some charge us a commission for doing it.

9997. You say you think this system is beneficial both to the workman and to the doctor ?—Yes.

9998. Because the workmen gets his medical attendance and treatment for himself and his family at a cheaper rate, and the medical profession has no trouble in collecting the money because it is done for them ?—Quite so; we have no trouble in regard to bad debts and things of that kind.

9999. What is your experience as to the feeling of the men about this. Have you come across cases where the men object to it ?—No. Of course, in a large works there are always, you may say, one or two discontents, but without fear of contradiction I can state that the great majority of the men are only too thankful to have this system.

10000. Have you any experience of what happens to that minority that you refer to, the men who object to pay this 3d. Is there any compulsion imposed upon them ?—No; there is no compulsion. If there are any conscientious objectors, all they have to do is to say that they will make their own arrangements for medical attendance.

10001. You have known, you say, of no case of objection ?—No, except perhaps in a case such as this, where a man resides at a great distance from his work and where it is neither convenient for him to send to the medical

Dr. C. Crawford.
25 April 1907.

man nor for the medical man to go so far to attend him. In a case like that he might object to pay, and very reasonably so, and in that event he could make his own arrangements for medical attendance.

10002. So that you have not noticed any harshness in the working of this system ?—No, not the slightest; in the case of a workman who has left a works and perhaps gone into some other occupation where the same system does not prevail, I have often heard him express regret that he had ceased to benefit from the system.

10003. You deal here with the treatment of a workman and his family in the case of a long illness ?—Yes.

10004. I gather from that that this 3d. per week would cover even cases of that kind ?—Yes; it would cover cases of that kind, and therefore when a workman is ill he is not practically contributing; he is getting the benefit of his past contributions. Of course when he is not earning wages he does not contribute anything.

10005. You say that the employer is also benefited ?—Yes, by having his accidents attended to without cost to himself.

10006. What do you quite mean by that ?—Suppose that Parliament made these deductions illegal, and the system was abolished, and the employer no longer collected money from the workmen to pay the doctor, he would be obliged to have someone appointed to attend to the accidents, the same as railways and engineering works have; they have all got one or more doctors at a fixed salary to attend to their accidents, and they would have to get someone to attend to those accidents, and they would have to pay for that. At present they pay nothing; they get the doctor who is paid by the men to attend to the accidents and he gets nothing from the employer for it.

10007. In that case, seeing that the employers do get that advantage, it seems to strike one as peculiar that they should sometimes take a commission for collecting these fees ?—It is not universal to do it; some do and others do not.

10008. You are therefore on account of these reasons, anxious that these deductions should not be made illegal ?—We are fairly satisfied with the system as it is, and I think the workmen are fairly satisfied with it also, and that it works fairly reasonably well to all parties. I think therefore that it would be a great hardship to many if the deductions were made illegal.

10009. In any of these collieries, in your experience do they also make any deductions for hospitals in the neighbourhood ?—Yes, at all the works, at least within a reasonable distance of Glasgow, they make a yearly or a half yearly contribution to the hospitals.

10010. Is that stopped from the men's money ?—It is stopped from the men's money, but it is a voluntary thing, of course. There is not the least objection to it; it is only once a year or once a half year, as the case may be.

10011. I suppose, generally, you would be against any element of compulsion for these deductions ?—Certainly.

10012. You would object to it being made a condition of employment, for instance, that a man must contribute ?—Yes.

By Mr. Brotherton.

10013. I do not know that I need trouble you with many questions after what our Chairman has put to you. I take it you have had considerable experience in this particular subject ?—Yes, thirty years' experience.

10014. And that during all your experience you have not found that the workmen have had reason to complain of the deductions ?—No.

10015. In fact, in all your experience, the deduction has been voluntary ?—Yes, and acquiesced in.

10016. The employers are willing to collect it in most cases if not all—perhaps all ?—Yes, as a rule they are willing to do it, and the workmen are willing to give it.

10017. I was sorry to learn that in some cases the employers made a charge of commission for collecting the fees, as you put it. Might I take it that you meant a charge to cover such small expenses as might be incurred in that operation ?—Yes; it is a small charge.

10018. Would you suggest there was a possibility of such a charge being removed ?—No, I do not think it is a matter worth going into. Of course it is more a matter of arrangement between the colliery office and the medical man, as it were, it does not hurt the workman in any way; it is more a matter between the doctor and the employer.

10019. Am I to take it that the charge is really a deduction from what is handed to the medical man ?—Yes.

10020. It is not an additional charge put upon the workman ?—No, it is a sort of 2½ per cent. deduction for the trouble of collecting, as they put it; but as I said before, the employers benefit because they get their accidents attended to for nothing.

10021. In ordinary cases, I suppose it would not pay a doctor to accept 3d. a week from a workman if a workman had a large family in the case of his being sick or living a long distance from the medical officer's residence ?—It is like everything else, it is the numbers that pay. Where you have 100 or 200 workmen, there are a few who have a great deal of sickness and who have large families, and you are never out of their houses, but there are single and other men that you hardly ever see, and it is just as in the case of other benefit societies, the sound help to pay for the sick.

10022. I suppose you make no exception with regard to those who require more attendance. That is, those who require more attendance are on the same terms as the others ?—Yes. They all get it when required; they are just on the same terms.

10023. The fee I suppose does not include medicine, does it ?—Yes, it includes medicine; it does not include attendance in midwifery and as a rule it does not include vaccination. Those things are extra, but it includes attendance for accidents and sickness and it includes also medicine and surgical appliances, splints and all that sort of thing.

10024. I may take it you know of no hardship on the employés in respect of this charge being levied ?—No.

10025. And no grievance on the part of the workmen against the employer ?—No; I know of no grievance.

By Mr. Walsh.

10026. Are a certain number of surgeons appointed for the colliery or collieries ?—There is one or more in a large works. In some cases there is more than one.

10027. How are those surgeons appointed ?—Long ago, it practically was the employer who appointed them, but now it is the workmen.

10028. The workmen at an annual meeting held by them ?—There is no regular annual meeting, but suppose they are dissatisfied with their doctor and want his removal, they have a meeting and take steps to have him removed.

10029. Supposing the men do not wish to proceed in so far as the removal of an existing surgeon, and a new surgeon comes into the district who desires a little more practice, is there any possibility of that gentleman getting in ?—There is a possibility.

10030. Does that mean a probability ?—Of course, the holder of office naturally resists any attempt of that kind.

10031. What is the method adopted then?—I suppose if he can influence a sufficient number of workmen, and they can bring pressure to bear upon the employer, he can have his name added to the list.

10032. What do you mean by that latter remark "If he can bring pressure to bear upon the employer ?"—Suppose a man walked up to the employer's office door and said "I am a doctor; I want my name put down," you could hardly expect the employer to put his name down without some evidence that the men wished it.

10033. Would not that be an almost impossible case that you quote ?—Well, it could not be altogether impossible because a new man might come to a district, and even although he did not know any of the workmen, he might want his name put down.

10034. What I am trying to lead up to is this: in the case of a man who may have been in a district for some time, and who, because of his skill and general attainments has acquired the confidence of the people in the neighbourhood, and being anxious as all surgeons naturally are, I should think, and particularly Scottish surgeons, to

push their business and get into the work, would it be possible for the employer to put any bar against that man ?—No; not if he had sufficient support from the workmen.

10035. If the confidence of the workmen was sufficiently great in him, he would have comparative ease in getting in ?—Yes.

10036. With regard to the Workmen's Compensation Act, do you take work from the employer under the Workmen's Compensation Act at these collieries ?—No. At first, we did but we do not now. The way the thing is done is this: Under the Workmen's Compensation Act, the employers are all insured, and it is really not the employer who acts, it is the insurance company, and they have a medical man of their own to look after their own interests. That is so in Glasgow at any rate—I do not know about other places. The insurance company have one doctor at least for a certain district, and he attends to the interests of the insurance company which means practically, the interests of the employer, and with regard to the colliery doctor, his interests are rather on the side of the men than of the employer in that respect.

10037. Supposing a man sustains an injury at a particular colliery, it would be necessary for him to get a certificate from the surgeon at the colliery as to the nature of his injury ?—Yes.

10038. To whom does he take that certificate ?—He takes it to the colliery office; he gets his compensation money through that. I am not perfectly positive about it, but I think that is the way it is done.

10039. The colliery, I take it, have a complete record of the time and of the nature of such accidents ?—Yes; I should think they had.

10040. So that the surgeons who are acting for the men at the colliery have no connection whatever with the surgeons who are acting for the employers ?—None whatever.

10041. Is there no medical board of these gentlemen in any way formed to consult with the employers ?—No, not in our district.

By Mr. Maddison.

10042. Thank you, doctor, you have put your evidence so clearly that we appreciate entirely your view ?—My friend Dr. Thomson is here. I do not know whether he has anything to add to what I have said.

By Mr. Walsh.

10043. Before you leave the Chair, Dr. Crawford, have the surgeons always found that they have got an effectual hold on the money when it has been paid by the men ?—So far as we know. I daresay in the past there may have been instances of irregularity, but I think at present the surgeons are pretty certain about it, and, besides, the workmen have the right of going into the books.

10044. I think you have rather misapprehended my question. What I mean is this: It is very desirable if the workmen have once paid their money and become entitled to certain medical services, that the surgeon who has given those services should receive that money ?—It is.

10045. Do you know of any case where the surgeon who has given the service has not received that money ?—No, I know of no such case.

10046. You know of no case where an employer has impounded the money and devoted it to his own purposes ?—No, I have never heard of such a case.

10047. A case of that description would be a serious matter for the consideration of this Committee if such a case had ever occurred ?—Probably that would be so.

By Mr. Maddison.

10048. I should like to ask you one question upon that. What means have you of knowing the number of men who are in an association of that kind ?—That is often the trouble. A man comes and says, "I am working at so and so, and I want your attendance," and you go; you have just the man's word for it, but I do not think we are ever deceived in that way; at least, any amount of deception that there may be is very trivial. Where the work is divided there is a little trouble because we have got to get a list of those who are paying for us, and, of course, again, the workmen are always coming and going, and there is a little trouble just in knowing exactly where you are.

10049. Yes, but my point is this: where you have a large works employing say, 5,000 men, or 3,000 men, paying 3d. per week, a large number of them will not come to you for attendance during the year at all ?—No.

10050. Have you any means of seeing from the books of the company the total number of men who are paying, because you get 3d. per week, I take it, from each of them ?—Yes.

10051. How do you know what number of men are paying ?—I do not think we have any means of knowing. I suppose, if we asked, we might get access to the books and see.

10052. So that really you cannot quite answer Mr. Walsh's question as to whether it all does reach you ?—No, we cannot, we have to take it on trust, as it were.

10053. That is hardly like a Scotchman, is it, to take things on trust ?—Perhaps not.

By Mr. Walsh.

10054. This is rather a serious matter. A case I know has arisen—I do not think it is very far from your own district—I think it is Lanarkshire ?—Let me say I come from the Hamilton district.

10055. I do not think it is very far from there. With whom do you understand your arrangements are made, are they supposed to be made with the men or with the employer ?—Made with both—both the employer and the men.

10056. The employer pays no money ?—He pays no money; he collects it.

10057. And in some cases charges a commission for his services in so doing ?—Sometimes.

10058. Your services are rendered to the men ?—Yes

10059. The payments for those services are made entirely by the men?—Entirely by the men.

10060. Do I understand that the contract that exists between you, whether it is expressed or implied, is really between the surgeons and the men ?—It is.

10061. Let us take the case of a surgeon who, say, for three months has given his attendance to the men in the lively hope, of course, that he will be paid ?—Yes.

10062. That surgeon receives no money. Against whom would he have a claim, against the employer or against the men ?—I should say he had a claim against the employer, through whose hands the men paid him. Of course I am not a lawyer. I do not know, but in common sense I should think that the man who collects the money would be the one who was responsible for the payment.

10063. That opens out rather an interesting point, because if a surgeon gives his services under the expectation that he is to receive from the men certain moneys as recompense for such services, and those moneys do not reach him, there must be a hiatus somewhere, must there not ?—Yes, a good big hiatus.

10064. Such a case as that has occurred, and it seemed to me to be a matter that where these deductions are made should be inquired into ?—A case of that kind has never come to court, I think.

10065. No, it has not come into court yet ?—If it came into court I suppose we should know how the law stood on the subject.

By Mr. Maddison.

10066. I suppose at the end of every quarter or half-year you get a cheque which is supposed to cover the total number of men who have contributed during that period ?—That is so, and as a rule there is a statement of the amount collected at each pay; at the end of each fortnight of the pay there is a statement of the amount collected.

10067. Therefore, unless there is absolute fraud, that does give you practically a replica of their books ?—That is so. Unless the clerk falsified the sheet this statement is of course a record of what is in their books. Some of the works do not give a statement, but most of them do.

10068. I agree with Mr. Walsh that it really is a little important to know that the money which is paid by the men reaches you. Do you know whether the men, or any

Dr. C. Crawford. 25 April 1907

committee representative of the men, if such exists, check at all, or have any means of checking the number of people from whom deductions are made?—I do not know; of course your point is this: that some men in a works may contribute, and others may not. As a rule in all these works all the men contribute, you know.

10069. My point is that deductions are made, and there does not seem to be any business way of the surgeon knowing whether he has been really paid what has been deducted?—Of course the workmen have power themselves to audit the books of the works so as to see that there is nothing wrong with the deductions. There are deductions, of course, for other things besides medical attendance.

10070. I suppose you, speaking for your profession, have no doubts on that head, and you have had no cases before you to justify any suspicion?—No, we are quite satisfied. We are quite satisfied with the arrangement as it is, and that is the reason that we are here to-day.

10071. Thank you, that is all?—I do not know whether there is any other point that Dr. Thomson, who is here, would like to add to what I have said.

10072. I think your evidence has been so clear that the Committee follow exactly what your views are, and unless there is some other point that Dr. Thomson would like to bring out, I think we are fairly in possession of your views?—I think Dr. Thomson would like to confirm what I have said.

MR. ROBERT THOMSON, M.B., C.M., was called; and Examined.

Mr. R. Thomson. 25 April 1907.

By Mr. Maddison.

10073. You are President of the Scottish Midland, and Western Medical Association?—I am.

10074. Is there anything you would like to add to the evidence that Dr. Crawford has just given us?—I should just like to say this, that in my experience I usually get the fees paid without any deductions, except in one case. In all the big collieries I know of there is no deduction. It is in the case of one of the smaller ones, and it goes there as a small commission to the cashier for his bother in getting the moneys. We are usually quite willing to give these commissions, but in the big works there is really no deduction.

10075. When you say no deduction, it is no commission that you refer to?—Yes, no commission.

By Mr. Brotherton.

10076. I do not know that there is anything that occurs to me to ask you after what we have heard, but one, of course, would be very pleased to hear any further expression of your views if you have anything further to add?—No, I do not think there is anything further that I can add to the evidence already given by Dr. Crawford.

MR. CHARLES POSTGATE, was called; and Examined.

Mr. C. Postgate. 25 April 1907.

By Mr. Maddison.

10077. You are the Secretary of the North Riding Infirmary at Middlesbrough?—That is so.

10078. You come here as representing that institution?—I come here as representing that institution, and I have authority also to speak on behalf of the other institutions which are mentioned in my proof.

10079. You really speak then for these ten hospitals?—Yes, for these hospitals that are mentioned here.

10080. I see you divide those hospitals into two classes: those that cater entirely for the use of workmen and their families and what you call general hospitals?—Yes.

10081. With regard to that first class, you say they are provided solely for the use of workmen and their families. Do you mean by that workmen employed at certain works?—Yes. Workmen who are employed at works in the vicinity of those hospitals and for which the hospitals are provided specially. Other hospitals are provided specially for the mining districts in which they exist.

10082. Do you mean by that that nobody would be treated in those hospitals unless they did work at works in the neighbourhood?—The inhabitants in those districts are so few other than those employed in these industries that it is practically a negligible quantity.

10083. Then this division is not the result of any rules which debar people who do not come from any particular class; it is only that in practice all the people are as a rule people who are connected with the works?—That is so: the hospitals would of course take any necessitous cases, even though they were not actually engaged in the industries that the hospitals had been erected for.

10084. I think that is clear. You say of the ten hospitals, four belong to the first class, and six to the latter class?—Yes.

10085. You also state that the first class provide in the aggregate accommodation for ninety-five in-patients?—That is so; they have ninety-five beds.

10086. The four have?—The four together.

10087. Then they are quite small hospitals?—Yes, they are quite small. The largest of those four hospitals has sixty-six beds, and the smallest only five beds.

10088. Are those small hospitals established in different districts so as to be handy for the men?—Yes; they are spread about so as to be handy for the men in the ironstone district. The largest, with sixty-six beds, serves a very large steel works.

10089. You tell us that these hospitals derive their income from certain sources, chiefly the workmen's contributions?—Yes.

10090. What would that amount to per week on the average?—That, of course, would vary with the number of men employed, but there is a standard sum which each man gives.

10091. I mean the individual contribution?—The individual contribution will run to about a 1d. each per week.

10092. How is that collected? What is the method of collecting that 1d. per week?—The workmen contribute weekly in their respective districts ½d. up to 1½d. each; the sums vary with the wage paid, and also where the work is more hazardous and where the accidents are very frequent.

10093. Would you tell us what is the method of collecting these contributions. First of all is it compulsory on all the men to submit to the deductions?—No.

10094. Paragraph 21 of your proof says that recourse has been had to the employers of labour to undertake the systematic collection of the pence for the hospitals?—Yes, they have undertaken to collect the pence for them. The employers of labour really act as collectors for the hospitals, and where the workmen subscribe, it is collected in the form of a deduction, but by previous agreement with the men. Meetings which are properly advertised are held at the works, and the men decide what they will do, and then give their authority to the employers to make the deduction, whatever it may be. I might say that quite recently in Middlesbrough the workmen reaffirmed their desire to give financial assistance to the hospitals, and that by resolutions which were passed at meetings held at the various works they increased their contributions by one ½d. per head per week because the hospitals were in such need of it, and they authorised their employers to retain those sums from their wages week by week.

10095. Who was that meeting to which you refer called by?—That would be first promulgated by the hospitals themselves through the workmen's representatives.

10096. The workmen's representatives on the boards of the hospitals?—Yes. We always deal with the workmen's representatives in workmen's matters.

10097. You think that those meetings and meetings of the kind are always free and open meetings?—Yes, undoubtedly. A series of meetings have been held at the works all over the district, and the masters have refused to have anything to do with them in the sense of influencing the men.

10098. Have you known cases where the men have declined for various reasons, good or bad, but satisfactory to themselves, to contribute to the hospitals ?—I have not a single case before my mind—not one.

10099. Can you give us some proportion that the subscriptions of the employers bear in these four hospitals to those of the men ?—Yes ; it is about 30 per cent.

10100. The employer pays about 30 per cent. ?—Yes, the employers and others who are not workmen ; it is a very small sum altogether which comes from any other source that that of the workmen ; it is about 30 per cent. ; the workmen's contributions run to about 71 per cent. or 70 per cent.

10101. Thirty per cent. will represent the contributions of the employers ?—Yes.

10102. What is the respective proportion of the representation on the board of those four hospitals—is it a joint board by the way ?—It is not a joint board. With respect to the management and government of the various hospitals, a very large share is confided to the workmen's representatives. Of course, it must be obvious that the very large volume of their subscriptions which they could withhold at any time is in itself a guarantee that their interests must be respected.

10103. That is what I am alluding to. Will you give us the total number of members on the board and what proportion of these members are workmen ?—This is strikingly illustrated in the case of the Eston Hospital, which has sixty-six beds out of the ninety-five I was speaking of. That is one of the hospitals provided for the sole use of the workmen and their families. That hospital is managed by a committee of thirty-eight persons, made up of one president, five vice-presidents, and thirty-two members of the committee, of whom twenty-nine are representatives appointed directly by the workmen.

By Mr. Brotherton.

10104. Thirty-three ?—It may be thirty-three now.

By Mr. Maddison.

10105. That, of course, is a very large, and it seems to be a fair representation of the workmen, who, however, contribute 70 per cent. of the subscriptions ?—Yes. It is an absolutely controlling body.

10106. It seems consistent with their subscribing power ?—It is to that extent, and it shows how much those concerned in the hospitals trust the men to manage these institutions that have been founded for them—to stimulate their interest in them.

10107. Having subscribed so largely to these purely workmen's hospitals as we will call them, then you give us the amount that the workmen subscribe to the general hospitals in the district, which is about, I think you say, 53 per cent. ?—Yes, that is taking the average over the whole of these hospitals. The workmen's subscriptions vary in these six general hospitals from 35 up to 65 per cent. of the total income for their current maintenance. There is a very much greater proportion of workmen in some of these localities than there is in others. For instance, in Middlesbrough, the proportion is enormously large, whereas in Darlington the proportion is considerably less.

10108. The men who subscribe to these four hospitals also have deductions made for the general hospitals, do not they ?—No ; they do not subscribe at all to the general hospitals.

10109. The workmen who subscribe to the general hospitals are workmen outside ?—Entirely outside, and distinct from the other group.

10110. In Paragraph 17 of your *précis* you begin to tell us about the system of collecting the workmen's contributions, which amounts to this, that the various works make themselves collectors for the hospital ?—Yes.

10111. I hardly care to ask it, but do you know of any cases where they charge the hospitals a commission for collecting those moneys ?—I do not ; there is nothing of the kind in the district. I am very desirous of emphasising what a great advantage this is to the hospitals which the masters have given. And, of course, it has been on the strength of its continuance that the hospitals have gone on extending for many years—I refer to the fact that the masters act as our collectors.

10112. You have known, as you say, of no case where they have charged commission ?—I have never heard of such a request or of such a payment being made. *Mr. C. Postgate.* 25 April 1907.

10113. I should not have liked you to have given any other answer ?—I should have been sorry to have had to do so.

10114. I gather from what you have just said that the hospitals would suffer if these contributions were left to the men individually to give it in any other than in an organised form ?—Yes. I do not suppose that we should get a tenth part of the sum with the very difficult operation of trying to get individual men to collect it, and it is not an ideal system for there is no control over the money; there would be no check upon it in any way, and besides that, you would never get at the men. I reckon that we have between 17,000 and 18,000 pennies to collect in Middlesbrough every week.

10115. Therefore you would look upon any change in the law which would make these deductions illegal as a serious blow to this hospital work which is going on in your district ?—It would simply paralyse our work.

10116. Your evidence has all been directed to that point of view. I notice in Paragraph 23 of your proof you say : "To meet the wishes of the hospitals, the large employers have their pay books specially drawn, so as to show every man's contribution to the hospital in a separate column by the side of his wage," and so on. So that you think you have quite an effective check, that you do actually get the money which is deducted ?—Yes, I think there is no doubt of that, and besides that, these books are subject to the firms' audit along with their other books ; they have an account in which they credit all these subscriptions to our account, and they send the money to us by cheque either quarterly or monthly as the case may be, or in some cases the employers hand the money over to the workmen's representative and he takes it direct to the hospital.

10117. I suppose the men do not get any vouchers for the pennies which they pay ?—No, not directly, but it is marked on their pay sheet every week. Of course there are different systems, but I put in here a specimen of a pay envelope showing what deductions are made.

10118. I should like to see that ?—I have also the rules of the various hospitals. This is the book of rules of the Eston Hospital giving their government. There is a specimen envelope. (*Handing in document.*) That is only one of many ; they are not identical, but in some form or other in that way they show to the workmen exactly what they are paying.

10119. When is this given to the workmen ?—That is given to him with his pay ; his wage is enclosed in that envelope

10120. The deduction for all purposes is marked on the outside of it ?—Yes, and that agrees with the pay book.

10121. So that according to that, the workman has a voucher given to him that there has been that deduction ?—Yes ; He knows to a halfpenny what is deducted.

10122. And there is a corresponding entry in the books, which books are subject to the firms' audit ?—Yes.

10123. I presume, of course, you regard that as all the check that can possibly be required—is that so ?—It is so. Of course all the works do not adopt one definite system. We allow them the latitude of keeping their books in their own way, but they have actually submitted their books in some cases to me so that I could check them for myself. Our account is just as carefully kept as the firms' accounts themselves are kept ; it is a part of their accounts.

10124. You have already explained as to the proportion of the workmen in the management of the hospitals, and your evidence has been that they really predominate ?—That is so. That is very markedly so in the workmen's hospitals—of course there are the general hospitals.

10125. Just a question about those general hospitals. Do you state in your evidence the proportion of workmen represented on that ?—In the general hospitals it is somewhat different. The general hospitals, of course, are not entirely for workmen, although by far the greater number of cases comes from the workmen and their families. In these general hospitals I have got estimates as near as it is possible to get them, and it is calculated that from

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90 to 95 per cent. of the cases treated are those of workmen and their families.

10126. I suppose in Middlesbrough you have nothing but workmen and millionaires?—Millionaires do not reside in Middlesbrough. In Middlesbrough I might say we have practically nothing but an industrial population—and tradesmen of course.

10127. I should like you, if you can, to give us the number of workmen who are on the boards?—Yes, I can give you that in the case of my own hospital.

10128. That, of course, is a general hospital?—Yes. With respect to the management and government of the various hospitals a very large share is confided to the workmen's representatives, and I also remark here in my proof, that it will be obvious that the large volume of their subscriptions is in itself a sufficient guarantee that they should have a fair representation, and that their wishes should be respected; but besides that, the workmen as a body manifest a very keen interest in the management of these hospitals, and have a great desire to come on to their governing bodies. The North Riding Infirmary, the largest of the group of general hospitals, may be taken as typical of these general hospitals with respect to the share in the management and government to which the workmen are admitted. The supreme authority is the Court of Governors, which comprises the general body of subscribers who contribute a sum of not less than two guineas a year. This court meets twice a year to receive the reports of the House Committee. That House Committee consists of twenty governors who are elected by the annual court, with the addition of one workmen's representative from every body of workmen subscribing not less than £20 a year.

10129. "From every body of workmen," what does that mean?—That is to say if the workmen of any firm subscribe £20 a year or more, they have the right of sending on to this committee of management direct, without any question from any other person, one of their representatives. The court elects twenty out of its number and the workmen send direct from their works on to the Managing Committee, one of their number.

10130. That is the Executive Committee, as it were?—Yes; that is the Executive Committee.

10131. That means that if the workmen send representatives from twenty bodies they are equal, and if they send more, the governors are in a minority?—Yes. It works out in this way. The workmen are entitled to send direct on to the committee of management no less than twenty-nine representatives elected by themselves, as against twenty elected by the governors, and the workmen's representatives also record their votes in choosing the twenty members appointed by the court. As further evidence of the encouragement given to the workmen to interest themselves in the hospital's management, the court usually elects as part of its quota of twenty, several working men. Of these twenty, at the present time five are workmen.

10132. So that your evidence is generally that with regard to both classes of hospitals the representation on the various boards of the workmen is substantial?—Yes, and they have the controlling power—I think I might go so far as to say that.

10133. I think I have only one further question to ask you I see in Paragraph 49 you give your view as to what should be done in case any change is made in the law You say a clause should be inserted in the new Bill to the effect "that bodies of workmen may arrange with their employers to collect from them in the form of deductions from wages such sums as they may from time to time authorise them to deduct" and so on. That means to say you want to continue in a legal form what is now being done in your district?—That is so; we should like a clause which would enableus to take these workmen's subscriptions in the form that we do now.

10134. You are quite clear that you would not wish to legalise directly or indirectly any form of compulsion with regard to these deductions. That is to say, that before they are made you want meetings of the men to be held, so that in some proper way their consent should be given?—Yes, certainly; and that has been done in all cases.

10135. In all your evidence, including this suggested clause, you would not in any way allow compulsion?—No, we do not wish for compulsion, in fact the wishes of the workmen are so well pronounced on this question that the workmen's representatives at our hospital have looked with some concern upon this matter, fearing any disturbance with the present arrangements.

By Mr. Brotherton.

10136. I think your memoranda are so full that I hardly have any questions to ask you. I take it that the workmen are quite in accord with the present system and that they do not take any exception to the method of levying contributions or deducting the amounts?—They do not. They are very much in favour of it. Since this matter has been discussed in our district, I have had many indications of how strongly the workmen feel that nothing should be done to alter the system.

10137. Am I to understand that you do not know even of a single exception in which a workman has refused to contribute?—I do not know of a single exception.

10138. It is perhaps hardly bearing on the inquiry of the Committee, but I am not quite clear as to what the advantages are to the workmen. With regard to the hospitals, I suppose if a man is compelled to remain in hospital he has a bed provided for him, but in the event of his being only partially injured, does the hospital provide the medical or surgical attendance?—They do not provide medical and surgical attendance outside, that is to say they do not send any of the medical staff of the hospital to attend workmen outside, but cases not sufficiently severe to come into the in-patient department receive attention at the hospital as outdoor patients.

10139. The subscriptions also include attendance for their wives and families?—Yes; if they have continuously subscribed, the hospital places an unlimited supply of letters of recommendation in the hands of the workmen, available for their own use and for the use of their wives and children. Of course a general subscriber has only one letter given to him.

10140. As a matter of fact, do you require a letter of recommendation from the firm before you allow a man to be an outdoor patient?—Yes, we have this form which should be filled up; it is a proof of the *bonâ-fides* of the case.

10141. The whole control of the fund seems to be entirely in the hands of a committee of management, as well as the whole method of levying and handing over the funds to the hospital?—That is so.

10142. You speak about one workmen's representative from every body of workmen subscribing not less than £20 a year. That means, I suppose, a minimum of £20 a year?—Yes, a minimum.

10143. As I said before, your memoranda are so full that I need not trouble you with any further questions.

By Mr. Walsh.

10144. You speak here of the medical staff. Is that the medical staff of the whole of the infirmaries and hospitals?—Each hospital has its own medical staff. That is the honorary staff who do the surgical and medical work in the hospitals—the visiting staff.

10145. What is the process of their appointment?—They are appointed by the Court of Governors in our case.

10146. Are they in private practice in addition to this?—Not necessarily. Of course, you may have some of the staff who are consultants; it is private practice certainly, outside the hospitals.

10147. I mean private practice in the sense of dealing with patients at their own homes. Do they take on appointments in addition at the various mines and works?—Yes, they do what is called by the men "club" work.

10148. Do they take on workmen's compensation practice for the employers?—That I could not say; I am not aware of any who have done so.

10149. They are allowed to take on, then, a general practice for the people in the district generally in addition to the medical work that they perform for the infirmaries?—Yes. I am afraid we would not get members on the staff unless they were allowed to pursue their practice outside.

10150. Would it be possible then under such circumstances, for these surgeons to be acting on behalf of the employers in workmen's compensation cases and yet find out the full facts of those men's cases in the infirmary while they were acting, so to speak, in an honorary capacity ?—I should not think that that would arise at all, because any question with respect to a workman's condition who is in receipt of compensation when under treatment in the hospital is either conveyed through the resident surgeon or myself. The honorary staff do not deal direct with any of the firms respecting the cases which are being treated.

10151. But there would be a visiting staff, so to speak ?—It is a visiting staff—the honorary staff is not a resident staff.

10152. Will the general practitioners of the district have access to the infirmaries ?—They have, provided the honorary staff do not object to it, but of course they have not the run of the place.

10153. Even the honorary staff are not confined to the ordinary private practice open to an ordinary practitioner ; it may engage in practice for the various works either for the employer or for the workmen ?—The hospital places no restriction upon its honorary officers ; it has never arisen.

10154. You say here that the supreme authority is the Court of Governors which comprises the general body of subscribers who contribute not less than two guineas annually ?—Yes.

10155. Does that mean that any person entirely unconnected with any of the mines or works might contribute two guineas and get himself made a governor ?—Yes, it is an inducement for a person to subscribe to us, and if he does so he has the privilege of being called a governor —if he gives us not less than two guineas a year.

10156. Would he thereupon become a governor, upon the payment of two guineas ?—Yes ; *ipso facto* he is a governor, if he says : "I will give you two guineas a year" —and does so.

10157. So that a body of workmen, say 1,000 in number, might only be able to send one governor for their contribution of one thousand times 4s. 4d.—is that the case ?—No, I think you have misunderstood me. I might mention here that if a body of workmen subscribe only £10 a year they can have a governor, but if they subscribe £20 a year they can send a direct representative on to the Executive Committee. The Court of Governors, has no authority to stop them, and by that means they can get a majority of the governing power elected at their meetings on the works—not at the hospital. Every year I send out a notice to the workmen and ask them to elect their own representative and we make a request to the firms to exhibit those notices and the men hold a meeting and communicate direct with the hospital who it is they have elected to represent them during the next year. The court never interferes in the matter.

10158. I suppose the governors are really the executive body, are they not ?—They are really the executive body in one sense, though they delegate nearly the whole of their duties to the House Committee.

10159. The ultimate control rests with them, I take it, at their half-yearly meetings ?—The rules define what the duties of the House Committee are, and the Court never interferes with this kind of work. The half yearly meetings are more formal meetings than anything else, chiefly for the purpose of receiving financial statements and reports.

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10160. Is there a heavy rate of accident in the districts specially concerned with these hospitals and infirmaries ?—Yes, that is the chief reason why we have to maintain these hospitals. Some of them in the first group are solely for accidents, and in the general hospitals a large proportion are accidents, and very severe accidents too, I am sorry to say.

10161. Of course one feels very chary about dealing with these matters because we know the excellent work that has been performed by many of these hospitals, but you seem very desirous here that the method of deduction should be maintained ?—Yes, because it has taken between forty and fifty years to organise this in the way we have got it now, and it is working in the most perfectly smooth manner. Every workman to whom I have spoken is in favour of it, and I have spoken to a good many. I have also had the pleasure of speaking to the representative of the Cleveland Quarrymen and Miners' Association, Mr. Toyn, and his treasurer, who were down at my hospital this week, and when I told him I was coming up here to give this evidence, he said, "If anything happens that we cannot collect the money in this form we will hardly get anything." As he says, the men want to give it, but we must have an organised system of collection. You can quite understand that when the men are paid they want to get home, and they scatter in a thousand directions. I cannot conceive any other method by which you could collect this money.

10162. We will not specially traverse that. You are aware, I suppose, that a very great many hospitals, some of enormous size, have depended, and have depended solely upon voluntary contributions ?—Yes, that is so, I believe, very largely with the metropolitan hospitals, but it must be understood that in districts like Middlesbrough you have not got the people with the wealth that you have in some of the large cities. It is practically a working-class population, and I think one of the chief glories to the workmen is that they know they are paying such a large share—which they do not forget to tell us sometimes —towards the maintenance of the hospitals. I think these things act and re-act on each other. The fact that the working men do so much is a great incentive to other people to help, so that we always get what capital expenditure we now want without going to the workmen, I am pleased to say. I tell our friends that the workmen are doing very well in maintaining so far as they do the hospital without paying for capital expenditure. We have recently extended our buildings—and had between £2,000 and £3,000 spent on them by a large employer of labour, and the workmen will get the advantage of that.

10163. I suppose a good deal of your wealth—not exactly wealth, but a good deal of the contributions will come from the endowments of wealthy donors ?—No, we do not possess wealthy donors. I think we have only had about £9,000 in fifty years invested ; it only brings us in about £300 a year.

Mr. HARRY HARDWICK WOOLLEY, called ; and Examined.

By Mr. Maddison.

10164. Whom do you come here to represent, Mr. Woolley ?—The Leicester and County Saturday Hospital Fund.

10165. Are you the secretary of it ?—I am.

10166. Is that a permanent appointment ?—Yes.

10167. From the proof you have put in, which is in the shape of a letter addressed to a Member of Parliament, you seem to be alarmed at any possibility of legislation making these deductions for hospital purposes illegal ?—Yes ; we were rather fearful about that matter.

10168. Would you kindly give the Committee what is the method now employed to get this money in from the workmen ?—Briefly my business consists in meeting the workpeople in the factories and the quarries and the mines and explaining to them our suggestion of contributing regularly to the fund, and also explaining its benefits, and after having decided to adopt the scheme of regular contributions the workpeople then have to decide the method of contributing, and, as I think I say in that communication, almost ninety per cent. of the 500 firms that are now contributing to the fund adopt the method which is of leas trouble from the workmen's point of view, that is to say, while I find everywhere the workpeople are willing and even anxious to contribute in this form and in this way, I do not find them willing to go to any amount of trouble over the matter, and prior to the meeting I get the employer's sanction to suggest the method of deduction from wages—I have to get that sanction from the employers first of all because it involves a little trouble in the counting house—and then I point out to the workpeople that there are two ways of collecting, one in the departments, where the trouble of collecting would be rather considerable, and especially in the case of little

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lapses perhaps, and then I suggest the other method that, if the workpeople are willing the employer is prepared to take the trouble off their shoulders by deducting it from the wages as they are made up, and I have not had the slightest difficulty in getting the workpeople to adopt that method.

10169. What are the actual means of ascertaining from the workpeople that they are willing to have these deductions made ?—By taking votes at the meetings. The meetings are held on the premises usually about leaving-off time, so that we have the whole of the employees present. Through the kindness of the employers we arrange for the meetings to be held on the premises generally as the people are leaving off work, and as the proposal is put before them they vote for or against it - first of all as to the principle of contributing and secondly as to the method of collecting.

10170. I see your scheme has only been in operation for some three years ?—Yes, roughly.

10171. Have you in that time had any experience, and if so what is the result, of men and women—because I suppose this includes men, women and girls ?—Yes.

10172. Of people who have voted against contributing ? —We have not had that experience at all.

10173. Then the votes have always been unanimous ?—Always—in every case.

10174. So that you have had no experience of anyone who has dissented in this matter ?—None at all.

10175. What would be your view with regard to a minority who did dissent ?—If we had such a case as that, of course, the employer would not consent. I am afraid my experience tells me that you would not get the employer to undertake the trouble of collecting unless he was assured that he could collect from the whole of them ; it would rather upset his accounts, and in that case we should have to rely upon the actual interest of the members appointed to collect in the various departments.

10176. What is the attitude of the employers generally —what would be their attitude with regard to the small minority of people who would not contribute ?—Generally they attach the condition that the vote must be unanimous before they decide to collect money. Generally speaking, that is so. I usually have a short conversation with the employers prior to the meeting, and most of them where the suggestion has cropped up in conversation would say, " Well, we must have a unanimous vote or I should not care to do it."

10177. How often do you renew this method of getting the consent of the workpeople ?—We do not have more than the first preliminary meeting, but we perpetuate the method by this system (*handing document*). I thought this would interest the Commission. When I get a resolution adopted I get cards of that kind printed with the resolution printed on and a sufficient number to hang in each room of the firm (*handing another document*).

10178. The first of these is " ——— ——— & Co., Hosiery Manufacturers, ——— ———. Saturday Hospital Fund. In aid of the Leicester Infirmary and Convalescent Home. At a meeting of the workers held on Monday, October 10th, 1904, the following resolution was unanimously adopted : ' That all employees of this firm shall pay as under :—those receiving 10s. and over, one penny per week, and all drawing less than 10s. one halfpenny per week to the above fund, the same to be collected by the firm.' " Then the next is " ——— ——— Railway Company, Passenger Staff, ——— Station. Saturday Hospital Fund in aid of the Leicester Infirmary and Convalescent Home," and so on. " It has been agreed that all employees of this department shall contribute as under :—those drawing 10s. and over, one penny per week, and all receiving less than 10s. one halfpenny per week to the above fund, the same to be collected in the pay office " ?—" The same to be collected by the firm ; " in that form you have there, means the method I have already indicated. Of course the paragraph relating to the halfpenny is put down owing to the large number of young people employed in the shoe and hosiery departments in our districts.

10179. I suppose you are against compulsion in this matter ?—Yes, I have known cases in which the employer has been so much struck with the utility of the scheme that he has said, " I do not think you need to have a meeting of my people because I will tell them to-morrow, Friday night, that I propose to make deductions from their wages for this purpose." I have always objected to that, and said, " If you do that you will get their backs up and they will not contribute at all, but if you will permit me to have a meeting of them, and ask their consent, I have no doubt they will consent to it."

10180. Have you collected money from firms where it has been compulsory in the way you have just described ? —It has never been initiated to my knowledge. In one or two large firms in Leicester the system has been in operation for many years, and I could not with any amount of accuracy say how it originated in the first instance, but in this case by adopting the method of having a card hung in each department as well as one in the lobby of the place every new person coming into the premises sees the conditions under which the operatives work.

10181. Having in your mind legislation, what would be your view of any deduction being made at the pure will of the employer in the way you have described ?—I should think it would be wrong ; I should not agree to compulsion in that form. The word " compulsion " has been applied to this system, but I put it in this way : if it is a condition that the workpeople impose upon themselves then you could scarcely designate it by that term.

10182. We will say that at the beginning of this year you got an unanimous resolution from some of your boot works. Then five or six years go over, and in that time, especially where many girls are employed, there are a number of fresh hands ?—Certainly.

10183. And it is possible that a different sort of feeling may have come over the people. What would you say if a minority—we will put it as a minority—refused or objected to these deductions being made ?—If I had that complaint from the factory I should visit the factory with the view of getting another meeting held, but I have not yet had that experience. I should see the employer, talk the thing over with the men, and get to know what the objections were, and try to get the difficulty explained away. I have had this experience in one place : the contributing in that way involves the giving of two benefits, it ensures that every subscriber is entitled to a recommendation for the infirmary ; he cannot be treated except in casualty first cases without a recommendation ; and in the other way he would always be entitled to a recommendation, and he or she would also be entitled to a ticket for a convalescent home involving a stay of three weeks. I have had this objection in one large shoe place : a man left his work and came to me with a doctor's certificate certifying that a change of air was necessary for him, which is one of our conditions, and I gave him a form and he went to the convalescent home the same week that he made the application to me. I heard later that he had been at work the same morning and the men at the shop objected that he was not convalescent, that he had gone straight from work to go to the home, and they objected that the time was too short, that there ought to have been a period of illness before he could be entitled to go to the home, and some of the men objected to pay and did not pay on that score. I went and explained the matter to the disaffected men, and while they seemed to deem the application of the individual to go to the home as being premature, yet after my explanation they decided to continue their payments.

10184. I am anxious to know whether, during the time those men objected for the reason you have given to having the money deducted, the money was deducted ?—It was not deducted.

10185. And the employer took no action against the men ?—Certainly not.

10186. He did not threaten them with dismissal ?—Oh, no.

10187. I gather it is the Leicester Infirmary and Convalescent Home to which all these contributions are devoted ?—The fund itself is called the Saturday Hospital Fund, and at the end of the year that fund is divided in the proportion of 70 per cent. to the Infirmary work and 30 per cent. to the Convalescent Home work.

10188. Which is connected with the Infirmary ?—It is not in that sense.

10189. They are really two separate institutions then ?—Yes.

10190. What would be the total of workmen's contributions contributed to each of those two institutions ?—It is about half of the total income of the infirmary.

10191. What about the Convalescent Home ?—30 per cent. of the money is all we have to maintain the Convalescent Home work with. The 70 per cent. to the Infirmary constitutes about one-half of the total income of the infirmary and the 30 per cent. which goes to the convalescent Home is the total fund we have for the Convalescent Home work.

10192. I am afraid I do not follow that. You are interested in both, are you not ?—I am the organising secretary of the Infirmary and I am also the secretary to the Convalescent Fund, and as I say, at the end of the year, that fund is divided in the proportion of 70 and 30 per cent. That 70 per cent. constitutes half of the total income of the Infirmary, the other half of the Infirmary Fund being made up by voluntary subscriptions.

10193. Do you apply the same method to the Convalescent Home ?—We have no settled income except this 30 per cent. from the Saturday Fund.

10194. The Convalescent Home is provided for entirely by the workmen, is it ?—Exactly.

10195. In what proportion are the workmen represented on the board or boards ?—We have four direct representatives out of thirty on the Infirmary, but we have in addition to that, what is called sectional representatives, that is to say that there are so many representatives of the county and so many representatives of the town from the places of worship mainly, and in addition to that each firm contributing a certain total amount each year would be entitled to nominate a governor who would have a vote at the quarterly meetings of the board. The actual workmens' representatives would be something like a fourth.

10196. Having regard to the 50 per cent. of the contributions which they contribute, do you consider that sufficient ?—Yes, I think so under our way of working. It has given great satisfaction. You must bear in mind that until this organisation was initiated we had no direct representation of the workmen on the board and so it is a decided improvement on the old condition of things

10197. Yes, but as the workmen contribute 50 per cent. of the total income, each year to the infirmary——?—Practically so.

10198. Do not you think that they are entitled to more than one quarter share in the management ?—If you come to speak of proportional representation, I suppose they ought to have one-half, but it has worked very well with us. It has just got beyond the nature of an experiment now with us, and we have had no complaints.

10199. If we are to make a case out for legalising deductions, all these things have to be looked at ?—Exactly

10200. I gather from your proof that you regard this collection by employers, if I may use that term, as being an important factor in the success of this hospital and Convalescent Home ?—I am afraid if the law prohibited the employer from making these deductions—that is what it is to put it plainly—that it would prove disastrous to the fund, not out of any sentiment on the part of the workpeople not to give, but because as I say, my general experience of the whole of the workpeople that I have addressed is that they will not themselves go to a deal of trouble in the matter. If we have to appoint a collector in each department to collect these moneys, the success or otherwise of the collection would depend absolutely on the interest the collector himself took in the collection, and in hosiery and boot factories, as in mines and quarries, the *personnel* of the staff is frequently changed and you might also have frequent changes of collectors. There is another reason why we should favour the present system of collecting, and that is that if a man makes an application for a recommendation for the Infirmary, or an application to go to the Home, we want to know from the firm whether he is a regular contributor or not. This system of collecting where the deductions are made and entered in the book of course ensures that everybody in the firm are contributing in that way and therefore one knows if it comes from a firm who have adopted that system, that the applicant is entitled to the benefit for which he asks.

10201. You mention here, and you will have to forgive my ignorance, some suggestion made by our friend Mr. Fenwick. Could you just refresh my mind, if not the Committee's mind, with exactly what that was ?—I have the cutting from the paper and perhaps you will look at it for yourself; it is there in print. (*Handing document.*)

10202. What does it amount to ?—I gather the miners have some such scheme as ours for their benevolent funds.

10203. This is miners' relief ?—Yes.

10204. Mr. Walsh knows all about that, I think ?—They suggested some alterations and we claimed some such privilege for our own system.

10205. I take it you do want this collection by the employers to be continued, on the ground that you get more money for the hospital by that means, not because the men are unwilling to contribute but on account of the difficulty of collecting except by an organised collection such as they have at the works ?—That is the position exactly.

10206. And you go so far as to say now after three years' experience that in the majority of cases, at the works, the men themselves prefer this system ?—Most decidedly.

10207. The Secretary has called my attention to one of these notices which is different from the other three. It says: "It has been agreed that all employees of this department shall contribute as under"—that is the ——— ——— Railway passenger staff at ——— Station. Is there any difference in substance here or is it only in form ?—The difference is that in the one case it was passed at a meeting on a certain date, and in the other case it says it has been agreed. In that case I did not meet the men; it was the officials of the passenger staff who held the meeting of the men themselves.

10208. What do you mean by the officials holding a meeting ?—It was the station-master in that case that I saw and he said: "If you like, I will see the men myself and find out whether they will adopt it." I agreed to that, and he did do so, and he wrote to me to say that most of the men had agreed, and we had those cards printed.

10209. This term that it had been agreed by the railway department is a little vague when it turns out that it has been done by the officials only ?—It is applicable only to the passenger staff as printed at the top of the card.

10210. In your desire to safeguard any oppression do you say that there ought to be actual meetings of this free character such as you have described to us at the various works ?—The difficulty is this, that I find a very small proportion of employers who prefer to do it themselves. I have just concluded an arrangement like that with an employer of 300 people—a boot factory in Leicester. They have been in the habit of paying one penny a fortnight and I got an application from one of his workpeople to go to the Home. I had to point out to the applicant that on his method of payment he was not entitled to go. I wrote to the employer pointing out the disability on the part of the workman, and he wrote saying he did not think it was worth while my having a meeting at the factory and that he would do it himself. I do not know how he did it, but I suppose he sent a sheet round as usual in these factories with a proposal at the top and got the men to sign, and the women too.

10211. In that case, I suppose, you have not quite got any real security against undue compulsion and pressure, have you ?—Not so much as in the case of the meetings I held myself. There is just this about it, the thing is becoming so general that you must make a good deal of allowance for public opinion on the matter, for instance, where workpeople are so frequently changing from one works to another you would probably have in that factory a good many men and women who had paid since the fund started, and they would not object in any way.

10212. I think you gave me a reply a short time ago that you did not know a case of a dissentient at any of those meetings ?—Not a single one.

10213. Therefore you would not know of any intimidation to those who did dissent, but in the case of an

Mr. H. H. Woolley.

25 April 1907.

employer who does it himself without a public meeting, have you any experience of a person who objected there ?—I have never known or heard of a case of oppression in any way.

10214. You have never heard of a man or a woman who did not want this deduction made from their wages being dealt with in a summary fashion ?—Not a single case. I quite see your point, and in a number of cases I have induced the employer to allow me to hold the meeting without the presence of the employer or any of the foremen, because I have felt myself there was room for pressure on the part of the employer in those cases and I have not heard of a single case of tyranny or oppression in the matter.

10215. Do the employers of Leicester contribute fairly well to these institutions ?—Not as we think they ought to. In many cases the generous giving of the workmen in this way has resulted in the employer feeling that it is his moral duty to give also and he has given, and I have known of an employer saying after one of these meetings, " Can you estimate what the subscriptions will come to ? " And if it has come to £25 for instance, he has said, " I will make it up to £30." Or in another case, " I will contribute one quarter of what has been contributed by the workpeople." But in many cases, employers do not do their duty towards the infirmary.

10216. I am sorry to hear that. You have no endowments of any value, have you ?—We have a few investments.

10217. But have you any bequests that have been left to you of any size ?—We have not had any very large bequest in the history of the institution.

10218. Just one further question. What caused you to start this scheme ?—We are really copying what they are doing in Birmingham. The Birmingham Saturday Hospital Fund was instituted about thirty years ago.

10219. I do not want to trouble you with any historical *résumé* except so far as the workmen's side of it is concerned ?—It originated in the Trades Council.

10220. That is very interesting ?—The late Alderman Lennard who was at that time Mayor of Leicester, put forward this scheme to the council as to whether we could not put ourselves on the same footing as the working men of Birmingham who had a Convalescent Home of their own both for men and woman, and he suggested it and a meeting was held under the auspices of the Trades Council and a scheme was launched and a Committee, formed and I was appointed organising secretary and I proceeded right away to hold the meetings in the factories.

10221-10222. What I want to know is, what is the increase, if any, in the contributions of the workpeople of Leicester since you started your scheme ?—The largest amount contributed by working people in one year prior to the starting of the organisation was £4,086—in 1902 that was ; our organising meetings have continued each year since that time with the result that last year, 1906, the total was £10,931.

10223. In those years, a very substantial increase in the amount of contributions to the Infirmary and Convalescent Home has resulted ?—Certainly. We have doubled the income of the Infirmary from the workmen's point of view.

By Mr. Brotherton.

10224. With regard to the other 10 per cent. which you mentioned, may we take it that the employers exacted the subscription without being requested by the employees to do so, or was there no subscription obtained from the other 10 per cent ?—It is not quite like that. There are a few firms where they prefer the method of electing a collector for each department. They pay to the same resolution, but they prefer, instead of having the amount taken from their week's money, to appoint department collectors.

10225. Then these workmen are paid in full and hand back the subscription to the collectors ?—Yes. Sometimes the employers act as collectors.

10226. Do I understand that the employers pay the wages in full and that the workmen hand back the amount of the subscription to the appointed collector ?—Yes.

10227. With regard to representation upon the boards of the Infirmary and Convalescent Home I think you told the Chairman that the subscriptions were approximately equal to 50 per cent. and that the scale of representation was about 25 per cent. How are the workmen appointed to the Executive Board of the Infirmary and Convalescent Homes ?—In the case of the Infirmary the nominees of the workpeople are nominated from the Convalescent Home Committee. Every firm that contributes in our scheme is entitled to elect a representative to sit on that committee, and annually they appoint delegates to sit on the Infirmary Board. They also appoint a Home Committee. The representation from the factories is direct, and the contributing workpeople have actually the management of the Home.

10228. I think you said that there was some limitation as to the Convalescent Home having only 30 per cent. of the total fund ?—Yes. That is arranged between the Home Committee and the Infirmary, the latter taking 70 per cent., and the condition is that the sum does not go below £5,000 a year.

10229. How does that bear on the representation ?—Our total funds represent about 50 per cent. of the gross income of the Infirmary, and for that we get practically about a fourth of the working committee of the General Infirmary, and there are in addition certain direct representatives connected with various workmen's organisations, who are elected in other ways. The management of the Convalescent Home is entirely in the hands of direct representatives from the factories who are elected at the annual meeting of delegates.

10230. Do you know of any instance in which the workpeople have taken exception to the manner in which the subscriptions are levied ?—Not at all, unless you can call it an exception or objection where they prefer to have departmental collectors.

By Mr. Walsh.

10231. Was the area of your operations in 1902 practically the same as it is at present ?—Yes, with the exception of the natural growth in the number of manufactories in the district.

10232. I am now speaking about the area and not the number. Was the area practically the same as it is at present ?—Exactly the same, the town and the county.

10233. I assume that the membership has increased by more than double in that time ?—I don't think you have quite followed my reply. We had £4,086 from members in 1902, whereas from practically the same number of members we are now getting something like £10,000. The difference is not in the number of contributors so much, but more because formerly the collections were made annually, whereas the same people now contribute weekly and the total has consequently increased.

By Mr. Maddison.

10234. They contribute more per person ?—Yes. Young people used to contribute perhaps 3d. in the year and the older ones 6d., whereas they now perhaps pay respectively 2s. 2d. and 4s. 4d. in the year.

By Mr. Walsh.

10235. This seems to be a county infirmary ?—It is in the county town, and is really the hospital of the whole county.

10236. Is it in the county town of Leicester ?—Yes.

10237. How far are the collieries situated from it ?—Within from 10 to 16 miles. The nearest would perhaps be about 8 miles.

10238. That would give an average of from 10 to 12 miles ?—Yes, they are chiefly to the north.

10239. Have the miners ready access to the infirmary ?—Yes, fairly good. Many have to be brought by train or by the special ambulance conveyance which is kept at most of the works. In some districts there are local hospitals, but they are mainly first aid institutions. Any serious cases have to be brought into the larger hospital.

10240. Are the local hospitals relief stations for the county infirmary ?—Yes, in a sense, although they have

no official connection with it. They are supported locally. In those cases we have adopted the same method of working and the same principle of representation, dividing local contributions between the town hospital and the smaller local hospital, so that we have not only increased our support materially for the large hospital but have also doubled our subscriptions, as to the one for instance at Hinckley.

10241. Is there less complaint of inaccessibility to the county hospital because the local hospitals largely meet local needs ?—We have no complaints on that score, except that in case of emergency it is felt to be a disadvantage to live far away. Some patients have to be brought perhaps 10 miles by road. The local hospital would not usually be able to treat very serious cases, because they have not the necessary facilities.

10242. May we take it that large numbers are bereft of real benefit because of the inaccessibility of the County Hospital ?—I do not think so.

10243. Have you had no complaints upon that score ?—I do not think so.

10244. You desire the Committee to take the same point of view in your case as Mr. Fenwick advised in the case of the Northumberland miners ?—Yes. I gather that he suggested that where contributions are deducted from wages for benevolent and other funds these deductions should be exempted from any proposed legislation.

10245. I understand Mr. Fenwick said that he hoped no change in the law would interfere with the custom observed in Northumberland of deducting from the amount of the wages of the miners such sums as were required for the purpose of supporting the Miners' Relief Fund. I think we had better not widen the expression used. He said these deductions were made at the request of the workpeople themselves and I think we had better confine ourselves to the expression used by Mr. Fenwick ?—You may be aware that the practice exists of making deductions for what is called the field club.

10246. I think we had better confine ourselves at present to your evidence on behalf of the county infirmary and convalescent home. You are no doubt aware that these miners' relief societies have to provide for a very high rate of accident and for cases of great disasters which it is impossible to deal with adequately by means of local help ?—Yes. I believe their liability is very large.

10247. The rate of mortality and disablement is by no means comparable in your case with the rate amongst miners' relief societies in the larger counties ?—That I could not say.

10248. You have not a very high rate of disablement ?—Not very high in the coalfields.

10249. In the other trades it would be even less ?—Yes.

10250. Is not the boot industry probably one of the trades that are most free from accident ?—It has a large proportion of accidents, but not usually very serious. The tendency of quicker machinery has been to increase the number of injuries by accident.

10251. But it would have a comparatively low disablement rate and perhaps hardly any death rate through accidents ?—Not in comparison with the collieries ; but many people in the boot and shoe trade are affected with phthisis in one form or another, said to be due to their conditions of work.

10252. Is that the kind of case that gets to the infirmary ?—These cases are often taken to the infirmary for the purposes of observation. We have some beds so occupied, not because much can be done for the patients perhaps in the way of cure, but to enable the doctors to keep the cases under observation. Our scheme embraces the colliers in our district as well as the boot operatives and the hosiery people. Instead of having only 3d. per week deducted for their field club, they pay 4d. per week, and 1d. of that goes to the hospital fund.

10253. So that, in addition to the field club benefit they may receive treatment at the county infirmary, in the event of obtaining access to it ?—Yes, and they would of course, be entitled in addition to the benefits of the convalescent home. We have two colliers there at present by virtue of their weekly payments.

10254. Where is the convalescent home ?—At Desford.

10255. Is that near the coalfield ?—Yes, not far distant. It is near to Coalville, on the southern margin of the coalfield. The colliery nearest to the Home is about three miles distant.

10256. Before you instituted the present system, what procedure existed to deal with accidents ?—Accidents are taken in at once and require no recommendation ; at all events the cases, if serious, are immediately admitted. But if a person formerly wanted to attend as an out-patient, he had to get a recommendation, and the difficulty lay in the fact that he had to go begging among subscribers for a recommendation, and was frequently, perhaps, unable to get one.

10257. Apart from that difficulty, was there any public complaint that these cases did not receive adequate treatment ?—Oh, no ; the difficulty was sometimes that of obtaining any treatment at all, owing to the want of recommendations. We altered that for the better.

10258. But many of the people could go to private surgeons ?—I think the Leicester people are fairly provident, and no doubt belonged in many cases to societies which would entitle them to medical treatment, but cases arose requiring special treatment that could only be given by experts at the hospital.

10259. You would hardly ask this Committee to accept the implication that it is for such cases requiring expert treatment that your system should be maintained ?—I do not suggest that. Many cases are recommended by the medical men themselves to the hospital.

10260. Was there ever any lapse on the part of the outside surgeons themselves in dealing with these patients before your system started ?—Not to my knowledge. I should not like to make any aspersion on the medical men.

By Mr. Maddison.

10261. I think we need not trouble the witness further

THIRTY-NINTH DAY.

Wednesday, 1st May, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
F. MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Sir GEORGE LIVESEY, was called; and Examined.

Sir G. Livesey.

1 May 1907.

By the Chairman.

10262. You are Chairman of the South Metropolitan Gas Company and the South Suburban Gas Company ?—I am.

10263. The same system to which you are going to refer is in operation in both companies ?—It is.

10264. So that we may take your evidence as to the South Metropolitan on the understanding that it will apply also to the South Suburban Company ?—Yes.

10265. Many gas companies have superannuation and other funds for their workmen ?—They have.

10266. What is your view with regard to these companies having such funds. Of course we know that the general object is one that is highly beneficial, but do you think that that object could be accomplished by voluntary association ?—I do not think so. I preface my remarks by saying that the basis of all these funds is purely voluntary; there is no compulsory contribution.

10267. Will you let me put it to you in this way. Do you think that the object which is beneficial, as you have already spoken to, could be accomplished so effectively by purely voluntary associations without aid or interposition on the part of the companies themselves ?—No, I do not. You must then fall back on the ordinary friendly societies.

10268. Will you give me your reason for saying so; we are rather anxious to get your views about that ?—In some cases they do have voluntary funds established by the companies and the men making their own subscriptions.

10269. Funds established by the workers ?—Yes, that is a very common thing in many places. The workers establish a fund and collect the subscriptions and work it themselves, but there is an immense difficulty in collecting the subscriptions, they have to go round and collect the subscriptions weekly, and they have found very great difficulty in doing it. Then again, wherever these funds are established and under the authority of the company, the company subsidises them to a very large extent, the company gives large subscriptions. If the matter were a purely voluntary thing worked by the men themselves a certain number of the men would belong to it but it could never be made very extensive. In fact our men have a fund called "The Widows and Orphans' Fund"; they collect pennies a week, but they have asked the company to collect the pennies for them.

10270. So that I may take it that your view is that the simplest and the easiest and almost the only practical way for collecting the subscriptions is to deduct from the wages ?—Yes, I think it is, with the men's authority and consent.

10271. Now the South Metropolitan Company has three such funds I believe. First of all there is the sick and burial fund; that was established in 1842 by your father ?—Yes, it was.

10272. He was secretary and manager ?—Yes.

10273. Then there is the superannuation fund ?—Yes, that was established by my father in 1855 and I was then in the service of the company.

10274. Have you been in touch with the working of both these funds ever since ?—Yes. I was, after my father's death in 1871, chief executive officer of the company, and in my early days I paid the wages and stopped the money from the wages; so I have been in practical touch with the working all along.

10275. Then there is the accident fund, which was established in 1897 ?—It was.

10276. And brought under the Workmen's Compensation Act of 1897 ?—Yes.

10277. Have the subscriptions to these funds always been collected by deductions ?—Yes.

10278. On the pay day ?—Always.

10279. And with the consent of the men ?—With the consent of the men.

10280. You say in your *précis* "no man is required as a condition of employment to join any of the funds ?"—That is so.

10281. Have you had any employees of either the South Metropolitan or the South Suburban Company who did not belong to those funds ?—Yes, a considerable number do not belong to the superannuation fund; there are very few regular men who are not on the sick and burial fund, and practically none who are not on the accident fund. All are on the accident fund, but a considerable percentage do not subscribe to the superannuation fund.

10282. We will take it that you are wanting one or more workmen and they apply to you for employment; is the question put to them whether they are willing to join these funds or not ?—No, except to the accident fund; that is put to them, but the others are not when we are taking on men: nothing is said to applicants about the sick fund or the superannuation fund for a little time; when they have been in the service of the company for say a year they very often themselves apply to be put on the funds.

10283. They hear about the matter from their mates ?—They know of it and they think that being put on the fund is a sort of guarantee of constant employment. We do not put a man on the fund if there is a probability that he will not stay in our service; and we do not know when we first engage a man whether he is going to stay or not.

10284. You say here that "all the funds are subsidised by the company and their stability guaranteed" ?—Yes. I have the figures here for 1905; this evidence was prepared last year. Here are the sheets showing the men's subscriptions and the company's contribution.

10285. There are one or two questions I should like to ask you about this. What is the number of men employed in the South Metropolitan Company ?—You may take it at 5,000 in round figures regularly employed, increased by about 1,000 in the winter.

10286. What is the number in the South Suburban Company ?—About 500 employed regularly and another 100 employed in the winter.

10287. The figures you are now going to recite to us with regard to the contributions are applicable to the South Metropolitan ?—That is so.

10288. Now we want as a Committee to know what is the average wage, we do not bind you to anything specific, but will you give us a general idea ?—I took it out for the Labour Commission, and I then found that the average wage was 33s. It is about 34s. to 35s. now. The stokers wages swell it somewhat.

10289. They are very highly paid of course ?—They are highly paid. The average is not less than 33s. for all the workmen.

10290. Will you tell me now in a general way, taking each of these funds that you have mentioned, what the deductions from the wages amount to. First of all in the case of the sick and burial fund, what would be the deduction from the wage for that ?—Threepence per week.

10291. Then the superannuation fund ?—Threepence or sixpence, which they like.

10292. According to the rate of superannuation ?—Yes.

10293. Then the accident fund ?—Twopence a month —½d. a week.

10294. So that on the average there is a deduction of 6½d. ?—Yes.

10295. The next general fact that I want to get from you is this, what are the total receipts per annum from the workmen ?—These figures I got yesterday: they are for last year. The sheets that I referred to are for the year 1905; these figures are for last year. The total subscriptions from the men to the sick and burial fund in the year 1906 were £4,646. Perhaps, after all, I had better give you the figures for 1905, because there I have also the company's contribution.

10296. That will be for comparative purposes as convenient for us; it is on the same system ?—Yes. To the sick and burial fund the payment in 1905 by the workmen amounted to £4,977 18s. 9d., and there were 5,083 men.

10297. What were the contributions by the company ?—£1,894 15s. 4d. I ought to explain there that this fund is guaranteed by the company. We make no accumulations. The company makes up the deficiency, whatever it may be, year by year.

10298. Does the £1,894 15s. 4d. for that year represent a fair average ?—Yes, I think so. The total fund was £6,872 14s. 1d., and the total expenditure was the same.

10299. Then the superannuation fund ?—There were 4,100 men who subscribed in that year against 5,083 to the sick fund. The men's subscriptions amounted to £2,834 6s. 3d. The company contributed £3,441 3s. That is in two amounts—the ordinary contribution of 3d. a week and an extra contribution of a 1d. per week. Then there was more than that; on the investment we gave another £836; so that you may put the Company's total at £4,277 17s.

10300. Upon what principle is the contribution by the company fixed ?—The principle on which we have been going for some years is this. When the fund first started and for a number of years the company's contribution was not on any regular system; it was so much a year voted by the shareholders. We then adopted the plan of making the company's contribution equal to the men's—3d. a week from the men and an equal amount from the company. We then had the fund valued, and found that it was not solvent, and the company increased their subscription by another 1d. a week, and they also guaranteed that the capital of the fund, the accumulated amount, should be invested to pay 5 per cent. It is invested in the company's own stock, which only pays a little over 4 per cent., and the company therefore add a certain amount each year to the accumulations in order to realise 5 per cent. on the balance or yearly surplus.

10301. So that it works out as a practical guarantee in that case ?—Yes, we have guaranteed it; the shareholders have guaranteed it.

10302. Is it invested in preference stock ?—No, it is ordinary stock. The men in 1905 paid £2,834, and the company's contribution was £4,277.

10303. Then the accident fund ?—The men's contribution to the accident fund in 1905 was £547 16s.; 6,051 men contributed that; that counts the men engaged for short terms. The company's contribution was rather more than double that, £1,187 6s. The system we go on there is this: the men pay 2d. a month and we pay 4d. but we pay the 4d. on the maximum number of men employed in each quarter, so it brings up the company's contribution to rather more than double. There is £200 or £300 over every year.

10304. I think, having got that general figure, we will ask you to hand in those documents. (*Witness handed in the papers.*) We will now run over your observations with regard to each fund. Will you just give us your views ?—My father entered the service of the company in 1839, and in those days there were very few sick funds for the workmen. The great friendly societies were, I believe, established, but they were in a small way. I suppose it occurred to him that it would be a good thing to start a sick fund for the workmen. He called them together and explained it, and they agreed that it would be a right and proper thing and they would be glad to start it.

10305. Then the superannuation fund ?—That came in 1855. The same idea, I suppose, occurred to my father; he made a similar proposition to the men.

10306. I want to ask you about the practice. It is the practice of many gas companies to give pensions, is it not, to worn-out workmen ?—Yes; that is one reason why we started this fund. We considered when a workman is worn out in the service of the company that we could not very well turn him off to the workhouse, and the directors have given a pension according to circumstances; but there is nothing definite about it, it is a matter of caprice and accident and therefore uunsatisfactory.

10307. That is in cases where there is no sick fund ?—Yes; one reason why this fund was started was to put the pensions on a definite basis. There is another reason; when men have been a long time in the service the company does not like to turn them away; they have got past work, but they are kept on at the ordinary wages or at reduced wages when they cannot earn the money. I believe it is better for the company and to some extent a saving for them to have a fund by which they can superannuate the men.

10308. Claimed as a right at a certain date ?—Yes.

10309. Now as to the accident fund. That was, of course, in advance of but it was still on the lines of the Workmen's Compensation Act ?—It was on the lines but it was in advance of it. I was chairman then, and took the view that in regard to accidents an industry was bound to provide for the killed and wounded amongst its workers, just as it would for machinery injured by accident; and on that ground we started this accident fund. We were giving pay for accidents before, but in an uncertain way. It was left to the discretion of the engineer of the station whether it was a proper thing to give to or not.

10310. What about the Act; did you think your scheme better than simple dependence on the Act of Parliament ?—Infinitely better.

10311. Will you just explain that ?—I think one of the best evidences is that our men are unanimously in favour of it.

10312. Do you think it helps to prevent accidents too ?—I am sure it does. At the starting of this fund in 1898 our accidents amounted to sixty-nine per 1,000, or 6·91 per cent. By means of our accident fund bringing us into touch with the men and getting their co-operation for the purpose of preventing accidents, it has come down year by year, and last year they were thirty-four per 1,000, 3·4 per cent. That is counting every accident that incapacitates a man for three days; the number is reduced by one-half.

10313. And you attribute that, at least to some extent, to the voluntary association of the men in this fund ?—We have something unique, I think I may say, in connection with our accident fund. Every accident, however

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trifling, that puts a man on the fund, if he has only injured his finger and is disabled for more than two days, is inquired into by a jury of workmen, twelve workmen. A list of the whole number of workmen is drawn up, and they are taken in rotation. Thereby every man is brought on a jury in turn, and has to consider the question of accidents. The main questions are, whose fault was it, and what could be done to prevent such an accident in the future. The system secures the active co-operation of the workmen.

10314. And trains jurymen ?—Yes, and they do very well indeed.

10315. The next thing I was rather anxious about is this. How does the system satisfy your men ; I mean the system of having funds subsidised by the company and worked by the system of deductions from wages ; is that satisfactory to the men ?—I think I might say thoroughly. As to the accident fund, I might say this: the contracting out scheme was granted to us for five years, from 1898 to 1903. In 1903 we had to go for a renewal. The chief registrar required certain forms to be gone through, and the opinion of the men taken, and there was absolute unanimity—not a single objection or suggestion was made. There is one man who never has joined and I believe only one.

10316. Does that apply to other funds also ?—The other funds are permanent. The accident fund is subject to renewal from time to time under the Act.

10317. But so far as regards the approval of the men, is there complete satisfaction with regard to the other funds ? —Yes, only, as I have said, they do not all belong to the funds.

10318. Now suppose they wish to get off those funds, to sever their association with them, how can they do it ?—They can do it by simply saying that they wish to.

10319. What happens as to any contribution they have made ?—In the case of the superannuation fund the money is returned, two-thirds of what they have paid after they have subscribed ten years, which entitles them to benefit in case of incapacity or infirmary. Subscriptions for less than ten years are returned in full. In the sick and burial fund, seeing that there is no accumulation, and the man's contribution is not sufficient to cover his risk for the year, and in the same way with the accident fund, nothing can be returned.

10320. Do you think that any better way could be found to induce working men to save ?—No, none so good ; I go so far as that.

10321. Or to insure themselves in those particulars ?—No. We have started in connection with our co-partnership or profit-sharing arrangement a system of savings. There is a very great difficulty in getting workmen, particularly in London—I do not suppose it is quite so in Lancashire—but in London there is great difficulty in getting workmen to save. The Post Office Savings Bank is good so far as it goes, but the man has to go week by week taking something from his wages and going to the post office and depositing it there. Well, he will absolutely mean to do it, and he does it for a few weeks, but then there comes some contingency, and he stops it for a week and the whole thing is over. The same thing I found was tried in the Army ; I was on the committee for the employment of ex-soldiers last year, and I there learnt that they had tried to induce soldiers to save by having a clerk to take the money when they were paid; that did not answer ; then they tried a post office clerk, but that did not answer. In this system of ours the workman goes to the pay clerk and says : "I want an order for saving." I have the form of notice here. (*Handing in a paper.*) It says : "South Metropolitan Gas Company Workmen's Savings Bank ; date (blank) ; to the pay clerk (blank) Station ; I hereby request you to stop (blank) weekly from my wages from (blank) and to place same to my account with the company until further notice." Then this comes to the men : "Profit sharing ; number (blank) South Metropolitan Gas Company Workmen's Savings Bank ; date (blank). At the request of (blank) I undertake to stop (blank) weekly from his wages from (blank) and to place same to his account with the company until further notice." A man says he would like to save 2s. or 1s. or 6d. a week or whatever it may be ; if he had to give that money to the pay clerk before his mates he would not do it regularly and constantly, but under this system he has given the order, and the money is deducted without anyone knowing anything about it and without any bother. It is available at any time on his giving a week's notice. The men save in this way for their holidays or to buy clothes or for Christmas time and so on, and they save also permanently. £12,000 a year is about the amount that is stopped from the men under these orders.

10322. Then the situation of the company is that it is a sort of reserve banker subject to withdrawal on demand ? —Yes. Half of this £12,000 a year is permanently saved—perhaps more ; I am speaking generally.

10323. There is a reference here to the reservists in the recent Boer War ; you say that about 140 of the company's workmen were called out as reservists ?—Yes.

10324. The men started a fund to provide for their wives and families ?—Yes.

10325. Did they ask the company to collect weekly subscriptions ?—Yes, 1d. a week ; then that was not enough and they increased it to 2d., and the company gave an equal amount.

10326. And a large sum was raised in that way ?—Yes.

10327. Who were the contributors ?—All the men.

10328. So that that was really a sort of patriotic and charitable thing for the men to do ?—Yes. When anything of that sort is initiated by the men it is a very common thing for all of them to fall in ; a man's mates say to him, "won't you join," and he does not like to refuse ; but any individual might say to the pay clerk, "I object to this stoppage," and the pay clerk would say, "Very well," and pay him the full money. Altogether over £3,000 was raised by the men, and an equal amount was contributed by the company.

10329. Now on the general question of policy. Suppose Parliament were to resolve that all such deductions were illegal. What in your view would be the result ?—I do not know. First of all I think, we should try to see if there was not some means of getting a coach and six through the Act of Parliament. The company and the workmen might try to get through it in that way.

10330. You quite understand that what we are wishing to get is your opinion as to what would be the result upon the men ?—We will suppose that such an Act was passed and that it was acquiesced in, and these funds were put an end to, I think the men would very greatly regret it.

10331. Of course it would be a saving to the company ? —Yes, a considerable saving to the company.

10332. But you think it would be a serious loss to the men ?—A very serious loss. It would be a saving to the company, but it would be a loss in another way.

10333. Will you just explain that ?—All these funds that bring us into intimate association with our workmen tend to promote a friendly feeling and to promote what we are most anxious for, the principle of co-partnership, to make us all work together. Abolish these funds and everything of the kind, and you come to this ; that there is so many hours work and so much pay, and that is all between employer and the employed.

10334. And you deprecate such a situation ?—Yes.

10335. I may take it that your view is most antagonistic to any such legislation as has been suggested ?—It is, and I think the men would go with me ; I feel sure they would. Speaking of the accident fund, what the men say is this ; this has been said to me repeatedly. "We like the accident fund because we know exactly what we are to get ; there is no trouble, no doubt, no difficulty about it. If we were under the Act, all sorts of questions might arise and we might have to go to law ; but here we are perfectly certain."

10336. May I take it that in your view, although it would be a financial saving to the company to begin with, you think, that on general grounds it would ultimately be a loss to the company in harmony of relations, and probably in the habits of the men not being so good ? —I think so, though I am bound to tell you this : there are a great many companies that have sick funds, but

as to superannuation funds, there are very few companies that have them. I daresay you could count them on the fingers of your two hands.

10337. Then with regard to the men, you think it would be highly unsatisfactory to abolish this system ?—I think so. On these sheets there is a list of the pensioners and so on.

10338. Finally I want to ask you about the subject of audit. How is that arranged ?—There are two auditors appointed.

10339. By whom are they appointed ?—Henry Day is a clerk appointed by the directors, and J. A. Butcher is appointed by the workmen. Butcher happens to be one of the workman directors, and he is also on the co-partnership committee. The co-partnership committee is a large committee of eighteen workmen and eighteen representatives of the company. The eighteen workmen elected the auditor, and they selected one of their own number whom they had made director.

10340. What do you mean by a workman director ?—Since 1898 we have had two workmen on our board as directors, they are elected by ballot by their fellow-workmen, who are shareholders. Our workmen have a very large amount invested in stock of the company, and they have elected two of these men, and the curious thing is this. One retires every year. I expected when the thing was started that the men would say: "Well, you had an innings, let somebody else have a turn at it," but they were satisfied with those whom they elected at first, and they have re-elected them every time. Their seats are as safe as mine is. It is the same with the South Suburban Gas Company.

By Mrs. Tennant.

10341. You say a man on applying for work is asked if he is ready to join certain funds, but not all funds ?—Only the accident fund.

10342. As between two men, one expressing his readiness to join and the other not doing so, do you choose the man who expresses his willingness to join ?—We have never had a man object to joining.

10343. Then all your workmen are members of the accident fund ?—All are members of the accident fund; we have never had an objection from any man to paying 2d. a month. If a man at the pay table were to say, "I object to pay this 2d," which is collected once a month, the pay clerk would return him the money, and he would continue in our service; all we should say is: "As you will not come in under the accident fund, we shall treat you under the Act"; that is all. But none of the men do that. I recollect that I am wrong in saying that every man belongs to the accident fund. There is one man who from the first objected to the accident fund, and one only. He is a slot meter collector. He is with us now, and he has never been under the accident fund.

10344. Is it within the jurisdiction of the jury to refuse compensation on the ground of any fault of the workman involved in the accident ?—I am sorry that I have not the rules here; I will send them to you. The jury have to say whose fault the accident was, but to refuse compensation would have to come before the co-partnership committee, it would not be done on the recommendation of the jury. The jury could recommend it, but it would not be enforced except with the approval of the Committee. We never have refused compensation to anybody.

10345. Then, agreeing upon the principle of compensation, may the jury reduce the amount without reference to the co-partnership committee ?—Yes, the jury do to this extent. We have Class A and Class B. Class A are minor accidents that disable a man for less than a fortnight. When one of these smaller accidents comes before the jury, the jury say, "This is in Class A." Sometimes what is thought to be a minor accident turns out to be a serious one, and then if the man does not recover in the fortnight he is put on into Class B. Class A gets 12s. a week and Class B gets 18s. a week from the start, and the jury say whether an accident is in Class A or Class B.

10346. In the case of the sick and burial fund I understand that the men's contributions are not sufficient to cover the risk for a year ?—No.

10347. And therefore they do not draw out any money when they leave, even although they have not come upon the fund ?—No; but they have had what is called a contingent benefit, they would have had a right to come on the fund if they had been sick.

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10348. Have you compared the contributions and the benefits under that scheme with those in the big friendly societies ?—The contributions are much less in proportion to the benefits. I will put it in this way; the benefits are much higher in proportion to the contributions.

10349. Have you compared the men's opportunity of withdrawing from a friendly society with their opportunity of withdrawing from your sick and burial fund ?—No, I do not know what the conditions are of withdrawing from friendly societies. In our sick and burial fund they cannot withdraw, or rather I should say they can withdraw, but they get nothing returned.

10350. Then to turn to the last fund you spoke of, the savings fund. I gather that the men's contributions last year were over £12,000 ?—Yes.

10351. That is about £1,000 a month ?—About that.

10352. Is that money invested in the company or in other funds ?—It is not invested in any stock. It is in the company's hands and they allow 3 per cent. interest on it. We did allow 4 per cent., but we reduced it to 3 per cent., because we found numbers of men preferred leaving their money in the company's hands instead of investing it, because they would only get about 4½ per cent. on the investment, and we want them to invest their money in the stock, so that they may become shareholders, partners.

10353. You say that a number of them use that as a permanent investment ?—They save their money in that way, and then when it has accumulated they go to the secretary and say, "I should like to take up so much stock," and so permanently invest it.

10354. May we take it that about £12,000 passes through your hands, roughly speaking, every year, or was last year an exceptional year ?—That was in the year 1905. In 1906, the actual amount was £11,637. I know it is about £12,000 a year.

10355. Then have you any idea how much of that £12,000 would be passed over to investment in your stock ?—At least half; I am sure of that. I have inquired at different times; it is more than half that is permanently saved and invested.

10356. Is that handed over at the end of the year, or is it handed over during the progress of the year ?—That which is withdrawn is withdrawn at all times. For instance, the men will be subscribing all through perhaps, and when their holidays come they will make a draw. We give a week's holiday with a fortnight's pay, but they like to have a little extra and in the holiday time, and they draw a pound or two, many of them. Investments in stock are made at any time.

10357. We may take it that there is about half invested in stock ?—At least half.

10358. In addition to the £6,000 invested, about £6,000 passes through your hands in the year ?—Yes. I should like to say that there is one thing I omitted. Our men have started on their own account certain benevolent funds. It started with the Saturday Hospital Fund, 1d. a week. They found such a difficulty in collecting these pennies that at last they asked the company to undertake this collection. Then all the men practically agreed to pay 1d. a week, and last year £1,035 was stopped in that way. Altogether in the year 1906, £20,886 was stopped from wages.

10359. (*By the Chairman.*) That would be out of a wages bill of how much ?—The wages bill is getting on for half a million—£450,000. What with the sick and burial fund, the superannuation fund, and these various benevolent funds, there is a total stoppage of £20,886, in the year—1906.

By Mr. Walsh.

10360. Speaking of the accident fund, is the ½d. per week the same contribution as before the Workmen's Compensation Act which came into force in 1898 ?—Yes, but we knew what was coming and we established that fund.

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10361. The contribution of the men has never varied from that time until this ?—No, it is 2d. a month.

10362. Did I understand you to say that the yearly amount paid left a balance of about £200 a year ?—Yes, we brought into account £137 in January, 1905, and there was £476 balance at the end, that is £339 ; last year it was about £300. I was wrong in saying £200, it is about £300. At first there was no balance, at first the contributions were not enough, but by the reduction in the number of accidents the total contribution of 1½d. a week became more than sufficient to pay all charges and pensions to widows.

10363. May we take it that the sum of £547 paid by the men plus the £1,187 contributed by the employers, making altogether £1,700, roughly left a balance at the end of the year of £300 ?—Yes.

10364. That is to say £1,400 was devoted to the payment of accident pay and pensions to widows ?—Yes.

10365. Out of that £1,400 then £547 was contributed by the men ?—Yes, £566 was paid in pensions in that year, 1905.

10366. I am speaking now entirely of the accident fund ?—But these are pensions under the accident —pensions to widows of men killed. Part of the expenditure under the accident fund is for accidents temporarily disabling men, and the other part is for pensions to widows of men who have been killed.

10367. But is that pension increased in amount because of contributions paid by the deceased himself to the pension fund ?—Yes. The chief registrar has certified that the benefits derived under this scheme are better than the man would get under the Act.

10368. That is to say a double payment is being made for the pension granted to the widow ; there has been a payment made by the people who were living to the pension fund, and there has been a payment made to the accident fund as well ?—The superannuation fund is for the men only, the widows of men do not come into that ; that is quite an independent thing. As to the accident fund, instead of providing a lump sum for the widow of a man who has lost his life she gets a pension of not less than 10s. a week for life.

10369. I only wish to see whether the point of view that I have got at the moment is quite a correct one. Taking it at £1,700 as being contributed by the employers and the workmen, there has been a balance left over at the year's end of £300 ?—That is so.

10370. Which seems to show that about £1,400 has been required to pay the full charges upon the fund ?—That is so, including the pensions to the widows.

10371. And £547 of that £1,400 had been contributed by the men themselves ?—Yes.

10372. That is well over one-third of the total amount required ?—It is. If it exceeds what is required we shall reduce it. We do not want to accumulate a balance in the accident fund. The company guarantees it, and if we find after several years that the contributions are more than is necessary to meet the expenditure we shall reduce the contributions.

10373. Of course you are aware that the benefits of the Workmen's Compensation Act are supposed to be given to the men without any special obligation upon them to pay to any fund ?—Quite so.

10374. And that every scheme must be equivalent in benefit to what they would receive under the Act ?—Quite so. We have the certificate of the chief registrar as to that. You will remember that this is a scheme under the old Act, not under the new Act. We shall renew it this year. We have satisfied the chief registrar that the benefits are greater than the men would have received under the Act. For instance half the accidents would have got nothing under the Act, because they did not incapacitate for a fortnight. Out of 200 accidents that happened last year 100 of them would have got nothing at all.

10375. Under the scheme every accident is paid for ?—Every accident. If an accident disables a man for one or two days he gets nothing, but if he is disabled for three days he gets pay for the three days ; it is not payment after three days, but it is payment for the whole time that he is disabled.

10376. In answer to his Lordship I understood you to say that you gave a surrender value in the case of men from the superannuation fund wishing to benefit themselves by securing better employment for instance, or in some other way thinking to improve themselves—you gave them two-thirds of the amount they have contributed ?—Yes, without interest. This is what happens ; if you give too much there are a number of men who will say : "Well, I will leave and draw out this money." I dare say you know that they do that sometimes ; but returning two-thirds is as much as we feel is fair and right, and the men are quite satisfied with it. The two-thirds is returned after ten years subscriptions when men become entitled to benefit if incapacitated. Under ten years the whole is returned on leaving.

10377. You say here at the end of your *precis* that you employ about 1,000 people for various periods of less than a year ?—Yes.

10378. Are these people who may be looked upon as casual hands, so to speak ?—Well, we make much more gas in the winter than in the summer, and we want extra men. They come for various periods up to, say, eight months.

10379. Do you take payments to the accident fund from them ?—Yes, but they can object to it if they like.

10380. Do you also take payments from them for the superannuation fund ?—No. They can contribute to the sick and burial fund if they like, but not to the superannuation fund. The superannuation fund is only for the men who are permanently employed and who mean to remain there as far as we know and as far as they know.

By Sir Frederick Cawley.

10381. Have you any system of fines in connection with your company ?—We have none.

10382. I mean fines for coming late or anything else ?—No. If a man comes late he is sometimes sent back till after breakfast ; it is equivalent to a fine but it is not done by a fine.

10383. That is your way of keeping discipline ?—Yes. If a man repeatedly comes late he is discharged ; we say, "You are not a man that we can depend upon and you must go."

10384. You consider that a better system, although perhaps a more severe system, than fining ?—In regard to yard men it works very well. In regard to lamplighters we did have a system of fines which has actually died out. If a man came late in lighting or in putting out his lamps there would be a fine, perhaps 6d. or 1s. The last time I inquired about it I was told that that had fallen out of use.

10385. Should you consider it fair to say that there should be neither fines nor suspensions, nor any other mode of punishment for coming late and so forth ?—Take the case of a hammerman to a blacksmith ; the blacksmith is at his post at the proper time and the hammerman does not come in ; or again, take the case of a fitter and a fitter's mate ; it is quite common for men to work in couples, and if one man is not there he stops the work of the other.

10386. Then, I take it you would not consider it quite fair either to the employer or in many cases to the man's fellow workman, that a man should be allowed practically to please himself as to what time he should come in, without any punishment ?—It is bad for everybody. But I think I may say that we are very particular in the selection of our foremen to select men who are sympathetic, and we say, "You are not to be harsh with the men, you must give them warning ;" if a man is in the habit of coming late the foreman will say, "Now this won't do ; unless you improve, I shall have to put you off," or something like that.

10387. Of course by having the system you have described in your works, you do to some extent, I presume, get the pick of the workmen ?—Take this one test. The Christmas week is the critical time. Of late years we have had reports from our engineers from each station ; not a man has been absent during Christmas week without leave. In one large place there was one man absent, out of 1,000 perhaps, during Christmas week.

10388. I presume things have been improving in that respect as years have gone on; you are much better now than you were twenty years ago?—Or ten years ago. In fact the improvement is due, I believe, very largely to our co-partnership system. We have made the men partners, shareholders, with a representation on the board, and they are feeling an interest in the company and in their work, and their devotion to the company is something totally new.

10389. That has been very much led up to, I take it, by your savings fund scheme?—The main thing has been our co-partnership idea. Dependent upon the price of gas, we give the men a certain bonus on their salaries and wages. Half is payable in cash, though we persuade them not to withdraw it, and the other is invested in stock, and they now have invested in the company over £300,000.

10390. That is independent of the stock that they buy though having saved?—Well, it is all put in together, but the great bulk of that £300,000 has been through the co-partnership. Of course, that has nothing to do with the Truck Act. Whatever troubles we have, we are all extremely happy in regard to our workmen.

10391. I should like to put this to you having regard to the large experience you have had. Would you consider it a fair thing that Parliament should say that there shall be no fines at all for any offences either for coming late or anything else?—I think it would be a disadvantage to the workmen themselves. Employers would say then, "Very well, if you prohibit all these fines, then we will simply discharge the men."

By Mr. Maddison.

10392. Upon that point, have you had any experience of fines in your works?—Only with regard to lamplighters and that is very small.

10393. So that in your case even before the co-partnership scheme—with which, as you know, I thoroughly agree—you did not resort to fines in your works?—You cannot do so in the case of a blacksmith or fitter or bricklayer or stoker. It was done in the case of our lamplighters. If a lamplighter was half an hour late it brought discredit with the authorities, who complained that the streets were not lighted at the proper time, and we did adopt a system of fining in that respect.

10394. But still, amongst all these men there are numerous things that they must be doing. For instance, we have had it in evidence here that people have been fined so much for being five minutes late; we have had evidence as to fines of that kind?—We never adopt fines for that kind of thing. We have done this: if a man is a quarter of an hour late (I forget whether it is exactly a quarter of an hour) he is told: "You come in after breakfast." That is in effect a fine.

10395. That is a fine if you like to put it in that way; it is a suspension; you say that to the man, "Our time for starting is so-and-so; you have not come in at that time; the next time for starting is so-and-so, and you must come in then." But then you would not fall back upon that punishment for long; if that man came late several times you would get rid of him?—Exactly.

10396. So that fines are only a very small factor in discipline?—Exactly. I do not know that fines do much good.

10397. You would rather think, from your long experience, that any shop that depends in any degree upon fines for discipline is badly managed?—Well, I do not like to condemn other people, but I should say this——

10398. You might give your view without any regard to other people?—I should not be inclined to adopt a system of fines.

10399. You would not say that if Parliament in its wisdom thought fines were an illegal deduction and not a necessary thing the discipline of a workshop would suffer materially?—I think it could be managed in other ways. If a man is negligent or indifferent about keeping time we send him back. Then sometimes it goes to this extent; we purposely frighten him; we do not dismiss him, but we make him think he is dismissed; we say, "We do not want you;" then, if he comes back again in two or three days, we say, "Very well, we will give you another chance. you can come on again," and that kind of thing.

10400. Without labouring it any further I should like to ask you this. You would say, I think, that a system which resulted in constant and continued fines could not be good—I mean continued fines to the same person?—If there are constant and continued fines, it means that the fining system is a failure.

10401. And it also means that discipline is not being promoted by the that method?—Exactly.

10402. Now with respect to this paragraph:—"No man is required as a condition of employment to join any of these funds." In reply to Mrs. Tennant you said that you had never had a man who, when he was being put on had declined to join the accident fund?—No, there is only this slot meter collector; he was in our service when the fund started.

10403. Supposing there were a number of men who did refuse, should you put them on?—I think we should; but then it would come to this; if we were shortening hands we should say, "You are not the men who trust us, you will go first," that is what it would come to.

10404. So it would inevitably make some little difference between the men who did join the fund and the men who did not?—The difference would be inevitable but the difficulty has never arisen.

10405. When a man applies for employment are all these funds put before him, the sick and burial fund, the superannuation fund, and the accident fund?—No, only the accident fund. We do not think of the superannuation fund and the sick and burial fund until a man has been with us sufficiently long to feel that he is in our regular employment.

10406. So that the only fund that he is asked to join is the accident fund?—That is all. When a man has been sufficiently long with us to feel that he is in regular employment, either the man himself applies to be put in the sick burial fund and the superannuation fund, or the manager at the station asks him if he would like to go upon those funds, and generally of course he is very glad to get on.

10407. I suppose when the chief registrar certifies that your scheme is at least equal to the benefits that the men would derive under the Workmen's Compensation Act, the contributions of the men are taken into account?—I should say the chief registrar would very much fail in his duty if he did not take that into account. That will have to be gone into of course within the next few months.

10408. And there is a much more liberal Act now. Is there any likelihood that their contributions will be increased?—No, the men's contributions will not be increased; the company's contributions may be.

10409. You say: "Other deductions from wages are also made at the request of the men." What other deductions do you refer to?—The reservists' relief fund for example. Here is a list of the deductions made in 1905 for the men's benevolent funds, and here is a list of their subscriptions. You will see Hospital Saturday Fund, £174, and so on.

10410. I think you said that £300,000 was invested in your stock?—More.

10411. In that way making the men partners. I suppose that would largely be the gas stokers?—Yes, all the employees.

10412. It was suggested to you by Sir Frederick that you got a better class of men, but you do not recruit them from a better quarter than the ordinary gas worker?—It makes the men better; these are the men who, if we had not this system, would have been the ordinary run of workmen.

10413. As you have mentioned this co-partnership system, may I ask you if the co-partnership is based on a lower wage rate than the average workman gets in London?—No, it is the other way. A few years ago we could not get sufficient stokers, the demand did not equal the supply. This company and the South Suburban Company, the two co-partnership companies, voluntarily raised the wages of stokers, and that forced all the other companies to follow.

10414. Then your wage rate and your hours are well up to the average, and the co-partnership is in addition to that?—Quite so.

Sir G. Livesey.

1 May 1907.

By Mr. Delevingne.

10415. Are the profits to the men from the co-partnership looked upon as investment ?—It is an addition to wages. It is an extension of the sliding scale that applies to gas companies. We are allowed to pay a slightly increased dividend if we reduce the price of gas. When I introduced that in 1875 I said it will not be complete unless the employees join in it. As we reduce the price of gas there is an increased percentage paid to the men on their wages and salaries. That is invested half of it under the rules and nearly the other half voluntarily. Upon that they get the dividends. The dividends are now coming to more than £10,000 a year which are distributed amongst the men. I do not know what they do with them. Many of them put them into the savings account and re-invest; that is their own choice.

10416. It is not in the nature of a bonus, but it is really part of the man's wages to which he is entitled ?—No, he is not entitled to it. We pay the full wages apart from that and independent of that; we pay the full current rate of wages. This is a system of profit sharing if you like to call it so ; it is a system whereby the worker is made a partner.

10417. I understand that, but I was not quite clear as to whether the man's share in the profits comes to him because he has invested money in the company, or simply accrues to him apart from that as part of his wages ?—It does not come to him because he has invested money in the company. He gets the dividend on his investment just as you and I might do. The other is a percentage on his wages dependent on the price of gas, ¾ per cent. on salaries and wages for every 1d. that the price of gas is reduced.

10418. In other words it is an addition ?—It is an addition distinctly.

10419. Are the company entitled to withhold that addition if they like ?—Yes, we could put an end to it if we liked but we have nearly burnt our boats and destroyed our bridges.

10420. Could you withhold it in an individual case ?—We do it in this way. All our men who are entitled to this profit sharing work under an agreement. If a man shows a want of interest in his work or negligence or indifference he is then told, "Now, unless you improve you will not have your agreement renewed," and sometimes we stop the agreement, but the bonus that has accrued he gets.

10421. As long as the agreement runs he gets his bonus ?—As longs as the agreement runs he gets his bonus but we may say to a man, "You are not working up to the spirit of co-partnership, and we shall refuse to renew your agreement until you improve." We have had reward. Vast numbers of men who were indifferent our have been improved in every way by our saying, "You will not have your agreement renewed. You may come to see me in three months time," says the manager ; he comes, and the manager says, "Well you have shown improvement in your work, I will renew your agreement for another three months, or six months, or a year."

10422. I understand that as long as the agreement is in force a man is entitled to the bonus ?—Yes.

10423. It is not a bonus in the ordinary sense which is entirely dependent on the will of the employer to give or withhold ?—We have a provision in our rules for putting an end to it. If we should find that this system is not a success or not answering its purpose, we are then to give a year's notice to the men that unless there is an improvement we shall, at the expiration of another year put an end to it.

10424. As a system generally ?—Yes.

By Mr. Yarrow.

10425. If I understand right, this bonus is in excess of the prevailing rate of wages in London ?—Yes.

10426. Your object is to offer the men some inducement to do their best ?—We want to alter their status. It is our plan for making the workmen owners of property.

10427. Suppose a man has got shares in your company owing to this profit sharing, he leaves ; does he return the shares ?—They are just in the same position as an ordinary shareholder.

10428. They are not bound are they to buy them back ?—No ; we say we will buy them back at the price of the day, but they can take them anywhere. They usually sell through the company, almost invariably when they sell.

10429. If I understand a-right the subscriptions from the men to these funds are deducted from their wages on the Saturday ?—On the Friday, the pay day.

10430. If I understood you rightly you said that if the men got their full wages and then someone said : "Now come and give me your subscriptions" there would be a difficulty in getting subscriptions ?—Yes.

10431. Therefore I take it that this arrangement of deducting subscriptions from the wages is really for the benefit of the men entirely ?—If the men have their own funds they will come to us and ask us to make these deductions. They say : "We cannot collect, will you collect for us ? "

10432. I think you also said that your impression was that if the funds are collected in this way your company would have more confidence in the arrangement and would probably subscribe more liberally to the funds, than if the funds were collected after the wages were paid. That is your impression ?—It is a fact.

MR. JOHN SWEENEY, called ; and Examined.

Mr. J. Sweeney.

1 May 1907.

By the Chairman.

10433. Your place of business is in a town called Burton Port ?—I have a place of business in Burton Port and also in a place called Dungloe.

10434. Will you tell us where Burton Port is ?—Burton Port is the seaport for our district. It is in the north-west of Donegal.

10435. And the other one, Dungloe, is that in the County of Donegal ?—Yes.

10436. How far is it from Burton Port ?—Four miles.

10437. Your firm is John Sweeney & Son ?—Yes.

10438. What are your businesses or what is your combined business ?—We are general dealers ; we do in grocery, drapery, and liquors.

10439. Are you publicans ?—Yes.

10440. Do you deal in machine and hand-made hosiery manufactures ?—Hand mades are out of the market now, the machine mades have taken their place. We have about twenty or thirty machines going.

10441. Where are these machines placed ?—We are conducting this business from Dungloe, we have no business in the machinery trade at Burton Port at all.

10442. But where are the machines actually at work ?—They are at work in the girls' houses—those girls who get qualified.

10443. In the cottages of the natives ?—Yes.

10444. By girls you mean that they may be old women ?—Oh, no, it is young girls ; they qualify with us first. We employ a teacher to teach them and when they are qualified we give them a machine.

10445. Are there other people who have these combined businesses like yourself in your part of the country ?—Not in my part of the country, but in Glenties there are such ; that is sixteen miles from us, more inland.

10446. Is that in Donegal also ?—Yes.

10447. The same combination as you have just described ?—Well, they may differ a little ; they may not be so general as we are.

10448. Yours, of course, is a licensed house ?—Yes ; they are held in separate departments, of course. But they are licensed in both places.

10449. Then, over other parts of the west, and north west of Ireland are there other establishments of a similar character ?—Yes, in the town of Glenties and in Gweedore.

10450. In any other places ?—No, not that I know of. Ardara is the centre of the homespun industry, but they do not touch the machines.

10451. Ardara, you say, is the centre of the homespun industry ?—Yes.

10452. Can you give me any other place ?—Ardara and Carrick are the two great centres; they are in the centre of where the homespuns are manufactured in the cottages of the weavers. In that district they raise the sheep, clip it, dye it natural colours, and they have looms in their homes, hand looms, and manufacture it into what they call Donegal homespun tweed. That is a big industry. They have very fine mountains for feeding the sheep, and Ardara and Carrick are the two big centres for disposing of the stuff.

10453. Now is there any centre for the hand-made hosiery ?—Hand-made hosiery is a thing of the past.

10454. What do you mean by the past ?—I mean to say that the machine work has supplemented the hand work, and they are not able to compete with the machine made goods.

10455. But what I want to get at is, when did the supersession take place in point of time ?—It has been going gradually out of the market for the last six years.

10456. Was there any of the hand-made industry left in the later nineties—say 1897, 1898, 1899 ? — There is only one firm that touches it now in our district.

10457. I am not asking about now; I am asking about 1897, 1898, 1899 ?—Oh, yes, we had it then.

10458. There was a great deal of hand-made hosiery at that time ?—Yes.

10459. Now you were, unfortunately, connected with a couple of law cases ?—I was. I fought them on their merits, but I was not guilty of what I was accused of; it was not proven against me.

10460. There is a case of *Squire* v. *Sweeney*, reported in the Irish Weekly Law Reports on January 30th, 1900 ? —Yes.

10461. That case had reference to your declining to give Miss Squire, an inspector, access to your premises ?—That was certainly untrue.

10462. But that was the allegation ?—Yes. It was for obstruction. That was one of the cases, and the other was a case under the Truck Acts for paying in kind instead of in cash.

10463. Now with reference to the first allegation, I see that the case says that it was proved that when Miss Squire and Miss Deane entered the premises in order to secure information, in consequence of the conduct of you, the defendant, no inquiries were made, and there was no opportunity of disclosing the object of the visit, and that the name of the occupier of the building appeared both as John Sweeney and as John Sweeney & Son. Then the description of the premises was proved, and the following is said to have been proved: that she, Miss Squire, went to you and asked you if she could have speech with you; that you turned and led the way into your private office, and when you got there she asked you if she was addressing Mr. John Sweeney; you made no reply, but ordered her in a violent manner to leave, and turned her towards the door; she had no opportunity to produce her warrant and was not asked for it. Now the case, unfortunately, records that all these things were proved ?—Yes, they were proved by Miss Squire, but they were untrue. I disproved them, and there was no conviction.

10464. Is it your statement that what was said in the case to be proved, was not the case ?—Will you allow me to explain, I cannot answer you by "yes" or "no."

10465. By all means ?—I will tell you the circumstances. The first time they tried to get a case against us they took it against me personally. I was only one member of the firm. There was a technical point raised by my solicitors that it should have been taken against the firm, as there were two members of the firm, that is myself and my brother: John Sweeney and Morris Sweeney; I am John. On that point the case was dismissed. The circumstances as regards Miss Squire entering my premises were these. A policeman came to me in my cloth shop, my drapery shop; the office was at the extreme end of the shop. He said, "Mr. Sweeney, I want a word with you." He walked up without me leading the way; he led the way inside my office. When I got inside my office I turned to speak to him and asked him what his business was, and to my surprise I found two ladies on my right when I turned round. These were the two ladies, Miss Squire and Miss Deane. They commenced in a tone that did not lead certainly to a civil answer. "Are you Mr. John Sweeney ?" in that tone, "Yes," I said, "that is my name." Then they put me some more queries regarding the firm and the members of the firm, and I did not consider from the arrogant tone they took up that I was going to make them any wiser, and that they might find out for themselves. I said, "Ladies, this is my private office, it is no use to discuss it any further; if you will just kindly leave."

10466. You requested them to leave ?—Yes, but not in the tone and the way they described it at the petty sessions; that is quite misleading. I turned to the policeman, then, and said to him, "Might I ask, sir, what is your business here ?"

10467. You asked the officer of the law ?—I asked the constable, the common constable. I said, "Might I ask what is your business here ?" He said, "Mr. Sweeney, what we want to know from you is who are the members who compose this firm." "Might I ask you," I said, "What is it your business." I am giving you the facts clearly and straightly. I said, "If you would all kindly leave here I have some business to do now." They would not leave, and instead of handling them rudely as they say, I walked out of shop by a side door, and I went straight over to where the courts were sitting; the petty session was not over, and I went straight over to the bench of magistrates and I complained of these ladies' conduct and this constable's conduct in coming into my private office and putting impertinent questions in a most impertinent manner; I took umbrage at it. I got no satisfaction. The magistrates were not sitting. I asked the district inspector of police, I said, "Get your man to come out of that; I have ordered him out and they would not leave."

10468. Now you have given us without any interruption from the committee your account of the affair ?—That is my account of the affair and I am willing to prove it every word.

10469. May I put two questions to you with regard to it. In the first place I want to have from you if it is true that the defendant (you) molested and abused Miss Squire and Miss Deane ?—It is perfectly untrue. I can swear it on my solemn oath that I never put a finger near them.

10470. These things were sworn to by them before the justices, and appear in the account of the proceedings ?—Yes.

10471. Were you examined ?—I was. I would be very sorry to touch a lady, I am sure, or to molest her in any way, or to rudely handle her.

10472. Did you give any evidence to the contrary effect ?—I did.

10473. Can you give any explanation why your evidence to that effect is not recorded ?—I cannot say.

10474. Or why, in the account of what was proved at the proceedings, there is no notice taken of your version of the story ?—Perhaps it was a criminal offence; they would not record the evidence there. All I say is this, I have given the same evidence at the Dungloe Petty Sessions in the same words nearly as I have given them to you; I have neither taken from them nor put to them.

10475. You are aware that the case on appeal was reversed ?—It was not on appeal; it was a case stated.

10476. You are quite clear about it; on a case stated; I will withdraw the words on appeal; I will take it in your language on a case stated the decision was reversed, was it not ?—It was, the case for the Crown or for the Home Office was conducted by the Crown Solicitor, Mr. Mackay.

10477. Now that has reference to your action in not giving access to the premises; that is what the case was about. The next action is reported on June 27th, 1900, and that had reference to paying a worker otherwise than in the current coin of the realm ?—Yes.

10478. What was the name of the worker there ?—Mary MacGeoghan.

Mr. J. Sweeney.

1 May 1907.

10479. Can you tell me what Mary MacGeoghan did for you ; what was her work ?—Her work was a fancy kind of sock.

10480. Was she a hand worker ?—Yes, but an old person ; she was the mother of a large family of girls.

10481. Then she wrought fancy socks, did she not ?—No, she did not, but her family did.

10482. You are quite right, she got out the wool from you ?—She got out the wool from us and she would take it home to the girls and they knitted it.

10483. Any remuneration she got with reference to that wool to be given to her ?—Yes.

10484. It was a technical point in the case on which the decision turned, but it would have been possible for her to fulfil her contract with you by the other members of the family doing the work ?—Yes, such is the case always, and particularly at this work, because she could not do it.

10485. Now let me see how the thing wrought. You supplied her with wool ?—Yes.

10486. Then she took that wool to her own house or cabin or wherever she lived ?—Yes.

10487. Where was that ?—It is in the Lettermacward ; it is about six miles from Dungloe.

10488. Then she, or her family, to be accurate, wrought this into fancy socks ?—She could not do it ; it is a class of work that only the young people of our district can do.

10489. Then her family did it ?—Her family did it, I presume.

10490. They wrought this into fancy socks ?—Yes.

10491. Is it not what is known in Scotland as half hose ?—Yes, but a particular kind of half hose, and a mixture of several colours of yarn in it.

10492. Then in regard to that ; when the wool was exhausted what did Mary MacGeoghan do with the product ?—That is when she had it knitted up ?

10493. Yes ?—The usual thing is to bring it back to us ; we examine it and see that it is perfectly knitted ; whether they have dropped stitches, or anything like that, that it is in accordance with the pattern, and then we pay them 4s. 6d. a dozen for it.

10494. Will you kindly attend to what I am putting to you, because we are anxious to get the real facts from you. When the wool is knitted up she brings it back to your shop ?—Not to my shop ; it is to a department that I have for taking out and giving in hosiery.

10495. She brings it to your department ; then having brought it to your department it is submitted to your judgment, is it, or to the judgment of some person employed by you ?—A person employed by me.

10496. Now, suppose it is all right, suppose there is no fault to be found with it, that the work is perfect. Will you tell me what is the scale of payment that Mary MacGeoghan was going to get ?—You mean for this particular class of sock that we are referring to ?

10497. I am referring to Mary MacGeoghan ?—Quite so. When she brought it back and it was examined and found correct she got 4s. 6d. a dozen for it.

10498. That is 4½d. a pair ?—Yes.

10499. What is the proper transaction with regard to these socks. Do you sell them ?—I sell them to the wholesale trade.

10500. Where is that established ?—In Glasgow, in Belfast, and in London here, and in Manchester.

10501. Then the wholesale trade, I fancy, sells it to the retailer ?—Yes.

10502. And the retailer sells it to the consumer like ourselves ?—Yes.

10503. Now I am not going to press you for details as to how much sticks to the fingers of all these people—quite legitimately—but I wish to ask you what the like of us going into a shop say in London would pay for that very thing that Mary MacGeoghan made ?—You would pay, I suppose, about 1s. 3d., it is all according to the market. You have a good market here in London and they would ask big prices according to the rent they pay and the expenses of the business.

10504. Your evidence is that if we went into the shop we would get these socks for 1s. 3d. a pair ?—Yes, perhaps 1s.

10505. I would take such a shop as the Army and Navy Stores, where I fancy there would be the ordinary market rate and nothing above. You say you would get this kind of fancy socks at 1s. a pair ?—Yes. I really cannot tell you exactly what they sell them at.

10506. If you cannot tell us who would ?—I cannot speak for the retailer ; I can only speak for myself in selling to the wholesale trade.

10507. But I mean these are good merchantable articles ?—Yes. They are a coarse kind of yarn. What these are made for is for working men when they go out on Sundays in their best clothes and in low boots and these gaudy looking socks.

10508. Whether they are gaudy looking or not I suppose the labour would be just the same ?—It would.

10509. The gaudiness would not affect the market price ?—Well, there is a good deal in blending the colours of course.

10510. We have now got the article into our possession, so to speak, and traced it. Now that is on the assumption that it is perfect. Suppose when Mary MacGeoghan had brought it to you it was not perfect, instead of her getting 4s. 6d. a dozen what would she have got ?—She would have got nothing.

10511. How do you work out your remedy against her ?—The remedy was to give her back the socks and say that she must bring them again properly done.

10512. How would she do that ?—If there was a dropped stitch she would only have to rip it a little bit and get to where the hole was and fix it up. We do not go in for fining ; we say bring the stuff all right and we will pay for it, it is no use to us imperfect ; take it back and make it perfect and we will pay for it.

10513. That is your system ?—That is our system.

10514. Might that happen more than once in regard to a dozen pairs of socks ?—Yes, but we take this remedy ; that if we find people committing the same fault on many occasions we do not give them any yarn ; we say they are careless and we keep the yarn from them for the time in order to give them a lesson as it were.

10515. How much would Mary MacGeoghan make working with the aid of her family for a week in that way ?—It depends on the number in the family she had, it depends on the number of workers.

10516. Could you give us any light on this ; how many pairs would a single hand-knitter, a single person hand knitting, work in a week ?—In plain work—I am not talking of this fancy work.

10517. But it is the fancy work I am asking about. I am still sticking to Mary MacGeoghan ?—I would say that it would take twelve days.

10518. Twelve days for a dozen ?—For one individual, one girl, to make this dozen of fancy work.

10519. In other words she would make a pair of socks in a day ?—Yes, about that.

10520. That would be 4½d. a day ?—Yes.

10521. Now as the result of the labour of thus putting the wool into fancy socks, she comes and gets from you what amount ? We shall say that she has a couple of dozen, would she have so much at a time ?—No, they generally give out a dozen at a time of these fancy goods.

10522. Then there is 4s. 6d. due to her ?—Yes.

10523. How is that paid, in money ?—It is paid in cash.

10524. Has that always been your practice ?—That has always been our practice.

10525. Is there any foundation for the suggestion that these people are your customers ?—They are our customers ; in this particular instance. Mary MacGeoghan has been a customer of mine for the last twenty-five years.

10526. How does she spend her 4s. 6d. ?—She buys whatever she requires with it, groceries or cloth, or whatever she requires ; it is a matter for herself altogether.

10527. There was some reference made to the tea that was sold to these poor people. What is the price of your

tea ?—The general price of our tea is 2s. a pound; it was mentioned at 3s. 6d. a pound by Miss Squire.

10528. Have you any tea above 2s. a pound ?—The highest tea that we keep is 2s. 4d. a pound; that is extra good quality, but the general tea that is sold is 2s. per pound.

10529. Now let me ask you this. Is it a familiar practice with you what you have described—that the money given in wages is spent upon the premises of the merchant ?—It depends upon whether the parties require the goods or not.

10530. But take Mary MacGeoghan, who, I fancy, is not in very affluent circumstances at 4½d. a day; take her as an old customer herself. Have you any doubt that before she left your premises she would spend the 4s. 6d. ?—Very likely; if she required any cash for other purposes it would not be always groceries or drapery that they required; they might want to pay the county cess, or they might want to make up the rent or something of that kind.

10531. Is there any other place across the way where she could go and spend the money ?—Oh yes, there are several other houses in town.

10532. You would not have liked it if she had gone to these other places ?—Well, this is the position of affairs. We expect that if we give employment to the poor people in the country—and we have been the great supporters of giving it there—the work in itself, the business in itself, is not one that would pay a very large profit as I can show you here by my returns, and we expect that our own customers will buy from us but it is not a compulsory thing. I am getting now from 200 to 400 dozens per week turned out off my machines——

10533. Would you kindly confine yourself to the question of the hand-made article; we will come to the machine-made article afterwards. I am asking you as to an old customer, and you were going on excellently with your evidence. Just tell me what you naturally expect in such a case ?—We should naturally expect—any man of business would expect—that if you have a shop supplying everything that is required, and very old customers of yours, they will give you the preference; not of necessity. At any time they can go elsewhere. They generally do come to us, and in a great many instances they run accounts with us, but we never keep their work in lieu of the account, because they may want the money for immediate needs, and they get it freely. How they make up their account is this. We are a very poor country, and land is not able to support the people. They migrate away to Scotland, and near the sea they earn something in the fishing industry in the winter time. These are things that supplement the earnings of the farm, and they pay their accounts and their rents with those things.

10534. I think you are agreed that with regard to these earnings which, of course, you see are small, they really are needed for the actual pressing wants of the household ?—Oh, of course they are and except we gave them credit they would not be in the country at all.

10535. These people who work in that way, or did work under the old system in that way, were people who were not only old customers but in ordinary cases were people who had a running account with you ?—Yes, they dealt from year to year with me

10536. I take it that if these people, being in your debt, having a running account and being old customers, were to use their wages or their reward in buying in a market which was not your own shop you would have a sense of grievance would you not ?—Oh, no, I would not have a sense of grievance; I am doing it every day in the week now and I had done it then.

10537. You would still have held that they were quite free to leave you ?—Quite free.

10538. Would you have given them work all the same ?—Certainly. At the time the hand-knitting was in full swing I could not get enough work done to fulfil my requirements.

10539. So that you gave them a good deal of freedom ?—Certainly. I believe in every person being paid for their work.

10540. Was it your experience that they did go to other traders ?—Yes, often.

10541. Why was that; were they not satisfied with what they got from you ?—Some of them might not be customers of mine.

10542. But I am still wanting you to confine your attention to the case I have put, that there are small wages earned by people who are in your debt and who have a running account and who are old customers of yours ?—They certainly would not leave me and go to another shop.

10543. You never knew of a case of that kind ?—Well, if I had not what suited them they might go somewhere else.

10544. Can you recall such a case ?—It is very hard for me to answer a question like that; it is bringing it to so close a point that I cannot understand it. You are asking me a question whether I have known ever of a case of people going and leaving money which I have handed to them, in another shop. I say I have, but you are confining me now to people who are dealing with me all that time. I say naturally they would not pass me.

10545. I should have thought not ?—No, certainly not.

10546. Now these were fancy socks; we will start on another class of goods. Take it that the socks were to be plain socks ?—The plain socks we pay 1s. 6d. to 2s. a dozen for—for the knitting of them.

10547. That is 1½d. or 2d. a pair ?—Yes.

10548. What would these sell for in a retail shop ?—It depends on the wool put into them; in the case of some of them it is a mixture of cotton and shoddy with wool, and it depends on the quality of the yarn what they would bring.

10549. Suppose you have all wool of a good quality, would they get more for the working of them ?—Yes. For hand-knitting of a good quality of wool we pay at the rate of 4s. 6d. to 5s. a dozen socks.

10550. If of a good quality ?—Yes.

10551. That is plain socks ?—Yes. Then for plain of a coarser quality we pay as low as 1s. 6d. to 2s. because it is more easily made.

10552. Still is it a good article ?—It is a good article but it is coarse; it is what a working man would use and the other would be what I would like to wear myself.

10553. The cost would be 1s. 6d. to 2s., I think you said ?—Yes.

10554. That is what you would call a working man's sock ?—Yes.

10555. What does he get that for in a shop ?—He pays I think 6d. or 9d. or 1s.; that is the retailer's price for the socks. Of course, the 6d. sock would be a very poor article.

10556. Therefore the usual price, if although coarse it was a good article, would be 1s. ?—Yes.

10557. That is what I cannot quite make out on your figures; because you told me before that the fancy sock for which you pay 4s. 6d. a dozen was also retailed in those places for the same figure that you have just mentioned, namely, 1s. ?—The wool that is in this sock that I referred to last may be, and is perhaps, a great deal better than what is in the fancy sock.

10558. So that in getting the fancy you lose in the quality; is that your view ?—Yes, and it is a larger sock—there is more yarn in it.

10559. I am still puzzled about the prices. Take the fancy sock of a good yarn ?—Well, they are not knitted in a very fine quality.

10560. Take a good fancy sock such as I suppose you and I would wear with comfort ?—That is not this sock; this is a coarse yarn.

10561. So that the real article that we want to get at is the consumption of the workman of this country, which is a plain, coarse, but yet good quality of sock, for which he pays 1s. ?—Yes.

10562. Now you sent word to this Committee that you would like the evidence exhibited to you of Miss Squire and Miss Deane and I understand that our Secretary has forwarded that evidence to you ?—He has very kindly done so.

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10563. We should be glad to know what you have to say with regard to it ?—I have exception to take to a great deal of what is stated by Miss Squire.

10564. We shall be glad to hear what you have to say upon it ?—In Q. 1678 she refers to the Irish trade. She says : "In Ireland I visited chiefly in Donegal and in County Down. In Donegal the workers take wool out from the shops in the towns to their own cabins and knit it up into socks and stockings ; they then take back the socks and stockings to the shop from which they got the wool, and in all cases they received as payment tea and other groceries. No money passed at all, and they could not obtain money. In all cases they were exceedingly poor. The men were away harvesting in Scotland in the summer time, and the women chiefly supported themselves in this way by knitting. When they brought in their work they took away the packet of tea with them." Now I consider that very prejudiced evidence and not a fact.

10565. As I understand, the parts in it that you controvert are these : that in all cases they receive as payment tea and other groceries ?—Yes, tea especially is mentioned.

10566. You say that is false evidence ?—I say it is not a fact.

10567. Then that "no money passed at all and they could not obtain money," you controvert that also ?—I do.

10568. You have given us your account of how they get the money and spend it in the place of business ?—They spend it openly ; they can spend the money with us if they wish, or they can take it home for some other purpose.

10569. But you have told us what you would expect in the ordinary case ?—That is if they require the goods.

10570. I think you have also told us that that class of people do require the goods, because they have actually running accounts for other departments ?—Yes, but the money that they receive is not held against their credit.

10571. Can you give any reason how this kind of statement should have entered into anybody's head ?—I give it as a reason that Miss Squire was wrongly informed ; that Miss Squire went round there as a lady philanthropist and went among the people and sympathised with them and asked them to knit goods for her, and, of course, the people being poor, and she requiring to make up a case, and sympathising with them, got them to say more than they would say in the ordinary way. She took one side of the story.

10572. Either she has been speaking falsely or those who informed her have been speaking falsely ?—I do not say that she is speaking falsely, but I say the evidence that is here is false and misleading ; how she acquired her information is in the way I say ; people told her certain things, and then when they are put to it to try to make a case it cannot be done. I fought the thing on its merits, and the case was dismissed four times.

10573. It must be false in some way ; either it is false on her part or false on the part of the people who gave her the information ?—I cannot say about that ; I do not know where she got her information.

10574. Did you ever hear of a case in your experience of people being paid in goods ?—Did I ever hear of it ?

10575. Yes ?—Well, I do not know of it personally ; I may have heard of it.

10576. I know you do not know of it personally, because you have explained your system to us very clearly. My question to you is, did you ever hear of it ?—I did hear of it, because there were some parties who were taken up at the same time as I was, and Miss Squire charged them with it, and they pleaded guilty. I was the only exception ; I fought the case, I fought it on its merits.

10577. In what district was that ?—In the same district as I am.

10578. In Donegal ?—Near Dungloe and in Dungloe.

10579. So that in those cases they pleaded guilty to the very thing that she is speaking of ?—They pleaded guilty to it.

10580. You have contradicted her evidence, but it appears now that you are only contradicting her so far as your own business is concerned—you are quite right to do so ?—Certainly, and I fought it for eight months ; I am sure that I was right.

10581. What I want from you is this. When you said that the evidence of these officials is false, or, at any rate, that Miss Squire's evidence is false and misleading, all that it comes to apparently is that it does not apply to your transactions ?—My idea is that the parties who pleaded guilty, pleaded guilty for one reason, that they could not bear the law expenses that they would be put to if they fought it.

10582. In fact, that it was a false plea also ?—I do not know that.

10583. It must either have been a true one or a false one ?—They might have done as I did, fought it out, but for the expense. It cost me a couple of hundred pounds.

10584. Or they may have done as you would not do, that is to say they might have stated what was not the case ?—Well, I was asked by Miss Squire——

10585. If you will allow me I will put it to you very plainly. I will ask you whether the evidence that was given by Miss Squire, which you have described as false and misleading, is in your view nothing more than this, that your statement is that that evidence does not apply to your business ?—I say it does not apply to my business ; I cannot account for other people's.

10586. Exactly ; and so far, instead of being false and misleading, it may be perfectly true and accurate as applying to other people ?—It may and it may not.

10587. Then I suggest to you that it is a dangerous thing that you should come before a Committee nominated by the Home Secretary and denounce any other witness as giving false and misleading evidence ?—I did not say so

10588. But you have said so, it is down on the notes ?—I did not make it personally against Miss Squire, I qualified it purposely.

10589. Well, sir, I can do no more with you than call your attention to Miss Squire's evidence and ask you to comment upon that passage or those passages which you describe as false and misleading. Shall we arrange the matter in this way : that all you meant was that they did not apply to you ?—I say so still, and I thought that I made myself perfectly clear.

10590. Now have you any other comment to make upon Miss Squire's evidence ?—Yes. At Question 1680 you will see this, "Do you remember roughly what that would come to." The answer is, "The rate would be 1s. 6d. a dozen in some cases and 9d. or 10d. a dozen pairs in other cases." Now no such price as 9d. or 10d per dozen was ever paid in our district.

10591. By you ?—By any person ; I can speak with confidence on that.

10592. Do you know personally about the other cases ?—I do. I mean to say that I know the prices paid and I know that there never was 9d. or 10d. paid. The lowest price was 1s. 6d.

10593. So far as your own case is concerned, you admit the 1s. 6d. ?—I am talking now of the 9d. and 10d.

10594. But I am talking of the 1s. 6d. ?—I admit the 1s. 6d. as the lowest price, the highest price was up to 4s. 6d. and 5s.

10595. So that your evidence comes to this, that Miss Squire's statement about 9d. or 10d. per dozen pairs—— ?—Is misleading and untrue.

10596. You say that with regard to this lady ; your meaning is that so far as your experience goes you have never paid such rates ?—I go further, and I say it was never paid in our district.

10597. You take the responsibility of saying that ?—I do.

10598. Is there any other comment you desire to make upon Miss Squire's evidence ?—At Question 1681 : "Was that stockings or socks ?—(*A.*) Stockings might be a little more—I mean the long golf stockings. Some of them were, I think, about 1s. 6d. to 3s. a dozen." Now that is the most misleading thing I ever heard.

10599. What is your rate for that?—8s. per dozen. Then it goes on, "But the shorter socks would be 9d. or 10d. per dozen"—that is the same thing repeated again. "In some places they were doing gloves, which would be cheaper still." The lowest price that gloves are made at is 2s. 6d. per dozen.

10600. Have you any further comment?—At Question 1684: "What would be the ordinary output of such a worker? Take the case of socks, how many pairs would be produced in a week?—(*A.*) If a woman was supplied with wool, she might do about two dozen in a week, or if any member of her household helped her, she might do two-and-a-half dozen. She might do more of the smaller gloves or socks." Now there is no woman will do two dozen socks; it is only one dozen socks that she would do. I wish to point out that in describing this I am giving the two sides of the question. To say that a woman would do two dozen socks is perfectly misleading.

10601. You say it is one dozen?—One dozen at the very most. Then at Question 1686: "Instead of money she takes tea?—(*A.*) Yes, and the tea she would take is priced at 3s. 6d. per pound."

10602. That does not apply to your business at all; you have explained that?—I say that we have no tea at 3s. 6d. a pound.

10603. 2s. to 2s. 4d. is your price? Yes. Then she says: "The peasants do not drink tea at less than 3s. 6d. or 2s. 6d. a pound from the truck shops."

10604. The 2s. 6d. comes nearer to the figure that you gave, but you say it should be 2s.?—It is 2s. to 2s. 4d. There has never been a grain of tea sold at 3s. 6d. a pound in our district.

10605. How is the tea supplied; is it in little packets?—It is supplied in any quantity they require; it is weighed out to them.

10606. I am asking what your practice is; is it supplied in little packets?—What you mean is do we sell it in sealed packets or does it come loose in a chest. It comes loose to us and we make it up in our own paper parcels.

10607. Is it supplied to the customers in little packages?—Yes.

10608. In what quantities, 2 ounces, and so on. Half a pound, or a quarter of a pound.

10609. Less than a quarter of a pound?—Any quantity that is wanted.

10610. Are there any other passages that you have selected for comment?—Yes, there are a good many of them. At Question 1700 there is this: "Please give us a description of that, so that we may have an idea of the ordinary home of the worker who works socks for a penny a piece, or stockings for 1½d. a piece?—(*A.*) Their homes would be isolated cabins; many of them on rocky soil; perched on mountain land, or on bog. They are low one-storey cabins, with mud floors, very low roofs, often no chimney, sometimes a hole in the roof, but the smoke often finds its way out at the door. The fire would be in the middle of the floor, or at the side with no hearth, or actual fireplace."

10611. I am afraid we cannot take you into that. You think that that is putting it too low?—I only want to show you that the trend of the evidence is to describe the mode of living of the people in a way which is untrue.

10612. We will take it by way of contrast. Will you describe it to us now?—Our cabins are roofed and thatched; they are straw roofed.

10613. Are they isolated?—They stand by themselves generally.

10614. That is isolated?—Yes, sometimes they are in little hamlets.

10615. Are some of them on rocky soil?—Well it is all rock soil down with us, we agree in that.

10616. Are they on mountain land sometimes?—It is nearly all mountain land.

10617. So that that is true too?—Yes.

10618. And they may be in the bog sometimes?—Certainly.

10619. Then are they one storey?—They are.

10620. That is correct too. Are the floors of mud?—They are floors of blue clay.

10621. Call that mud and that would be correct. Then are the roofs low?—No, they are not very low, the side wall of the house would be about 8 or 9 feet.

10622. Some people might call that very low. Then is there a chimney in the house?—Certainly.

10623. Is there sometimes none?—No, I never saw it.

10624. You do not know a case where the smoke would go through?—No.

10625. I know plenty unfortunately, in my country, but you do not know it in Ireland?—I am talking of my own district now where this inquiry pertains to, and I say our people have the greatest taste for their homes—a most extraordinary taste for keeping them nice and cleanly.

10626. So I think all that we differ about is in the matter of the chimneys?—But there is something more, She is asked: "What does the household consist of," and she says, "Very often an old woman, the grandmother, crouching at the fire smoking a pipe."

10627. I am afraid we cannot take you into evidence by way of contradicting a description of dwellings in Ireland. We have put you to a good test, and that is the one point upon which you have checked her evidence. We must have some regard to the shortness of life?—I should be sorry to detain you longer than you thought was necessary.

10628. Is there anything else that you think of importance that you think you can check?—You will see this at Question 1713. "Is the truck master"—pausing there for a moment, I take exception to the term entirely; it shows that the whole trend of the evidence is biassed.

10629. I am afraid that that language I was responsible for; it was my question?—"Is the truck master a wholesale dealer in socks or stockings? (*A*) He is agent for large firms in Belfast or some other town. He takes the wool from the warehouse, and sends back the socks, and in the majority of cases there is no commission given to the agents by these large firms. Therefore the agent has to make his profit entirely from the workers. If more of the firms gave even a slight commission there would not be the same temptation to the agent to make a profit out of the poor workers. The truck masters are reputed in their district to have made their fortunes entirely out of the truck system and in many cases the chief house in a small town is the house occupied by the truck master. The truck masters themselves employ other men, who go into the more remote districts; at a cabin in a lonely district one will often see a number of women beginning to congregate. I have watched such a place, and found the man arrive with a cart and unpack his tea and his wool and remain there for the day giving out wool and taking in work and paying for it in tea." What she does say in her evidence here is—she is giving evidence here as regards me—that I am an agent for a Belfast firm, that I get the wool for them to work up without commission. Such is not the fact.

10630. You are giving your evidence now in the assumption that she is referring to you?—But she is referring to me.

10631. I want to know whether that is the assumption in which your evidence is now given?—Certainly.

10632. You say so far as you are concerned that that is not accurate?—Certainly not.

10633. Is there any other passage?—At Question 1717 you will find this; it refers to this particular class of work, the fancy sock that we were referring to a little ago. "(*Q*) It may be curiosity, but I think we should all like to know what is the selling price of these socks and stockings? What would be their value (*A.*) It is a little difficult to say, as there are so many different qualities. I purchased several that appeared to me the same that I had seen made. In Belfast I purchased socks that I had seen knitted in large quantities; common socks with a good deal of brilliant colour in them, magenta and green and orange and blue? The workers are paid 6d. per dozen."

10334. You say that that should be 1s. 6d.?—It should be 4s. 6d.; she goes on "and I bought them for 9d. a pair. The longer stockings sell from 6s. or 7s. to 12s. a pair."

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10635. You are referring to the prices paid in the nineties; that is more than ten years ago?—Yes, and they are still existing.

10636. You paid 4s. 6d.?—I paid 4s. 6d. Then in reference to the large stockings she says here: "The longer stockings sell from 6s. or 7s. to 12s. a pair." That is most misleading.

10637. What should that figure be?—We sell them at 3s. 6d. a pair.

10638. I am not asking you that; what do they sell to the customer for?—They would sell perhaps, finished, at 5s. or 6s.

10639. Where is the lucky shop, where you can get them for 5s.?—You can get them in this town—plain long hose with turned down tops. I sell them myself at 3s. 6d., that leaves a fairly good margin. She goes on: "Which might be made at perhaps 2s. 6d. a dozen"—that is 2s 6d. to the knitter. Now 8s. is the lowest that we give to the knitter instead of 2s. 6d. Then she says: "While I was there I had to get a good many knitted gloves for which the worker was paid 6d. per dozen." 2s. 6d. per dozen is the lowest that we pay workers. "I was charged at the place 9d. for a pair." That was the purchase price from the knitter from whom Miss Squire bought the gloves, so that that is inconsistent too. "But they would probably have been 1s. 6d. a pair in the shop." Well they were selling those at 6d. a pair and we paid 2s. 6d. to the knitter per dozen.

10640. Is there any other passages you want to refer to?—I take exception to some passages in Miss Deane's evidence.

10641. (*Chairman.*) That is a separate branch of it; we will perhaps go to that to-morrow.

FORTIETH DAY.

Thursday, 2nd May, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

MR. JOHN SWEENEY, recalled; and further Examined.

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2 May 1907.

By the Chairman.

10642. When we adjourned we were on the evidence of Miss Squire, if you remember?—Yes.

10643. As a matter of fact the evidence which you were controverting yesterday was Miss Squire's evidence?—Yes. It was Miss Squire's evidence. That is what I was referring to.

10644. Have you anything you would care to observe upon in Miss Deane's evidence, because it is right to hear you on that?—I did make some observations on Miss Deane's evidence, and I think I made all the observations that I wished to make upon it. I think it does not pretend to be an inquiry. It is remarks on the mode of living of the people, and there are two points that I wish to draw attention to in Question 1951.

10645. I think you will find that has still reference to Miss Squire's evidence, but it does not matter. Just give us it in your own way?—Yes, perhaps it does refer to her evidence.

10646. There does not seem to be anything as a matter of fact there?—No. There is nothing that I have not contradicted before. The Question is: "I understand that members of her family have assisted? (A.) There was nothing in the arrangement to prevent it, but as a matter of fact that was not so in this case." I contradicted that, and said this was not Mary MacGeoghan. It could not have been done by this old woman, but it must necessarily have been done by the members of the family. I wanted to show how the evidence was erroneous in that respect.

10647. That is a better phrase to use; that the evidence was erroneous?—I think we are on very good terms, and I come here to tell the truth, and to give my opinion, though my opinion may not be agreeable.

10648. Have you anything else to say on the evidence?—No, but it has been reiterated here.

10649. So far as it has been reiterated your objection would apply?—Yes. Then on the Eleventh day there is something.

10650. That is Miss Deane's evidence we are coming to now?—Yes. It is a matter of the living of the people, and I would like to go into it as to the poultry and ducks in a house, and two-roomed apartments. It does not really represent our district in its proper light, and as a Donegal man, and member of the county council, I should not like it to pass without inquiry.

10651. You say that the style of living (and we may take it from you generally) is much better than is represented in Miss Squire's and Miss Deane's evidence?—That covers the whole situation.

10652. Then on the matters of fact that are relevant to this inquiry have you found anything in Miss Deane's evidence that you wish to call our attention to?—There is another remark at Question 2291: (*Q.*) "And did these truck-masters or shopkeepers appear to conduct their business steadily upon those principles?"—that is Truck principles—"(*A.*)—Yes, they are called gombeen men." But there is no such thing in our country as gombeen men.

10653. What is a gombeen man?—A gombeen man is a man who gives out money at an exorbitant rate of interest. That is a misrepresentation. I think, gentlemen, if you visited our place you would be convinced that what I state as regards the living of the people is correct. I have no interest in suggesting anything but what is correct.

10654. I always understood that a gombeen man, as you say, was a man who lent money upon security upon pretty hard terms?—Upon very hard terms, at very exorbitant rates. They do not exist in our country, though they might exist elsewhere.

10655. As a matter of fact, are there no gombeen men there?—No, that is confined to the cities where these usurers charge a very large rate of interest, sometimes 30 per cent. But in our district we are not that well off that we can afford to lend money. We have banks in our place which do lend money on security.

10656. There are no gombeen men in Donegal?—Not as I understand it, not that I know of. Particularly in our district.

10657. Then is there any other part of that evidence that you wish to refer to ?—There is nothing else unless you wish to put queries as regards general evidence; except just one thing, and that is this——

10658. You made some remark yesterday that you wished to refer to something ?—I want to show that it is merely in the interests of the people that I am speaking on this trade of machine-knitting and hand-knitting. I submitted to you yesterday, and you said you would kindly look at it to-day, our auditor's report for the six months ending April, 1906. That shows very clearly that it is not a very great paying concern, but we are a poor district, and unless there is some person willing to take an interest in the people, and supply them with work, their circumstances would be very poor. The Congested Districts Board for Ireland have recognised my efforts in supporting this machine-knitting industry in the district.

10659. I will ask you about that, but before coming on to that tell me what it is in your auditor's report that you wish to refer to ?—I mean the hosiery department. There has also been an increase in the turnover, amounting to £63. That is an increase on the half-year's profits. The gross profit amounted to £63 19s. 1d.

10660. Is it a limited concern ?—No, it is a partnership between my brother and me. We divide it into departments, and we show how every department pays.

10661. Who is the auditor ?—Mr. McClure, of Belfast.

10662. He goes over the books ?—He goes over the books.

10663. What is the point that you wish to put ?—I wish to show that the gross profit for the half-year ending 1906 was £63 19s. 1d. That is the gross profit. The net profit would mean, I suppose, about £15 on a turnover of about 200 to 400 a week, so that it is not a very fat job; but we want to keep the people employed.

10664. Now are you done with that ?—I am.

10665. May I ask you with regard to the change that has come over the trade by the introduction of knitting machines. When was that change made ?—That was between six and seven years ago, perhaps. I am not certain of it.

10666. Has it gradually rooted out the hand work ?—It has, and it comes cheaper.

10667. The production is cheaper ?—The production is cheaper.

10668. I want to know now about the effect on the people you were referring to ?—The effect on the people is that it does not employ so many. The young and the old could work at the plain hand-knitted socks, but it requires young people who can pick up the way to manage a machine. It is only they who can work at the machines. I started the machine knitting in our district. I employed an instructress and qualified the girls at our own place, and when they were qualified I gave them a machine each to take out to their cottages. They took the wool from me in large quantities, of about sixteen dozen, which would make sixteen dozen socks in a week. Our best knitters make sixteen dozen socks; and they are paid 10½d. a dozen for these. That individually means a very large amount of earning, but it does not serve so many people as the old hand knitting did, for the simple reason that young and old were able to work at it—all the members of the family were.

10669. But what I want to know is as to this question of the household—taking McGeoghan's case. That was the case of a household ?—Yes.

10670. A household in which there was every woman willing to work, we shall say, at the old hand work ?—Yes.

10671. Now into that household, I suppose, perhaps one machine may have been introduced by you ?—Yes. It would apply in that case. One machine would be introduced there.

10672. Then the product would be how many times more than in the old hand work ?—If they were expert knitters, or at least if they were the best knitters we had, it would be sixteen dozen at 10½d. a dozen, or about 14s. a week in round figures.

10673. As against one dozen was it, or how many dozen ?—As against a dozen at 4s. 6d. a dozen. It is on those fancy socks that I referred to in the evidence of yesterday.

10674. So that the output, of course, by the introduction of machinery is greater ?—Very much greater.

10675. And the reward for the same amount of time is greater ?—It is.

10676. But it may have involved, of course, the loss of labour to those who are not acquainted yet with the machine ?—That is just the position.

10677. Now would you mind me going back to just one figure in order to point the contrast between your evidence and that which is against it. I will take ordinary plain socks, and I want two figures from you. Your view is that the hand worker could do only a dozen of these in a week ?—Quite right.

10678. And that the reward for that would be 4s. 6d. —That is on the fancy sock.

10679. But as to the plain sock I ask ?—A plain sock would be 1s. 6d. to 2s.

10680. Then the fancy sock would be 4s. 6d. ?—Yes, it would be 4s. 6d.

10681. That is the one figure ?—That is the half hose.

10682. Now take the long sportsman's stockings ?—The long sportsman's stocking depends on the pattern which has been made up ?

10683. Take the plain one ?—The plain one with turned down tops would be 8s., and we pay as high as 30s.—from 8s. to 30s. according to the pattern, or at least according to the difficulty of the work.

10684. I do not think there is anything else that occurs to me to ask you on that ?—There is one thing I should like to bring before you, and that is that we should not be harassed. People who are trying to formulate an industry to employ the people should not be harassed by over-anxiousness on the part of inspectors. We have always found that male inspectors went on and did their duty rigorously, but they did not go about it and were not guided by impulse as females are. They were guided by reason.

10685. Since you have entered on the general question, might I ask you this. I fancy you are against truck are not you ?—I do not think there is the least necessity for it under the circumstances I have pointed out in our district.

10686. Then you would not dissent from the view that in regard to out-workers there should be the same law applicable to them as is applicable to workers inside the factory ?—Yes, I believe that they should be paid in cash.

10687. And that the same laws generally should, if possible, be extended to those people whether in factories or out of factories ?—Well, I think it applies to factories more than it does to our district, or employment such as I have described to you.

10688. Then can you give me any further answer to my suggestion to you that the laws should be the same in so far as possible to out-workers and to in-workers ?—My idea is that the only way it applies to us is to see that cash is paid and not kind.

10689. I have given you two opportunities ?—I cannot see the point that you are putting to me. Perhaps it is my ignorance.

10690. I do not want you to see the point further than this. Do you see yourself any reason why there should be a different law applicable to those who work in factories and those who work for gentlemen like yourself, in their own homes ?—I think it requires to be stringent with factories and that it does not apply to us at all, I might say.

10691. Now what is your reason for saying so ?—It does not apply to us except in one particular, that is if there is any danger that people be paid in kind that should be prohibited.

10692. Why do you say that that should be prohibited ? —They work in the knitters' cottages. They are free lances. They take out their wool and they bring in the made stuff to us. They are living a very healthy life and they are not confined to hours, or to a close room.

10693. I do not think you have apprehended my question, which was, why do you think that payment in

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kind should be prohibited ?—Because I do not think it is fair to the worker.

10694. In what respect is it not fair ?—Because I believe there would be a tendency to confine the work merely to those who took in kind.

10695. Yes, that is quite fair ?—Then there is another point I want to put in reference to that case over which I lost. I will not touch on it except in this respect. It is a thing that has come plainly to me. When that case was heard four times at the petty sessions, Miss Squire applied to me through my solicitor in the court and said that if I pleaded guilty she would let me off with a 1s. fine. That can be proved by my solicitor. That showed the weakness of the case and the groundwork on which it was based, and I think it was a good reason—it was really the main reason why the other parties, to avoid expense, pleaded guilty. I have nothing more to add.

By Mrs. Tennant.

10696. I want to ask you a very few questions. I notice that though you traverse Miss Squire's evidence generally, you have not drawn attention to the replies in certain cases. I should just like to ask you one or two questions on that evidence. Have you a copy of the evidence before you ?—I have.

10697. Then may I direct your attention to Question No. 1952 on the 10th day. There Miss Squire was asked by the Chairman "Was it true that it was the direct knitter who furnished the goods;" and her reply is, "Yes, that fact was proved—the direct knitter" ?—Yes.

10698. I understand you to say that Mary MacGeoghan did not do work at all ?—Quite right.

10699. Miss Squire proved in court that she did ?—I was present at the trial and it was not proved.

10700. That is a matter which ought to be very easily proved here; have you brought anything to show that it was not proved ?—Have I brought any document to prove that it was not proved ?

10701. Can you draw our attention to any document you have yourself brought, or is there any document in existence to controvert Miss Squire's statement ?—I can prove it far more strongly, I can give my personal knowledge and testimony that she was unable to do this class of work which she got, and that it was only her family who could do it.

10702. But that presumably was brought before the court and was in its possession at the time ?—Yes, and that was one of the things that the counsel raised in Dublin.

10703. Then is the position this, that the court having heard your evidence and Miss Squire's evidence, preferred Miss Squire's ?—I was not supposed to give evidence at all.

10704. Did you in fact give evidence in the case ?—No, I do not think I gave evidence at all. It was a semi-criminal case.

10705. But if there was evidence in the possession of your solicitor, and you were under trial and you pleaded not guilty, you must have brought something in support of your plea of not guilty—you must have brought any evidence you could command ?—I forget the circumstances, but I am sure every point was brought that was necessary.

10706. This is a direct contravention of what you say ?—I know this woman and I am able to get it proven up to the hilt, that this woman could not do the work which she got at this time (that was the fancy sock) and that it was the daughters of the family that got it.

10707. Then you were in a position at that time to give this proof up to the hilt ?—Certainly.

10708. Then you did give it ?—I was not examined, if I understand rightly.

10709. You will remember whether you were or not ?—No, I do not think I was examined at all. It was a semi-criminal case.

10710. But you were in the position of defendant ?—I was defendant, but the defendant is not always examined.

10711. If he is able to support his statement effectively this is a case in which I think he would be examined ?—I do not think so. I do not think I was examined.

10712. How were the facts arrived at ?—By the evidence of the witness Mary MacGeoghan.

10713. But then Miss Squire says her case was proved ?—That is Miss Squire's assertion. But you have the evidence.

10714. But that is an assertion which I want you to controvert ?—You have the evidence, and if you will apply the evidence you will see it.

10715. We have had the evidence, and the statement there is that the case was proved. I want to know if you can bring us any document which will controvert the official document ?—I can bring you the affidavit of Mary MacGeoghan to say she never made that class of sock, if it is so required by this committee.

By the Chairman.

10716. Mr. Sweeney, I am not in the habit of interposing at all, but it would shorten the matter if you would tell Mrs. Tennant this. The evidence having been led by Miss Squire, did you give evidence or produce any evidence to the contrary effect to the court ?—There could be no evidence to the contrary.

10717. Then would you mind answering my question. Did you give evidence or did you produce any evidence to a contrary effect to the court ?—I do not remember that I did.

By Mrs. Tennant.

10718. You say you now supply machines to the workers ?—I supply them and the Congested Districts Board supply them.

10719. Do you and the Congested Districts Board supply them on the same terms ?—No, we either give them only on instalments, or they pay them up by instalments, or we let them at a rent of 6d. a week. Any that wish to purchase a machine get it under the instalment system from the Congested Districts Board.

10720. The Congested Districts Board has the one system, which is the instalment system of purchase ?—Yes.

10721. You have, I understand, two systems ?—We have two systems, either purchase or a rental of 6d. a week.

10722. In either case is it the same class of machine which is supplied by you and by the Congested Districts Board ?—Yes, it is the Grisweld machine.

10723. Would you state what the cost of a machine is, about ?—I cannot tell it from memory; it is my brother who manages that part of the business; I leave it entirely to him. He lives in Dungloe. I think it is between £4 and £5, but I cannot tell you exactly the sum. There are certain accessories to it—there is a certain number of cylinders for working the different classes of work. If there is only one cylinder the machine costs less, and if there are more cylinders and more accessories, such as spinners and winders, and all that sort of thing, it costs more.

10724. Is it a weekly payment when it is on the instalment system, or fortnightly, or monthly ?—It is weekly.

10725. Do you adjust the amount of that payment at all in correspondence with the amount of the sum earned by the worker ?—No, we make a regular charge of 6d. a week for the wear and tear of the machine.

10726. That is when the machine is hired ?—Yes, that is hiring it.

10727. But I am asking about the instalment purchase system ?—On the instalment purchase system it is paid quarterly.

10728. Do you adjust that quarterly sum at all ?—To meet what ?

10729. According to the earnings of the worker, or is it a fixed sum ?—It is a fixed sum, paid quarterly for the machine.

10730. Do you know how much that is ?—I cannot tell you from memory, but I think it is about £1 7s. that the Congested Districts Board charges. I think so, but I cannot remember the figures. I think from memory that is what it is.

10731. That would make four payments ?—That would make about four payments.

10732. And that would bring the machine to about £5 8s. as its cost to the workers ?—Yes, that would be just it exactly—four times the instalment.

10733. But you are not sure whether the machine costs £4 or £5; you put it between £4 and £5 ?—I could not tell, but I have a faint recollection that the Congested Districts Board charges £1 7s. per quarter. I cannot be accurate as to that, but I am nearly certain that is it. It runs in my mind that such is the amount.

10734. Then if the cost of the machine is between £4 and £5 the amount is fixed to meet your calculation for interest, is it ?—Yes, that would be on the same basis; it might cost a little more or a little less. Of course for twelve months going out there may be a little interest. We have to pay it ourselves, because we pay for the machine at once.

10735. As you do not remember the exact sum the machine costs, it is impossible to calculate the rate of interest ?—I cannot say, but I think it is between £4 and £5. I am not certain what the exact amount is, but it all depends, as I have said before, on the number of cylinders that are put into it with the machine and the other accessories.

10736. If a worker who has one of your machines on the purchase instalment system has paid three of the quarterly payments and fails to make the fourth payment, what happens to the machine ?—There have been cases of that kind here, and I think I have proved here as to the way the Congested Districts Board acts. They do not take back the machine, but insist on payment of it. I generally go security for the knitters for the payment of the machine, and they hold me responsible in conjunction with them.

10737. But is that a case in which the Congested Districts Board is working through you and you have a joint interest ?—The Congested Districts Board advances the machine to the worker on my security and my brother's in conjunction with the father of the machinist.

10738. Have you no examples of cases in which the Congested Districts Board advances the machine except on your security ?—They must get securities of which they approve, but I think in the majority of cases, or in nearly all, or at any rate in those that I got for this purpose from the Congested Districts Board, who were working with me, they were all on mine and my brother's security.

10739. Then there are distinct cases in which the Congested Districts Board is the owner of the machine and cases in which you are the owner of the machine ?—They are not the owners of the machine. They got the machine from Grisweld.

10740. But they become the owner of the machine, and then they sell it on the instalment system to the workers ?—Yes.

10741. I want to distinguish between cases in which the Congested Districts Board is the seller, and cases in which you are the seller ?—It was only in the initial stages of this industry that I was the seller. It was only in a very few cases that I was the seller. It was generally on the rent system that they took them. They did not know whether the industry was to be a permanent one or not, and they preferred taking them on the rent system to the other. I impressed upon them that it would be better for them to purchase the machine out on the instalment system, but very few of them took advantage of it.

10742. But there are some who still maintain that system, do I understand ?—Yes; they have the option.

10743. To return to my question; in the cases that arise in which three payments have been made and a fourth is not forthcoming, what happens to the machine when you are the seller ?—I am sued for it by the Congested Districts Board.

10744. But when you are yourself the seller ?—I take the responsibility. I know the people, and try to get it from them by degrees.

10745. Then you try to recover it; what means do you adopt ?—I very seldom take any. I have not so many of them out altogether in that respect. I try to get it just the best way I can from them. I know the people and they are generally customers of mine, and if they fail in it they generally come in and explain the reason of the failure, and I give them time.

10746. Do you confine yourself to methods of persuasion ?—I prefer it so, because the law is very hard and expensive. It is hard on the people.

10747. But we sometimes do things we prefer not to do ?—Unless it becomes an absolute necessity I do not take legal means.

10748. Can you recall any case in which you did take legal proceedings ?—No, not since I started this industry.

10749. Would you prefer to say there is no such case ?—There is no case in which I took legal steps to recover the price of the machine.

10750. Is there any case in which you have threatened legal steps ?—Why threaten ? Good threatening does a lot of things, but I do not go to extremes.

10751. Then if your methods of persuasion succeed and you get the machine back, do you restore the instalment payments to the workers ?—I do not take the machine back.

10752. But I thought you said you used methods of persuasion to get it back ?—No, not that; I used methods of persuasion to get the remaining balance.

10753. The remaining instalment ?—Yes.

10754. If that fails, what then ?—I do not take them back except from parties who have refused to work altogether.

10755.—In that case would you restore any of the payments which they have made in respect of a machine which does not become their property; is that the method on which you work ?—I am only talking now of the rent system in that statement.

10756. I was talking the whole time of the instalment system ?—Then I misunderstood you; I never take them back on the instalment system; I get the balance of the cash.

10757. But, if you remember, my question was in the case of three quarterly payments having been made, and the fourth not being forthcoming, what steps do you take ?—I try to use all the persuasion I can to get it back, but I am very seldom reduced to that necessity. They are generally customers of mine and they pay it up by degrees if they are not able to pay it up by the regular quarterly time.

10758. On the rent system your charge is 6d. a week ?—Yes, it is 6d. a week.

10759. The Congested Districts Board has no rent system ?—They have no rent system.

10760. Have you compared the amount charged by you with that charged by the Congested Districts Board on the instalment system ?—I think the instalment system is better. I have ceased to give them out on the rent system entirely for some time back. I said if they wanted to get a machine they must apply to the Congested Districts Board; I did not believe in the rent system.

10761. On the instalment system my question is, have you ever compared the charge you make under that system with the charge made by the Congested Districts Board under that system ?—I consider the Congested Districts Board's system is much better.

10762. But it is not the system that is in question. I am talking now of the charge made under the system ?—It all depends; I cannot answer an open question like that. If they get it for ten years at 6d. a week it comes to a big sum of money.

10763. I am not talking of 6d. a week, but of the instalment system now, and of the charge per quarter made under that system by the Board, and the quarterly charge made under that system by you; have you compared your charge with their charge ?—It is very simple to compare them. It means so many weeks in a quarter and 6d. a week for each week, and comparing it with £1 7s. per quarter that gives you at once the answer to your question.

10764. No, I am afraid it does not ?—Perhaps I do not understand you.

10765. My question is on quite another point: it does not touch the rent system at all. You have an instalment system and the Congested Districts Board has an instalment system, and you charge, you believe, £1 7s. a quarter ?—Yes.

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10766. What in your knowledge does the Congested Districts Board charge?—£1 7s. a quarter. I have it here.

10767. Then that at the beginning would have been the answer to my question?—I am a little dense perhaps.

By Sir Frederick Cawley.

10768. I just want to clear one point up that I do not think you made quite plain to me in answering Mrs. Tennant. You ended by saying that you use persuasion to get them back?—To get the money I should have said. If I said that I made a mistake. I wish to be corrected on that. That is what I meant to say.

10769. Supposing there were two instalments paid out of four and you cannot get back the money, do you mean to say you never take the machine back?—No, I have not done so in my experience.

10770. You have never taken back a machine that you have let on the hire system?—No, I would not take it back.

10771. Not even in the case of there being no chance of getting the two remaining instalments?—No, I just go on the same system as the Congested Districts Board system. *There* is the system, and it explains the whole thing. (*Handing a document to the Committee.*)

10772. I cannot read that very well.—It is done through me and my brother there in conjunction with the parties, that is the father of the machinist. It is done jointly, as we are surety for it.

10773. Now about the sureties. Part of the machines in the district are sold on the hire system by you and your brother, and part of the machines are sold by the Congested Districts Board on your security?—Yes.

10774. Then practically the whole of the people of the district as to these machines are more or less dependent on your good will?—They are; that is those who buy my knitters.

10775. Either directly or indirectly they are dependent on you, then?—Yes, that is those parties who apply to me for machines. But they are not dependent on me to work for me alone. Supposing that party who is sued there in that document——

10776. But as a matter of fact, without referring to that, those people who have machines from you, or from the Congested Districts Board on your security, do work for you and for no one else?—They do work for several people.

10777. To any extent?—I could not give them all they could work.

10778. Then where you can give them work, or where you want them to work for you, I presume they do work for you?—They do work for me. They are only too glad to get the work; they cannot get half enough of it.

10779. But I presume also that as you befriended them by getting them the machine you would consider it a little ungrateful of them if they did not work for you when you required them?—I would consider that they should do so as a matter of gratitude, but not as a matter of compulsion.

10780. Then in that case they have to take, I presume, for their work your price?—They are not free agents in making the price, do you mean?

10781. They are not free agents in making the bargain with you?—They are free agents in making the bargain with me. I stipulate the price before they have the yarn, and I am working against great competition in the market. I am able to give them as good wages as they get anywhere else, and I offer it, and they are free agents to take it or work for some other person who will give them more.

10782. That is a point I want to have cleared up, and we shall be glad to have it cleared up. There are other people who will give them work and they put you in competition with these other people?—Certainly; there is Mr. Macdevitt of Glenties, and I could give several names.

10783. Do they carry on the same machine business?—They carry on the same machine business.

10784. Do they let out machines in the same way?—They let out machines, I think, but I do not know their system exactly.

10785. But is there anyone else in the business besides yourself that hires machines out?—Several.

10786. On the hire system?—Yes. Those firms I refer to in Glenties hire them, but I do not know whether they get them themselves and rent them, or whether it is through the Congested Districts Board; I am not certain of that; it is sixteen miles from me.

10787. In your case and their case the people who sell the machines, I presume, expect the people who buy them more or less to work for them?—They live in their immediate locality, and it is more convenient for the workers themselves.

10788. Now about the 6d. per week on the hire system; how much can they earn for the 6d. a week by their machine?—14s. per week; it all depends on how they are worked.

10789. I thought I understood you to say they could only make one dozen pairs of socks a week?—That is hand knitted.

10790. But in this case by your machine that you let to them at 6d. per week they can earn 14s. per week?—Yes. I do not say that they all earn 14s. a week; I want to be explicit on that; it depends on how they work, some of them work hard; it all depends on themselves, they are paid according to results. If they work hard and make sixteen dozen a week, as I have had several do, they get 14s., but some will make only ten dozen. It is a matter for themselves.

10791. In your establishment, then, as I understand it, you have a depot in which you give out the yarn and take in the finished article in the shape of socks and gloves and so on?—That is one department.

10792. And under the same roof perhaps you have a shop?—It is quite apart from the shop entirely. It is away in the back yard, and there is a different entrance to it separate and apart from the shop, and by an arch.

10793. Then they come out of the depôt?—Yes, and through the arch and in at the front door of the shop, if they wish to go to the shop. There are two separate shops. There are grocery and drapery departments, and they are separate departments.

10794. Now the suggestion is, of course, that these people are rather under your thumb?—That is the suggestion, but it is not the fact.

10795. That is what I want to get at. Is it as a matter of fact the position that most of these people do owe you money in some form or another?—Some do and some do not.

10796. But all these people of course that you have sold machines to are in your debt for the machine?—Some are and some are not.

10797. But independently of that machine business what proportion of these people to whom you give work are in your debt?—I would say that there would be about three-fourths of them.

10798. Then three-fourths are in your debt?—Yes.

10799. Now, according to your auditor's account, you do not make a very large profit out of the hosiery department?—That is the gross profit I refer to; that is not the net profit.

10800. Would it pay you to carry on that business for that profit if you got no other profit from any other source?—It would; we have a little enterprise in our district.

10801. Would £65 a half year pay you to take all the trouble of selling these machines?—I do not say that it pays me.

10802. And giving out the work and taking the work in?—I do not say that it pays me. I commenced this thing, and I got the Congested Districts Board interested in it, and they got machines, and I gave them partly an undertaking (not an undertaking in writing) that in getting machines for these parties interested I would continue this work. Sometimes it is according to the price of wool. It is not remunerative. I have lost £134 on it in six months. I have earned £63 on it for the half year ending in April, as I show here, but that is the gross profit.

10803. Then your position is that you are helping the neighbourhood and it is more or less philanthropy?—

You are perfectly right; there is a good deal of that in it.

10804. Now when these people get their money, they having to get these goods, do they as a matter of fact get all their stores from you?—No, I emphatically say no. I pay them in cash; they can do what they wish; I pay them at my office.

10805. And you would not feel it any grievance whatever if they took their money from the hosiery department and went away to somebody else's store over the way, or somewhere else and spent their money?—They are doing it every day.

10806. Then you allege that they do not get the bulk of their stores from you?—I would not say that they do not get the bulk of their stores from me, because I consider that the major portion of the people of our country have a little gratitude in their composition, and that when you give them a thing and give them the power to earn 14s. a week, and then they get the cash in hand, if I am able to serve them on as good a basis as any other man in the town I do not think they would be so ungrateful as to go and leave it with other houses; but I know it to be done—I know it to be done with a quarter of them at least.

10807. Then you would not feel it any grievance if they did that?—No; I think it causes a circulation of money in the district, and everybody must benefit indirectly.

10808. Then you would not feel it any grievance if you have given them work, and when they are in your debt, they went and spent their money at another store?—I would feel that they were acting very ungratefully, but it would not influence me in my conduct to them.

10809. I suppose, as a matter of fact, you try to get repayment of your debt?—No.

10810. It is only human nature?—No, certainly not. We never allow that to interfere with the collection of debts at all. They are two different things. It is the heads of the family that run the accounts. They come into our drapery shop and get a parcel of £4 or £5 worth of goods to clothe the family; boots, and one thing and another. We give them twelve months credit, and at the end of the twelve months, after coming home from harvesting in Scotland and England, they come in and pay their accounts; but it is quite separate and apart from the knitting industry altogether.

10811. You charge no interest, of course, for the debt?—We give out the goods for twelve months, without interest, and if it is over twelve months our terms are that we charge at the rate of 5 per cent. if it is out for another twelve months.

10812. Five per cent. per annum?—Yes.

10813. Then are most of these people continuously in your debt?—Some of them are; I should say the major portion are. They are very good people for paying when they can. It is only in adverse seasons that they fall behind, and their accounts may lie out for two years.

10814. As a matter of fact do the majority of them never get clear?—They do; I would say the majority do get clear. They try to square up their accounts every year.

10815. Do they square up their accounts every year?—They do with their earnings, if they can.

10816. But I do not mean if they can, but do they as a matter of fact come to you at a stated time and clear off the whole of their score?—Yes, that is what they try to do.

10817. No, no, excuse me, that is not what I want?—I cannot say it is a fact in all cases.

10818. Do the majority of the people get their accounts scored off with you once a year?—They do.

10819. It is only a small proportion of them who are continuously in your debt, is it?—Quite right.

10820. I should just like to ask you to put it again about your difference with Miss Squire. I do not think that you can allege that in all these cases you put as a matter of fact Miss Squire's evidence is absolutely erroneous?—I say it is erroneous; she has been misinformed as regards her direct evidence. I say that she could not be misinformed as far as that obstruction case was concerned. My mouth was closed there. It was a criminal case.

10821. I am not speaking of that?—To say that I used violence, that is.

10822. I am not speaking of that, and I will tell you what is before us here. In six to twelve cases, I think I may say, your statements of fact and hers are directly in conflict?—That is as regards prices, which means figures. You are quite right.

10823. They are directly contrary?—Certainly.

10824. These are absolutely questions of fact?—Questions of fact.

10825. Now you say one thing and Miss Squire says another, and where are the Committee to get actual evidence as to who is right and who is not right?—I think that the party to inquire of to get direct evidence would be some of the officials in Dungloe that are independent of both of us, say the Clerk of Petty Sessions or the inspector of police. I am not afraid of any person of independent opinion saying which of the statements of facts is correct.

By Mr. Maddison.

10826. You have told us that as far as the hosiery part of your department is concerned it is largely promoted by a laudable desire to help your district?—Certainly it is.

10827. You district is a very poor one?—Very poor.

10828. Because it is under the Congested District Board?—It is.

10829. Should you think there are many poorer districts in Ireland than yours?—As far as the district itself is concerned I do not think you could get a poorer, except in Connemara, but the people are an industrious people both in fishing and earning their bread. They are able to eke out an existence except when there comes a very poor year.

10830. But, as you say, it is one of the very poorest districts in Ireland?—One of them.

10831. Having that in view, I want to ask you whether you deliberately say that you have never seen a cabin in Ireland without a chimney?—I never saw it in our district. I did not say in Ireland.

10832. I beg your pardon; I meant in your district?—In our district.

10833. You have never seen one that had not a chimney?—I never saw any that had not a chimney. But I think there may be a misunderstanding regarding chimneys. They use hearth fires, and this hearth fire is open to a certain distance up, and then there is a hood across, and the chimney is continued out. It would be a dangerous thing to have them without a chimney because it would set the whole house afire with a straw roof. Common sense would teach you that. At least in our district I never saw it.

10834. I am merely putting it because Miss Squire said that she had seen a cabin with just a hole in the roof and no chimney, and the smoke finding its way through a hole in the roof?—That is ridiculous, and any person who has travelled through our district would tell you that it is not the fact.

10835. Now, although you make very little profit on the hosiery part of the business, it has been suggested that you may get something like a substantial return by the trade which these people do with you in the other parts of your business?—I get my share the same as any other one.

10836. How many people do you think you have knitting for you?—There are seventy-three machines between the Congested Districts Board and me. I have about fifteen and the Congested Districts Board has supplied the rest.

10837. How many altogether will do work for you? I am not now speaking of those who have machines, but of those that you give work out to; about how many are there?—That is seventy-three. Sometimes I have work for them and sometimes other people supply them.

10838. With reference to that £15 net profit for the half year, that represented a turn-over in the hosiery department of how much?—On an average I should say about 200 a week.

10839. £200 per week?—200 dozens.

10840. That is only a very small sum actually; how much will that come out at?—A dozen will be 3 lbs. weight; that would be 600 lbs. of wool.

10841. What does it amount to in money roughly?—200 dozens on an average would be about £50.

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10842. About £50 a week?—No. The cost of the article would be 4s. 6d. a dozen.

10843. What proportion does the hosiery department bear to your whole business, do you think?—That is in the amount of the capital involved.

10844. Or the turn-over. It is a very small proportion, is it not?—A very small proportion.

10845. Now about these plain socks that you told the chairman of. You said only one dozen could be made in a week and Miss Squire said two dozen could be made in a week?—Yes.

10846. Is there any possibility that the truth lies between the two of you. Are you giving it approximately or is Miss Squire giving it approximately?—I am going by experience of what I know over twenty years.

10847. That is to say you know from an experience of twenty years that no one does and that no one could make more than one dozen pairs of plain socks in a week?—That is it.

10848. Hand knitted?—Hand knitted.

10849. How you do think Miss Squire came to double that?—I cannot understand that.

10850. But you have no hesitation in saying that is so?—That is against myself in suggesting they can do two dozen.

10851. You have no hesitation in saying that Miss Squire's statement is quite incorrect?—It is quite incorrect, and I would leave that query to any independent person also.

10852. Then as to these long sportsmen's stockings or golf stockings or hose with turned down tops—I do not know what they are?—Long stockings with turned down tops.

10853. I do not know what Miss Squire said they were, but anyhow it was about 1s. 6d. was it not?—Eighteen pence a dozen.

10854. You declare that you have never paid less than 8s. per dozen?—Eight shillings per dozen.

10855. That is to say Miss Squires has exaggerated a simple price five times?—That is just what it comes to.

10856. Do you know of any other maker in the district that is only giving 1s. 6d.?—Not one. They would not get one to touch them. When you pay 1s. 6d. for half hose it is only reasonable to expect that a hose that takes about six times the work I suppose, and more particular work, as it has to be thoroughly made to fit the leg, could not be made at 1s. 6d., that is at the same price as half hose. Common sense would show that independently of anything else.

10857. Then just one question about tea. Miss Squire said the people had to pay 3s. 6d. to, I think she called them, truck masters. Do you deny that?—I deny it emphatically.

10858. You have never sold tea higher than 2s. 6d.?—2s. 4d. is the highest price. Two shillings is the general price.

10859. Is 2s. the lowest price?—Two shillings is the lowest price. They never ask for it lower than 2s. Our establishment sells none at less than 2s.

10860. In your district in order to help the people, would it not be a good thing to get some 1s. tea?—They drink a good deal of tea and I think cheap tea is very injurious to health.

10861. That is only by the way, but anyhow do they ever buy tea in ounces?—Yes, they do sometimes.

10862. Do you charge them the same price?—They are charged at the same rate per pound. Two shillings per pound is 1½d. an ounce.

10863. There is no way by which these people can buy a pennyworth of tea, for instance, is there?—They can buy any quantity they want.

10864. Supposing they bought a pennyworth of tea, would that be at the same price or 2s. 6d.?—No.

10865. Then your evidence is against Miss Squire's evidence on that. Is that right?—Yes, and I am willing to submit that to any independent person.

By Mr. Delevingne.

10866. One or two questions about those knitting machines. Have you got a written form of agreement with your workers?—Yes, there is a written form of agreement with the workers.

10867. When you hire out to them a machine, that is?—When I hire them a machine.

10868. Could you hand in a copy of that form of agreement?—I could send it to you, but I have not it with me at present.

10869. Will you do so?—I will do so with pleasure.*

10870. Does that form of agreement contain any condition that the worker is to work for you?—No, not that I remember. I do not remember the particulars of it, but I can send you the form of agreement and you can see for yourself.

10871. But would you be likely to hire out a machine to workers without a stipulation that they should use it in your work?—I cannot say whether that stipulation is in it or not. I cannot say from memory, but you will see it for yourself. I will send you one signed by the party who took out the machine.

10872. An agreement which has actually been made?—Which has actually been made and which is kept in our safe. The same thing applies to the Congested Districts Board.

10873. But they never hire out a machine?—They never hire a machine. That applies to the instalment system

10874. I thought you informed Mrs. Tennant that you had abandoned the rent system?—I have abandoned giving out machines on the rent system.

10875. Have you any machines still out on the rent system?—I think the ones I put out first were fifteen in number.

10876. When did you abandon the rent system?—It is a good while since now. It was when the Congested Districts Board took up the thing. It would be two or three years ago now since I have abandoned it.

10877. All the machines now supplied by you are supplied on the instalment system, are they?—They are supplied by the Congested Districts Board on the instalment system.

10878. You never supply a machine now either on the rent or the instalment system on your own account, do you?—No. Since the Congested Districts Board have given them out freely I have ceased to give them out either at a rent or on the instalment system.

10879. For the last two years?—I should say so, but I am speaking from memory now.

10880. When you gave out machines on either system of payment was there more than one quality of machine?—No. The Grisweld is the only machine we have used up to the present. We have found it a very satisfactory machine.

10881. Do you say you have only had one quality of machine?—I had one make called the French, but it was not satisfactory and I got no more. I have stocked the Grisweld ever since and the knitters have all been trained on the Grisweld. It is better to have one machine.

10882. Was that other a cheaper machine?—No, it was not a cheaper machine. It was dearer than the Grisweld, but it was not so good or satisfactory.

10883. Is it your evidence that the rent which you have charged per week for the machine has always been 6d.?—It is 6d. I am charging now. I may have charged 1s. in the beginning when I started first, but 6d. I reduced it to, as I considered that the rent of 6d. was quite sufficient to charge them.

10884. How long did you charge 1s. rent?—It was not long, but I cannot remember the exact period.

10885. I understand you have fifteen machines now still out on hire?—I think it is fifteen, speaking from memory.

10886. And you are still charging 6d. a week rent for those, are you?—Yes.

* The witness has declined to furnish the Secretary with a copy of this form of agreement. In a letter to the Secretary dated 17th August, 1907, he writes: "The reasons for my not fulfilling my promise given previous to the Lord Advocate's remarks are obvious, as I would be only furnishing evidence to incriminate myself, as he stated this hiring system was quite illegal and read me the Act referring to the matter."

10887. You charged 1s. rent first?—Until the Congested Districts Board commenced giving out machines, and then I reduced it to 6d. I cannot tell you the exact date, but I could let you have the date.

10888. Would you put it at as much as three years?—No, I think not.

10889. But you had charged 1s. for some considerable time?—No, I had charged it for some time, but not for a considerable time.

10890. You cannot say how long you had charged 1s. a week?—I cannot say.

10891. Did you make a practice of always charging 1s. a week at first and then reducing it to 6d. afterwards?—I reduced them all to 6d. after a certain period, but I do not know when that period was.

10892. Did you reduce the rent to 6d. and fix it at that for all?—Yes, for all.

10893. Or did you in every case require them to pay 1s. a week for a certain period before reducing it to 6d.?—I cannot say when it was reduced, but they are all 6d. now. I cannot tell the exact date from memory.

10894. They may all be reduced to 6d. now, I put it to you, because they have all paid 1s. a week to start with?—They paid it for some time and then I reduced them all to 6d. a week; I cannot tell you the time.

10895. I think you gave it in evidence that the machine cost somewhere between £4 and £5?—Yes, something like that. It varies according to the accessories, the cylinders, and that sort of thing. They may have one, two, three or four cylinders.

10896. Take it at £5, what the Congested Districts Board pays?—I think £5 4s. is what it comes to.

10897. At the rate of 1s. a week the machine would be paid for entirely in two years with interest?—If paid in four quarterly instalments it would be paid for in one year.

10898. But taking it on the rent system of 1s. a week, the machine would be paid for in that time?—It would be £2 12s. a year, and that would be for two years.

10899. I think you would have got back what your machine cost in about two years?—Yes. I think it is a very bad system, and I cannot support it, but some were so timorous that the work would fail.

By the Chairman.

10900. I thought you still had machines out at 6d. a week?—These people still will not purchase them.

10901. But if you have still machines out at 6d. a week, how can you reconcile that with the evidence that you have stopped the system?—I have stopped the giving out of machines on that system.

By Mr. Delevingne.

10902. You have paid yourselves several times over for the machine?—Yes.

10903. And the machine is still your property and not the property of the worker?—Certainly. I am willing for them to purchase them, and if they will purchase them out I will give them at a very small sum, because they are worn out, perhaps.

By Mr. Maddison.

10904. How long will a machine last?—It depends on the work.

By the Chairman.

10905. Are these machines sometimes called frames in the hosiery trade?—Yes, but we do not use framework. That makes openwork. This is a circular cylinder, and there are a lot of needles in the cylinder and it knits the hose.

10906. It is hosiery machinery?—Yes, hosiery machinery.

10907. Have you ever been reminded that there is a Hosiery Act?—No, I have not.

10908. That Act was passed in the year 1874, and it applies to this business. It is fair when you have been so good as to come here that I should warn you as to how the law stands. In the year 1874 an Act was passed which had this preamble: "Whereas a custom has prevailed amongst the employers in the hosiery manufacture of letting out frames and machinery to the artificers employed by them, and it is desirable to prohibit the letting out of frames and machinery and the stoppage of wages for frame rents and charges in the hosiery manufactory," and so on. You see, of course, that that would cover the kind of goods that you have been describing. I point out to you that if you have any contract of that kind for frame rent it is null and void by law, and that if you make a bargain to deduct the rent, you forfeit the sum of £5 for every offence. All that, I presume, is news to you?—It is news to me, certainly, and I will take very stringent means to see that it is changed, for I was ignorant of the law.

10909. It is only just to show you that you may be in the clutches of the law?—Yes, I want to avoid it as much as possible, because it is not a very nice game.

10910. You will not mind me giving you the hint?—I am very much obliged to you for it.

10911. Then about the rent that is still being paid. How many years has it gone on. Taking one of these machines, how long have you had it out?—I have had it for the last five years, or four or five years as far as my recollection goes. I cannot tell you accurately.

10912. You started with 1s., but you thought it right to reduce it to 6d.?—That is so.

10913. How long ago is it since you reduced it to 6d. a week?—I cannot give you the exact date, but I could tell from my books.

10914. It might be 1s. for a year, and the remainder of the time for 6d. Would it be roughly about that?—I cannot tell you from memory.

10915. I point out to you that if it was a year at 1s., it would be half paid?—Yes, at £2 12s.

10916. And for the three or four years remaining it would be more than paid. In short, when you come to think of it and count it all up, the machine is more than paid for already?—It is.

10917. You can see for yourself that that is the state of matters that the law took notice of in that Statute of 1874?—Yes.

10918. There is just one matter of fact that I should like to add to my question, and that is, can you give us any notion as to how these poor people stand in your books, I mean as to the amount of debt?—It varies very much. It all depends. They have a peculiar way of getting on in our place. A young man marries and takes up a house, or the half part of the farm of his father.

10919. I do not want the causes of it but the figures. We may have to make a thorough investigation, but if we are satisfied with the evidence you give, it may not be necessary, so give us the best calculation you can as to the amount which these people are in your debt?—That is a very difficult question, for the simple reason that if it is a large family they may be in debt £20 to me, but that may be a far less debt than to have £3 owing from another family.

10920. That is quite right?—That is so for the simple reason that they have the earning in the season.

10921. There is only one thing remaining that I will trouble you with, and that is about those two blue papers that you have put in. Just take one of them. They are both in the same terms except that they are in different names?—I just accidentally had them in my pocket when Mrs. Tennant raised the question.

10922. Here is one. The plaintiffs are Charles Kornedy and William Gewan of the City of Dublin, trustees of the Congested Districts Board, and the defendants are John Browne and Helen Boyle. Would these kind of people be farmers?—Yes. John Browne is a farmer, and since that process was issued he has settled.

10923. What I want to get an explanation about is this. They are sued for £1 7s. 1d?—That is the last instalment.

10924. I know, but the total agreement covered the sum of £7 15s. 6d.?—Yes. The machines at that time, when this man took out this machine, were a bit higher than they have been latterly. These are matters of fact, and I should like if you would get an impartial authority to see whether I give correct evidence or Miss Squire.

Mr. JOHN TAYLOR, called; and Examined.

Mr. J. Taylor.

2 May 1907.

By the Chairman.

10925. You are the Secretary of the North and North-East Lancashire Cotton Spinners and Manufacturers' Association?—Yes.

10926. The head office appears to be in Exchange Street, Manchester?—Yes, at 12, Exchange Street, Manchester.

10927. In the membership of your Association how many workers are employed?—In the weaving branch we have about 120,000.

10928. Have the employers met with regard to the subject of fines and deductions which is before this Committee?—No.

10929. Have you any written instructions with regard to the evidence you are about to give?—I am instructed by the chairman to appear to-day.

10930. Who is the chairman?—Mr. Henry Higson.

10931. What is he?—He is chairman of the North and North-East Lancashire Manufacturers' Association.

10932. You have given 120,000 as the workpeople in the weaving branch?—Yes.

10933. And the spinners, how many?—We are only a small association of spinners. We have only about 3,500,000 spindles. The Cotton Spinners' Association have 33,000,000 spindles. I do not know whether it is their intention to give evidence here or not.

10934. How many does that represent?—It is two and a half per thousand—it is about 9,000, say. We are quite a small association of spinners.

10935. So I understand. Now when had you this conversation with Mr. Higson?—Several times. When this Committee was being formed I came up and saw Dr. Whitelegge, and he told me the Committee was being appointed, and when that was appointed we should be informed then, and whenever I got word I was to come up.

10936. Will you tell me, please, what is the system with regard to fines and deductions in the weaving branch of the cotton manufacture? Is there a system of fines and deductions?—Yes.

10937. Have you got any list of fines?—No, there is no list. The operatives objected to that in 1896 on the amendment of the Truck Act. The operatives of the weaving section came up and saw Sir Matthew White Ridley, who was then the Home Secretary, and asked him to make an order giving exemption to the cotton weavers of Lancashire, Derbyshire, Cheshire, and the West Riding of Yorkshire, and that order was made giving them exemption.

10938. Sir Matthew White Ridley, as Home Secretary, issued that order?—Yes. He was Home Secretary at that time.

10939. Can you tell me are many of the workers in your Association under the Act of 1896?—I do not think there are any. They were exempted from the Act.

10940. The whole of them?—Yes, the whole of the weavers, not the spinners.

10941. But I ask you are there any of the workers who are under the Act of 1896 and not exempted?—The spinners, I believe, are. The exemption was only granted to the weavers of Lancashire, Cheshire, Derbyshire, and the West Riding of Yorkshire. So that I take it that the other parts where they are weaving would be under the Act of 1896, because the exemption was only made for those parts which I have named.

10942. In your district the spinners are not under the exemption?—No, but it is generally thought that they are, but it is not so. In the spinning section I do not know anyone who does inflict fines. There are practically no fines in the spinning section, and that is why I rather think you will have no one to come here to give evidence from them. The persons employed in the spinning section are mostly adult males, and they being older people there is not the same necessity for fines. It is very seldom that a fine is inflicted. In fact I do not know anyone who does inflict fines. If a man has got over twenty-one years of age, which a great number of them are, and he wilfully spoils a set of cops through gross carelessness, he would be discharged.

10943. That system, of course, as we know, works very well so far as that is concerned. It is a very well organised trade with you?—I think in the spinning it does work well.

10944. Now I want to ask you if there are no lists of fines, what is the system under which fines are arranged?—The system is this. I have got here some samples of cloth. As you are probably aware, in the weaving branch of the trade there are a large number of young persons under twenty-one years of age—a very large number of them—and they may spoil a piece of cloth. Taking *this* piece of cloth, (*exhibiting same*), the market price is 39s. 6d. a piece. There is a fault in this piece, and the weaver has been fined 6d. for this fault which this piece contains. This has been done through carelessness, and through the weaver allowing the ends to weave out. Mr. Maddison will, perhaps, know something about it, he coming from a weaving centre. That is the fault *there*. (*Showing it on the cloth.*) The weaver has allowed the ends to weave out. Then she gets a steel comb and combs the ends together, and takes a bit of soap and water and tries to doctor it up, and if that escapes the eye of the manufacturer then she does not get fined at all.

10945. What is this cloth?—Cambric. That is one system. Now I might show you one or two others. The cost of this other piece (*producing cloth*) is 16s., and the amount of the fine is 2d.

By Mr. Brotherton.

10946. 16s. for what amount?—Forty yards. It is a much heavier cloth than the other one.

By the Chairman.

10947. What is the length of the 39s. 6d. piece?—That would be about 120 yards, I should say. It is a selvedge fault. The length is not put to it. There is the fault in this other piece *here*. That has been allowed to weave out and has been doctored up as best it could. That piece would be rejected by the buyer in Manchester if it were sent up. Then the employer would have to sell that as fence, or as a spoiled piece. Then the loss to the employer on this piece would be half-a-crown to 3s.

By Sir Frederick Cawley.

10948. For one fault?—Yes. The reason would be this, that if you got that piece you would not know when you were going to cut it up where that fault would come, and therefore if you were buying it for a shop you would not have it at all.

By the Chairman.

10949. But these goods are not sold for shops, are they?—They are sold, but they would not be taken at all.

10950. So that though appearing here to be in the middle it might spoil the whole of this?—Yes; then *this* is a fresh piece. (*Producing cloth.*) This is used for body cloths and turbans in India. The fine is 6d. In regard to these cloths they have to be made at short intervals with these headings that you see there. Now as I understand these are intended to be worn by the Indians as body cloths and turbans round their heads. In putting this through the preparation machine a mark comes out like *that* every time they make the heading. They are made from 2 yards to 10 yards, and in pairs.

10951. I think that sufficiently illustrates the practice now. I was asking you who fixed the amount of the fines?—The clothlooker in the warehouse.

10952. And the amount of fine depends on his view as to the seriousness of the fault?—Quite so.

10953. Then there are some other examples of fines. There are fines for carelessness, are there?—Yes, for carelessness in not putting these headings in at the mark. The smit mark comes up to the beam, and the girls or boys may be playing and leaving their looms running and it weaves so. If the mark gets more than 4 inches away (they are allowed 4 inches) from where it ought to be, then there is a fine of 1d. which would be inflicted, because these pieces when cut up in Manchester in pairs of turbans, or pairs of body cloths, according to

the width and length of them, would then be rejected, and the piece of cloth is worth less money in Lancashire with this coloured border on, although it costs considerably more than if it had no coloured border like that.

10954. The coloured border is to suit the foreign market is it ?—That is it, and here no one will buy it.

10955. Then have you any other category for fines ?—There is wilful damage. If they break brushes and things of that kind they are fined, but it is very seldom that that does take place. It does take place occasionally.

10956.—What is the charge for that ?—Threepence, if it a 1s.—that is, a weaver would be fined 3d.

10957. Then have you any fines in that industry for bad discipline ?—Late attendance—that is, coming late in the morning.

10958. What is the charge for that ?—In some cases when they come late more than five minutes they will be fined 1d. That is for each five minutes after the first five.

10959. Then are there any other things ?—We have deductions in some cases for hot water.

10960. But it is fines I am on just now, and we will come to the deductions by-and-by ? No, we have no further fines.

10961. Have you any reason to give us for differentiating the treatment of this particular industry from other industries ?—Yes, the reason is this, that in the cotton weaving trade we have such a large number of young persons, males and females, under twenty-one years of age. Their work is such that they are very playful with each other, and if you were to say, "John Jones, you will be discharged for not having this cut at the mark" and "Mary So-and-so, you will be discharged," and they were discharged, it would work very hard on the parents. In some cases there is a father and mother, and two or three other children, and in such a case it would work hard against them, and more so in country districts where you have a mill two or three miles away from a town. If a boy is a bit careless, as many are when young, if you discharge him for not the first fault, but after he has made two or three faults, this boy has, perhaps, got to go away and live away from home in a town where he can get work, and he would have to be away from his parents.

10962. Of course you know there is a great variety of industries in the country where there are young people under twenty-one years of age like that ?—Yes.

10963. And the same principle, in your view, would apply to all young people under twenty-one ?—I should think so, because in some industries, I believe in milliners' shops, and in, perhaps, the Pottery districts, as I have heard, things take place which are very hard indeed, and I do not think the fines that I have heard of being inflicted, which are, perhaps, three times the amount of the damage, are very fair. In any case a fine should not reach the amount of the damage. I do not know of a single case in the cotton weaving districts where an employee is called upon to pay the whole of the damage.

10964. Now in the cotton weaving trade would there be any difficulty, do you think, in obtaining adequate supervision such as has been obtained in other industries which work under the Act of 1896 ?—I do not see how we could have better supervision than we have. We have an overlooker to every 100 looms. It varies a trifle, but 100 looms is quite near enough.

10965. I mean, is there anything special in your trade leading the workers into being less disciplined, or orderly, or careful than in other trades ?—They have to be very careful in minding all these threads. In these pieces there are over 4,000 threads in one of them or 16,000 in four looms, and they must be on the watch to keep the threads in their proper places, or you would have what you have in these two pieces.

10966. I do not know that you have caught my meaning. Is there anything in the character of the workmen or workwomen and the young people employed in the trade which would make them less amenable to discipline exercised under the protection of the Act of 1896 ?—No, I believe that we have as good a discipline in the cotton weaving sheds of Lancashire as anywhere. But we have a great many more young people than you have in any other industry.

10967. Now supposing the experience in other districts is that when fines have been abolished there is greater supervision required and more care, and the result of the abolition of fines is that it is succeeded by a system of warnings, and then by suspension, and then by dismissal, and suppose that has worked well in other trades, why should not it work well in yours ?—For this reason, that there is great competition, and there is a great difference between the cotton trade and any other trade in the way they work together. They work in competition with each other. Mr. Maddison, I dare say, has heard a good deal about driving. They drive themselves. There is keen competition betwixt the workers next to each other, or in what we call the next alley. They are driving as to how much money they can get, and so on, and then there is the same driving with the children in the same family. There may be two boys, or a boy and a girl, one eighteen years and the other twenty-one, and they have four looms each, and they strive as to which can get the most.

10968. They are all piece workers, are they ?—They are all piece workers. It is all piece work; every bit of it. It is striving to get the money. I say that competition goes on pretty well all through the trade. There are exceptions, but it is pretty well so all through the trade. Then if one is going behind, or if he gets fined several times for coming late, or something else, and he takes less money home, he gets very much abused by his parents when he gets home, and we have had cases where they have had three faults and let a number of ends run down, and through having to pull pieces back they have made 2s. less at the end of the week, and rather than face it at home they have gone and committed suicide.

10969. But I am still on the inquiry as to why differentiation should take place. Can you give a reason for that ? Can you tell me, if fines were abolished, do you think discipline would be impossible ?—No, we should discharge them, and then you would have suicides.

10970. Instead of fines ?—Yes, and any quantity of them.

10971. That is very strong evidence ?—Yes.

10972. Have you found any suicidal tendency in any other trade ?—I am not aware of it.

10973. It is confined to yours ?—I am not aware of it in other trades.

10974. Is there anything in the nature of the industry which would tend to unhinge these poor people's minds ?—Nothing whatever. The conditions under which they work, and the workshops, are the best in this country. I think you have that in the evidence of Commander Smith, the inspector under the Dangerous Trades' Act. That is in his report of two years ago.

10975. What did he say ?—He said the workshops of Lancashire were the best of any industry which he knew, and the conditions under which they worked were the best.

10976. So that so far as we can see there seems to be no reason why there should be a different system in the instances you are giving us from the system prevailing in other parts of the country ?—Yes. What I say is this, that if you fine a weaver a penny for a mark being out, and he is fined a penny the week following, and perhaps he is fined 2d. on the third week, if it went so far as that (I will come to the amount in losses by fines directly), and if that went on, and a boy or girl were continually not coming up to the mark, or was having these fines which I have pointed out, then we should say, "We warn you" on the first occasion, and on the second, but the third time "you will be discharged," and then the boy or the girl is discharged, and where are they going to work again ?

10977. Can you give any explanation of how good discipline has been maintained in other places after fines have been abolished ?—There is no analogy in the work, in my opinion. I do not know much of other trades, but that is so in ours.

10978. A difference in the work ?—Yes, a difference in the work. There is a difference in the conditions under which they work.

10979. Then do you know any cases where in th industry you are describing fines in point of fact, not withstanding the exemption, have been done away with —Where fines have been abolished ?

Mr. J. Taylor.

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10980. Yes?—Yes.

10981. Where is that?—I could not give you the name, but I know they have been abolished in some mills, and they discharge them now.

10982. What is the result there?—I could not tell you.

10983. I hope no suicide?—I could not tell you, but there have been a good many suicides, though I could not give you the mills. I have heard of mills giving them up, but I could not give you the names of the mills.

10984. Now are you able to testify with regard to the conditions of those mills where fines have been abolished?—No, I have only heard that such has taken place, and that there have been mills where they have abolished them, but I could not give the names.

10985. I think we have got now the evidence about fines, and now we come to the subject of deductions?—But I should like to give you this before leaving the question of fines. I wrote to twenty-four mills to give me the number of workpeople they employed, the amount of wages they paid, and the total amount of fines. The number of workpeople at these twenty-four mills was 12,188, the wages paid amounted to £12,578 14s. 2d., and the amount of fines to £18 13s. 10d., which equals ·368 of a penny, or the third of a penny per week.

10986. On the total number of workers as given?—On the total number of 12,188 workpeople in twenty-four mills in three months, that is, January, February, and March. £18 13s. 10d. is the amount of the fines, which is equal to a third of a penny a week.

10987. Now how are these fines disposed of, do you happen to know?—In some cases they are given to the workpeople in the summer time, and they put something to it, and have a trip to Blackpool.

10988. And in other cases?—In some cases they are given to the infirmary and in some cases the employer keeps them.

10989. Then have you anything else to state about the fines, or may we go on to the deductions now?—I can go on to the deductions now.

10990. In respect of what things are deductions made?—They are made for hot water—in order to supply the workpeople with hot water for tea and coffee, and so on.

10991. How much is that?—In some cases 1d. a week and in some cases 2d. a week, and in a large number of cases nothing. So far as the hot water goes I should not care to back that up. I think the employers ought to give the workpeople hot water for nothing.

10992. Then the next thing is oiling?—Yes, in many districts the oiling is done by the employer as it prevents accidents. The girls and women have to get under the machine, and if they are doing it while the machine is running, and they get trapped, they constantly have accidents. I think as an instance of that I might give you this, that in the district represented by Mr. Maddison which is Burnley, the oiling is universally charged for at ½d. per loom per week. In the other districts it is not. In connection with the Burnley Employers' Association they have an insurance against workmen's compensation and employers' liability, and actions at common law. They have less accidents in the Burnley district than in any other district that you can mention. We can prove that. You can have the figures got out by the Factory inspectors.

10993. Just in order to clear my mind about that, when it is charged for at ½d. per week, is it an official of the factory that does the oiling?—It is a man employed for that purpose.

10994. Then when it is not charged for, who does it?—They do it themselves.

10995. The individuals do it?—Yes.

10996. So that when you have of course a general official charged with doing this, he can do it more skilfully and without much risk of accidents?—I do not know that he can do it any more skilfully. I do not see why he should.

10997. I mean it was in your interest that I was wanting you to explain the thing?—I do not see that at all. A weaver can oil his loom. He has got his oil can and his feather, and he can oil the various parts of the machinery which require it, just as well as a man who is going round doing it regularly.

10998. But there is more danger?—The young children, the young persons and females are not such adepts at machinery as others.

10999. They cannot do it so skilfully as a man who is always doing it?—Not the females, I should say.

11000. Then that which you have described has nothing whatever to do with the general question, which is whether you should charge for that so much per workman, or whether that which is a halfpenny a week should be treated as part of the general oncost of the work. Have you anything to say upon that point?—Yes. I think that the system of charging for oiling and cleaning, and cloth carrying and that kind of thing, is a great advantage to the workpeople. You see that Mr. Richmond, the inspector of factories for the Manchester District, as you will find in his Report for 1905, speaks of cases where all the cleaning of the looms, and the oiling of the looms, and carrying of the cloth, and the carrying of the weft, is done in such a way that the weavers have nothing at all to do but weave in the shed, and in such cases they are almost free from accidents. The weavers are charged 3½d. per loom per week, and that covers the cleaning of the looms, the carrying at the cloth, and the carrying of the weft, and the oiling of the looms.

11001. Apparently it comes to this, that so far as the thing being done is concerned you think the advantage lies in it being done by some general officer or servant of the concern. The question of charging for it afterwards is another concern, but so far as its being done well goes it seems to be done safely, and better in fact, by a general officer than by each individual doing his or her portion?—If he is a man who is driving four or six looms he would be able to carry his cloth quite as well as a man who is engaged to do the work. But taking the case of a girl who is seventeen or eighteen years of age, and who has got to carry a number of these pieces of cloth, up to 120 yards long, and who has got to carry them in her arms in *this* way (*illustrating*) through the machinery, she cannot do it so well as a man.

11002. It is in your favour that I am putting this, and I want to get the balance of your judgment on this on the whole; it favours it being done by a general servant of the concern charged with that particular class of work?—Yes.

11003. That is instead of putting it on the individual worker?—Yes.

11004. The balance of convenience lies there?—Yes.

11005. Whether it is to be charged for or not is a different matter, as you say?—Yes.

11006. Then is there anything else in the way of deductions?—I should like to give this case, because this is a case which Mr. Maddison could easily inquire into. It is in his district and is like a few others. This is the case of W 4. There are 1,520 looms in this shed and we charged 3½d. per loom for doing the work I have enumerated. We employ for doing this work in place of the weavers thirteen cleaners at 24s. a week, two cloth carriers at 24s. a week, three weft carriers, one at 15s. and two at 11s., and three extra clothlookers at 16s. 6d. The increase in the weavers' wages is from 2s. to 3s. a week after deductions are made. This you will find in Mr. Richmond's Annual Report for 1905. I went with Mr. Richmond the superintending factory inspector to inquire into this case, and we found that the accidents were practically nil, that the people obeyed the factory regulations, and came out immediately the engine stopped. He questioned whether both the men and women liked this system, and found they were delighted with it, and they said they would not go back to the other at any price.

11007. Now the next?—The next deductions are what we call gold bobbins. Gold bobbins are for putting these cross headings in China shirtings and India shirtings.

11008. What are cross headings?—At every seventy-five yards you have to put a cross heading in. Instead of being put in by weft, it is put in with gold thread, and that costs us 6d. per bobbin of fifty yards. You can see very plainly that if the people are not very careful in using that gold there is very great waste, and we charge them 6d. per bobbin to allow for it back again in the price of the piece. Whatever length they have got to put in we allow that price back in the weaving price.

11009. So that ultimately it is not a deduction really ?—No, not ultimately. I think they have some gain if they are careful. Those are all the deductions we make in the mills so far as I know, and I have been acquainted with them for twenty-five years.

By Mr. Walsh.

11010. With regard to the £18 13s. 10d., did I understand that was for the whole of these twenty-four mills for a week ?—No, for thirteen weeks.

11011. That is to say, it took thirteen weeks for these twenty-four mills to get together a total of £18 13s. 10d. in fines ?—That is it.

11012. So that really the twenty-four mills would only have about £1 8s. 0d. a week ?—To give an instance, I have one mill here employing 147 people, and the fines run in this way : 3s. 7d., 4s. 7d., 3s. 5d., 4s. 7d., 4s. 8d., 1s. 11d., 3s. 7d., 2s., 1s. 11d., 3s. 3d., 2s. 6d., 2s. 7d., 1s. 11d.

11013. That is per week ?—Yes. That is £2 0s. 6d. for the thirteen weeks, or an average of 3s. 1d. per week for 147 people.

11014. So that that only bears out what I have said, that it gives about £1 8s. 0d. during each week of the quarter for the twenty-four mills ?—Yes, for the twenty-four mills.

11015. So that, taking the twenty-four mills through, they are charging at the rate of about 1s. 2d. or 1s. 3d. a week ?—Yes.

11016. For the average, of course, that is ?—Yes, but not per person.

11017. No, it is for the whole of the people employed ?—Yes, and it is about 3s. 1d. Now this is another mill where they make shirtings, and the fines are not so great as in that. In this mill they employ 1,237 workpeople, and the fines for the first and following weeks are 2s. 4d., 4s. 7d., 2s. 10d., 5s. 6d., 5s., 4s. 2d. 9s. 2d., 7s. 4d., 5s. 7d., 6s. 1d., 8s. 1d., 5s. 3s., 10d. For the thirteen weeks the average is 5s. 3d.

11018. So that you have 1,237 workpeople, and the fines inflicted upon them amount to an average of about 5s. 3d. a week ?—Yes, for thirteen weeks.

11019. Throughout the whole quarter ?—Yes.

11020. That is very interesting. Are we to understand that you really believe that the discipline of the mills is dependent upon this system of fining being maintained ? Yes.

11021. That is to say that the discipline itself is so precarious that it depends upon the infliction of fines varying from 1s. 4d. to 5s. 3d. per week ?—Yes.

11022. And this 5s. 3d. is the amount in the case of 1,237 workpeople ?—Yes.

11023. But after all the discipline of the people, which does really seem to be very great, taken as a whole, and which you yourself admit to be probably as high as in any district in the country, is yet so precarious that it would break down if this small amount of fines is taken away ?—Yes; and why do I say that ?

11024. I should be glad if you would answer that question yourself ?—I will take you into Lancashire and we will go into the mills when it is booking-up day, that is on Wednesday and Thursday. The cloth comes in and they send someone down with a good deal worse fault than that in a piece costing 17s. or 18s. a piece. They ask the weaver what he has been doing. "I do not know," he says, "I went off my looms and when I came back they went like that." He is asked, "Why did you leave your loom running ?" and he says, "I do not know." Then they say you will be fined 2d. for that. What will he say to you ? He will say, "Nay, I shall not ; give me my money, I am going." That is what is going on to-day for 2d., and he gives up his situation.

11025. But would that not be one of those very small and isolated cases which would soon settle themselves. Would not the man who did that probably find himself unable to obtain employment at the next mill, or for a long distance round ?—No, he can go and get work anywhere to-day.

11026. But to-day I am afraid you are in a season of prosperity. You are booming ?—I am afraid we are not.

11027. I do not know. I am an outsider and know nothing about it, but do you not think it would settle itself. Would the man who so readily threw up his position not find himself when he was speaking to the next employer, or to the officials of the next employer, met with certain searching questions which would probably reduce his chance of employment ?—No. Take it in the town of Blackburn, with 87,000 looms, and you can reckon there are three looms to each persons. If you divide the number of looms by three, you get the number of persons employed. So that you will get pretty nearly 30,000 people in Blackburn. Therefore if a man leaves a mill and goes to the next mill a quarter of a mile away, do you think they would ask him where did you work last, or what did you get discharged for ? They ask nothing, and if he is a decent man looking for a job and he can manage four looms he walks in and starts.

11028. Then you do not think that if a man is so reckless or so little considerate as to throw up his position rather than accept a fine he would soon find himself in the position of making it difficult for him to obtain employment?—It is done every day of my life to-day in these little places, and if we were to inflict a heavy fine then it would be the talk of the town. "I would not work in that shop," they would say

11029. Are you aware that there are many mills in Lancashire engaged in this business, and we have had witnesses who have told us that in many mills there are no fines at all inflicted and that they have found no lack of discipline. Are you aware that there are many mills of that kind ?—I am not, and I should like to know where they are. They ought to give the names of them.

11030. You are not aware, however, that that is the result obtained ?—No. I have been told there are some that have abolished fines, but I do not know who they are.

11031. But in the spinning it is abolished ?—It is.

11032. It has never existed there ?—It is altogether different. There is not the same reason for fines, and besides that, you have adult labour—mostly adult males.

11033. Then, I think, I understand you to say that in four looms there were about 16,000 threads ?—Yes, some of them more than that and some less.

11034. On a fabric like that which you have shown the Committee ?—Yes.

11035. You said that this necessitated great vigilance and that they ought to be very careful ?—They have to stop the loom if it goes wrong. The threads have to go through *there* (*illustrating*), and they put the work in, and as it goes back they put the work in again and as it goes along if one thread gets broken cross ways, it locks there, and it gets the other five or six ends together and makes a mess of the cloth.

11036. I take it then this needs an almost perfect oversight, so far as human oversight can be said to be perfect ?—No, I would not say that. If it is fine cloth you have to look pretty well after it, but if you get to some of these thinner cloths it does not need the same watching.

11037. But it needs pretty well constant oversight ?—Yes. You have to stand betwixt four looms.

11038. What area would they occupy ?—This is a 45-inch loom and you have two in length and then two *here* (*illustrating*), two on one side and two on the other side.

11039. That is an area probably of five square yards ?—Less than that.

11040. Are many of these accidents that take place really beyond the control of the worker ?—No, not at all. If it was so that there was a large number of threads coming up broken and he found that he could not well doctor them, there would be a claim for bad material and it has all got to be paid for.

11041. I have in my mind a technical expression called a broken pick. I do not know whether this applies ?—That is not in the warping threads at all. That is across.

11042. But this applies to the weaving industry however ?—Yes.

11043. Is this broken pick not the result of the use of bad material in a piece that breaks on its coming through the machine ?—No, a broken pick in a piece of cloth is called a weft thread that should reach right across but breaks in the centre *here*. (*Illustrating.*) Then the weft is on *this* side and there is no weft on *that* side, and you have to turn the loom back and take out the broken picks.

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When you do that you have to pay 10 per cent. extra for it. That is provided for in the list.

11044. Are these people ever fined for broken picks?—Certainly, if they do not take them out: if you put it on the card when you give them the particulars of the work, and then the pick has to be found and the broken picks taken out, and you have got to pay 10 per cent. extra. Certainly if the weaver does not take out the broken picks he will be fined for it.

11045. In that case, however, the 10 per cent. is really an equivalent for the fine which is deducted at a later stage?—No, the weaver would receive 10 per cent. extra wages because there would be extra labour involved in taking out these broken picks.

11046. That is exactly the point I am putting to you?—But if he did not take out the broken picks he would be fined probably 2d.

11047. He really has received already an equivalent for the fine which may be taken at a later stage?—Yes. If it was a piece of that kind of special cloth, there has got to be a good job made of it. The weaving price for this would probably be 4s. He gets 10 per cent. for pick finding. That is 4¾d. extra. If he does not take it out he is fined probably 2d.; so that he gets 2¾d. extra then.

11048. You said that under such circumstances he is really fined, but he receives more than an equivalent in the extra rate put on the product?—Yes.

11049. Now as to the increased price, are there cases where such an arrangement has not been made? Do you suggest that there are cases where the 10 per cent. arrangement is not entered into with the workman?—Certainly, where he is not asked to take out the broken picks. The standard list is based upon merchantable cloth. But in ordinary cloths like *this* (*exhibiting cloth*) with a few broken picks, there would be nothing said about it, because you would have to have a very practical eye to see it.

11050. We have been told that an imperfectly running loom or machine, for which we understand the workman is not responsible, will often cause this broken pick and that that is a matter over which the workman has no control, but yet they are fined because the broken pick results in that case?—I do not know any case of that sort. I know cases where the workman has objected to the fine when the cloth has been most fearfully spoilt from beginning to end and he has perhaps run to the extent of 1s. and when it has not been fit scarcely to send for cleaning windows with. *That* piece has then been sent down to my office and Mr. Cross, the secretary of the Amalgamation, will come down and meet me and look the thing through. He is the secretary of the Northern Counties Association. I will say, "Now, Cross, what do you think about it," and he will say, "It deserves all it gets"; and the piece is sent back to the mill.

11051. Would your opinion be altered at all if you really were faced with the fact that very many weaving mills have given up the system of fines and have found that their discipline has not been in any way relaxed?—No. Are you aware that the Weavers Union have two inspectors in every weaving shed of over 400 looms?

11052. No, I am not aware of that?—They have mill representatives for every mill of over 400 looms and one of these representatives, when a complaint comes in, goes to see the ticket, which is about the size of an envelope, with all the particulars on it, such as the price and where the pick is to be found and so on. He takes those particulars to his Trades Union Secretary and he gets the price and he pulls his measure out of his pocket and measures it to see that it is right, and he gets a piece of the work and runs it in a roll to see that it is of the right length. The yarns are very often medium, so that that does not make very much difference. If a weaver gets fined 2d. she goes to John Jones say, and says: "I have been fined 2d. for it and I do not think I should be fined." The answer is: "Very well, I will go down and see him," and he goes and says, "Where is that piece belonging to the loom?" and he shows it to him and he looks at it and he says: "That is right, I do not think you should be fined 2d. for that." You have then either to burk that fine or have them put out in the street, and you are not going to put them out in the street for 2d.

11053. Hardly?—We are not the masters by any means.

11054. You speak about one matter as being a very serious matter and it struck me to ask if there is any real foundation for the statement that suicides would often result if this system of fines was to be made illegal by Parliament?—Yes.

11055. Are we to understand from that that the people in the mills are very eager to get the product of their work there?—No.

11056. Then what are we to understand?—I refer to the competition betwixt themselves and the talk that there is if one gets discharged in that one mill. Mary Jones or John So-and-so gets sacked for spoiling his work and then does not like to face it at home. He is perhaps a lad of seventeen or eighteen years of age and rather than have his father take the strap off his back and lay it about him, he will go and get into some water. There is a very great deal more driving with the parents than with the mill owners. We have had cases of that kind before my Committee.

11057. I am quite sure you do not make this statement at random, but have you no means of verifying it, because it seems to me to be the most serious statement that has been laid before this Committee. There has been a good deal said about driving in mills?—Yes, and you have seen cases of people drowning themselves.

11058. Yes, but then the evidence has been given by the people who have lived at home. They have always alleged it to be something that has occurred at the mill? and they have said that it has not been the brutality of the parents of the drowned person?—We had a girl at Darwen who poisoned herself through nothing at all except that she dared not face the thing at home.

11059. I do not intend to press that any further except to say that it seems to me a very grave statement?—It is a very serious matter indeed to drive young people to that. If they are not to be fined and we have got to discharge them on the third warning, then they will go and do that sort of thing, which is a very serious matter indeed.

11060. You spoke of it becoming known when these people are fined for some small offence?—At most mills.

11061. It is well known in the mill?—Yes, in the neighbourhood.

11062. And there is some little ridicule or odium, so to speak, laid upon them by their work mates in the mill?—Yes.

11063. Do you not think it would tend to improve discipline if you took the fines away?—No, I do not think so.

11064. The fact that a person is more or less indifferent and has already received a caution twice or three times, and probably dismissal, do you not think the open knowledge of their associates would tend to improve discipline?—I do not think so.

11065. Does the open knowledge that a person is careless and an indifferent workman not tend to cause censure to be visited upon them by their mates and gradually lift them up to the standard of the others?—No.

11066. It does not?—No, we have had lots of cases where it does not.

11067. Does it improve them in many cases?—It may do so in some cases.

11068. It is quite a natural thing to wish to stand well with your fellows?—We have a large number of people and it is altogether different from any other industry; there is no other industry where they get the same wage or have the same conditions under which they work, and there is no other industry where there is the keen competition there is between the workers themselves that there is in the cotton trade.

By Mr. Maddison.

11069. You made it plain in your evidence, I think, that it is the fact that there are so many young people employed in weaving as distinguished from spinning that induces you to think the fining system ought to be retained?—Yes.

11070. What proportion of the fines do you think in weaving sheds are those imposed on adults, male and

female ?—I could not tell you. I really could not answer that question. I do not know how that is possible to be got at, except by having the mills to mark the fines. I do not see how you could get at it in any other way, and I have been a mill manager myself.

11071. There are a good many fines as far as they go which are imposed upon adults in the weaving trade ?—There are some, but I do not think they are anything like the extent of those imposed on people under twenty-one years of age.

11072. No, you would expect that, of course ?—A man having his wife and family minds his work better than a young silly lad or lass running about and making fun. A father and mother are more steady and attend to their work and their labour.

11073. But I suppose that if there were no large proportion of young people in the weaving trade, you would have no hesitation as to fines being made illegal ?—If they were adults, no.

11074. Take the spinning, what age are piecers and creelers. Are not they, sometimes, young ?—Yes.

10175. And they are in the spinning trade ?—You see piecers and creelers of twenty-six and twenty-eight years of age, and what we call a little piecer, where there are little piecers. Take a mill with twenty thousand spindles. That mill will probably have five of them. These piecers and creelers are engaged by the minder, the spinner, not by the employer, the spinning master. If you were a minder, and I were your big piecer, and we had a little creeler, you would engage him and pay his wages.

11076. There are about 20,000 full spinners, I understand ?—Yes.

11077. Then there are over 41,000 piecers and creelers, and what proportion of those piecers and creelers will be below twenty-one ?—I really could not tell you. There are not many, I think.

11078. A fair number, is not there ?—I could not say.

11079. I mean employed by the company, or mill ?——No, I do not know exactly. I do not know a single mill that engages the piecer or the creeler. I do not know a single instance of it.

11080. His wages are paid by the spinner, are they ?—They are paid by the minder. If you were a minder you would draw the whole of the wages from a pair of mules. If you and I were joiners then one of us would take the lead, and if you took the lead you would draw the money and give me my portion after having paid the little piecer or the creeler.

11081. So that in the spinning trade, so far as direct employment by the piece is concerned, your evidence is that there is very little child labour or labour below twenty-one ?—There is scarcely any.

11082. Now you have put in here some cloths giving us some examples of faults. In the ordinary way, unless there is an appeal to the union official, the cloth-looker is the final court of appeal about it, is not he ?—No.

11083. He is not the final court of appeal—that is to say, putting it in another way, unless the party appeals to his committee man the overlooker imposes the fine ?—Yes.

11084. And in the ordinary way he passes ?—No.

11085. What happens then ?—Supposing he is a man who is in the union, and he thinks the fine is too much, or that he ought not to be fined at all, he will say, "I will see the manager about it," or he will say "I will not be fined," and then the cloth-looker will send for the manager and he will examine it.

11086. Does that often happen ?—Yes, very often.

11087. But still, I suppose, a large proportion of these fines will be taken on the *ipse dixit* of the cloth-looker ?—A fair number of them.

11088. Is there any motive in the clothlooker for finding a fair number of faults ?—None whatever. He does not find them. The man who inflicts the fine does not find the faults. Supposing we have a shed with 500 looms, and there are two cloth-lookers, and looking over the machine the cloth-looker comes across a fault, and he says 'Put that out," he will say, "It is fined 2d," or 3d.

11089. It comes to the same thing ?—Yes, but he does not look for the fault. *Mr. J. Taylor.*

11090. But he has to decide whether there is a fault ?—Yes. 2 May 1907.

11091. Is it reasonable to assume that a new cloth-looker would be a bit keen to get right with the bosses?—Assuming he is, he is a member of the Textile Trades Federation, the cloth-lookers and weavers are all amalgamated in one union, and if the tackler, is behaving himself badly, or the cloth-looker the same, then he is brought before the federation and he is dealt with there. He is practically a member of the same union.

11092. That is to say that trades unionism helps to adjust things in that trade as in others ?—Yes.

11093. But unless the trade union machinery is put into operation there is a danger of what I have suggested occurring, I suppose ?—I should not think so.

11094. Then about bad material. Of course I am not a practical man, as you know, and I know nothing about your business, except just what I learn through gentlemen like yourself, and the operatives, but there are, as you know very well, some very loud complaints, and very widespread dissatisfaction about alleged bad material ?—Yes.

11095. I suppose, without wanting you, of course, to commit yourself in any sort of way in a question that will probably have to come before you in a very pointed form, there is some danger of bad material, and there is some bad material as a matter of fact goes into the sheds, is not there ?—There is what is alleged to be bad material, and when we find it we pay for it.

11096. This bad material may easily contribute to faults, may not it ?—Certainly. If it is bad material it would contribute to faults.

11097. And amongst all the mass of stuff that goes into the sheds throughout the year, would not you say that there are at times faults caused through bad material which the men are fined for ?—No.

11098. You think that your system is so perfect, and the union is so perfect, that nothing escapes ?—Yes, and I should be glad to give you a case. You know Y 4. He has got 1,400 looms; the average is 6s. 3d. per loom. That is 25s. a week for a four-loom weaver. There are lots there, both boys and girls, under twenty-one years of age receiving that wage. They alleged bad material at that mill, and how did it come about ? The employer went into the shed and saw a beam or two which was not quite up to the mark, as he thought, and he said to the weavers, "The taper has made a mistake with this. I will put 10 per cent. extra on them. Try and make as good a job as you can." They did. But it leaked out amongst the other weavers that they were getting something extra, and they said: "It is not right. We should get something. We have had bad weft at times, and we want something." They went before the union and said they wanted 1s. and the employer rather than have any trouble offered 6d. a loom, but they refused to take it, and these 1,400 looms are standing to-day.

11099. But that does not prove very much ?—But that shows where it was alleged to be bad material, and the employer sees it and pays extra.

11100. But he would not pay sufficient ?—But it settles it itself.

11101. But it does not settle it with me, because I want to press it, and when you think that it is leading to strikes about bad material is it not reasonable to suppose that in the ordinary working of a mill there is a danger of men being fined largely on the *ipse dixit* of a clothlooker for faults which are largely made through bad material ?—No. We have an examination by the men on each side. Supposing you allege bad work in a mill, they go and look at the work.

11102. But I am not talking about that at all. I believe that that is perfect, and when they get together in that way I know nothing nearer perfection; but I am talking of cases where a woman, a non-unionist, does not like to appeal, but takes the fine as it is imposed, and the only question is: Is not there some real danger of unfair fining under such a system ?—I do not think so.

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11103. Now you stated, as I understood you, that the fines were either given to a holiday fund, or to infirmaries, or to some similar object?—I said in some cases, and in some cases the employer takes them himself. I think those are the words I used.

11104. Now Mr. Shackleton was asked, Where do the fines go? Into the employer's pocket, so far as the cotton trade is concerned, it was said. Then someone said: "Is that an invariable rule?" and his reply was: "They are set off for damages, but in the first place they go into his pocket." Then a further question was, "Does he put them into a sick fund, or anything of that kind?" and then Mr. Shackleton replied: "No, we have nothing of that kind at all"?—The next time I see Mr. Shackleton I will ask him about that, and to give me the names of the mills where this happens.

11105. He may have been speaking of his own immediate district?—I could give two names.

11106. Perhaps you will qualify your answer to the question, that these are the exceptions?—Not by any means.

11107. You think the fines do go in the majority of cases to a holiday fund, or charitable purposes?—I do not say the majority. The workpeople in some cases put something to them, and they go to Blackpool, and in some cases the fines go to the infirmary.

11108. Now about the weaving sheds. We have been told about where fines are not in force, and again Mr. Shackleton preferred not to give the names, as you have done, and he told us of his own knowledge, which we all accept, that he knew of two firms in his district which did without fines?—He stated they were in his district. I have not been able to find that out, but I will try to find it out.

11109. I think he said in his district, but do not take that quite from me. But anyhow he said there were two firms, and he assured us, and it has a very important bearing on your evidence, that from those two firms he had had no complaints as to arbitrary discharging, and that the altered system had given the union no trouble at all. I think it is fair to assume from that that the discipline in the mill had been maintained?—I should like to know where the mill is, and the kind of stuff they make. I guarantee they do not make those. (*Exhibiting samples of cloth.*)

11110. Perhaps you know they do not make them in that district?—But they do make them in that district very largely.

11111. Now you have given it in your evidence that you are against any fine or deduction which even equalled the amount of the damage?—Yes.

11112. And, much more, was over the damage?—Yes.

11113. So that you only want to fine for disciplinary purposes?—For disciplinary purposes.

11114. So that the whole question in your mind is, "Can we maintain the discipline in our mills, or in our sheds, without fines"?—Yes. We can.

11115. You can maintain it without fines?—Yes.

11116. You can maintain it without fines?—Yes, by discharging, and then you will have trouble, and it will be a very great hardship on the parents.

11117. Mr. Walsh suggested to you that there might be an alternative by which you could get the same deterrent effect. You have told us about those deplorable suicides which we know have taken place in Lancashire, but which are not always traced quite to the cause you have indicated, that is, caused through parents knowing they have been fined, or that they have not done enough work in some cases?—Yes.

11118. Now, supposing in some sort of way any fault was recorded in a list that the operatives could see, or in some way that would bring it to the knowledge of the operatives, so as to stir up the *esprit de corps* of these people, would not that have the same effect?—With the mill that adheres to that they would have a strike to-morrow if they did that. They object to it now, and it has been abolished in Burnley, as you know.

11119. I see great objections to any display of the kind that has been suggested, but what I am after is whether you and your fellow employers in your resources could not devise something that would have the same deterrent effect. For instance, the fines are known now, are not they?—Yes.

11120. How are they known?—Only to the weaver.

11121. Then how can it be any deterrent?—Take a penny out of a Lancashire weaver's pocket and see whether it has any deterrent effect or not.

11122. He is a sensible man, of course?—By his pocket and his throat is the only way to get at a Lancashire man.

11123. Still there are other qualities the Lancashire man has, and what I want to get at from you is this: You have told us of the deterrent effect of these fines, now that deterrent effect can only come through some one knowing about it, the parents or the other workers. If some record could be kept in the mills which would be equally known, the same people would know it, and why would not the same deterrent effect take place?—Because the officials would not allow you to use it.

11124. Instead of fining, put the man or the woman, the boy or the girl, on a record of offenders. The cloth looker would bring them down and he would say, "Here is the fault, you will have to go on that record;" if they were continually on the record get rid of them?—Certainly that is what he should do.

11125. Why would not that have just as good a disciplinary effect as fining?—I should like to see those names put on the board to see the effect.

11126. I do not want you to put them on a board at all; but make the same record in your books as you do now of fines, nothing more, nothing less, but still let it be known to the persons who are on the record book that to that extent they have failed in their duty. Now would not some system of that sort have just the same deterrent effect and maintain discipline just as well, and avoid what many people think wrong, that is the fining system?—I do not think it would be the slightest good.

By Mr. Delevingne.

11127. Only one question about the subject of closet cleaning. It has been given in evidence before us that deductions are sometimes made from wages for the cleaning of closets in the mill?—Yes.

11128. Have you any knowledge of that?—If the weavers' officials will acquaint me with which mill it is, I will see that it is stopped.

11129. But you do not know of any case in which it is done?—It used to be done, but it is not done now to my knowledge. I do not know of a single case.

11130. Are there any cases in which the weavers have to do the cleaning themselves?—The closet?

11131. Yes?—I never heard of such a case in my life.

FORTY-FIRST DAY.

Wednesday, 8th May, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. ISAAC HODGES, called; and Examined.

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By the Chairman.

11132. You are a mining engineer and colliery manager?—Yes.

11133. You have had twenty-five years' experience in Derbyshire and Yorkshire?—Yes.

11134. You are director and general mine manager of Henry Briggs, Son & Co., Ltd., Whitwood Collieries, Normanton, Yorkshire?—Yes.

11135. They employ 3,500 workmen, with an output of upwards of one million tons per annum?—Yes.

11136. In giving your evidence here to-day, whom do you represent?—The National Association of Colliery Managers.

11137. Has your Association taken into consideration the subject of the remit to this Committee by the Home Office about truck and fines and deductions from wages?—No, I do not think they have.

11138. In what circumstances are you good enough to tender your evidence?—I was giving evidence before the Royal Commission on Mines, upon matters connected with coal-dust explosions. That Royal Commission have taken evidence on the question of fines, and I asked for permission to give evidence on that subject. I think representations were made to your secretary, who then asked me to give evidence here.

11139. Could we obtain, do you think, the evidence that you gave before that Royal Commission?—I did not give evidence on fines or deductions. The Commission are issuing an interim report on coal-dust explosions alone; but they have already taken evidence, principally from all the inspectors of mines, as to the question of fines and discipline in mines.

11140. Do I understand that the evidence that you now tender is on behalf of the colliery managers?—Yes.

11141. Have they considered your evidence?—The council of the association met and appointed me as their representative; I think they offered other names also.

11142. Do you know that Mr. Ratcliffe Ellis was a witness here?—I did not, until I arrived at one of your meetings at which I was called.

11143. Do you know the general tenor of his evidence?—I do not; I have not seen it.

11144. I understand that you have considered the subject of the practice of fining workmen at collieries?—Yes.

11145. We cannot go into much detail about it, because we have already had so much evidence on the matter from Mr. Ratcliffe Ellis. His evidence was substantially to this effect: that you ought to maintain a system of fines in mines; do you agree with that?—I do, distinctly.

11146. He was of opinion that it was a fair thing that there should be the option of fining even in cases where there might be a report for a criminal trial; do you agree with that?—I could not quite go so far as that. We find fining to be the only practicable mean between a caution and a prosecution.

11147. Therefore you favour the continuance of a system of fines, even in cases where there might be a prosecution?—Oh, yes.

11148. Has it ever occurred to your body to consider whether you were not interfering with the due carrying out of the criminal code in the matter?—Yes, but we have not thought that we were interfering. We have to take several things into consideration. The laying of a prosecution is a serious burden upon a colliery manager's work. The Coal Mines Regulation Act insists upon daily attendance of the manager at the mine. Now, in the case of a prosecution, the manager must attend at a solicitor's office to lay the information, and he must attend at the hearing. It always takes up a portion of two days' time or more. The manager cannot be in two places at one time, therefore he is not carrying out the Coal Mines Regulation Act when absenting himself from the mine. Of course, that is not an absolute deterrent where the offence is a serious one, one involving danger to the offender's life or to the lives of his fellow workers; and in cases of cruelty to animals we also usually prosecute.

11149. So that I think I am right in the point I started with; that with regard to a number of fines they are imposed, although the offences for which they are imposed would be recognised by the criminal law as the subject of a criminal prosecution?—Certainly.

11150. And you, as colliery managers, are prompted to the course of fining, having in view the expense and the absence of the manager from the mine which the carrying out of the criminal law would entail?—Yes, and the general inconvenience both to the delinquent and to the employer.

11151. You exercise your judgment, do you not, as to whether the man should be reported to the criminal authorities or not? I mean in view of the heinousness of the offence?—Yes, we do.

11152. I think you will admit that that state of law, oscillating between criminal prosecution on the one hand and the judgment of the colliery manager or owner on the other, as to substituting a system of fining, could not be logically defended?—I am afraid it could not. In the case of many offences I take it there is something to be said on the part of the workman, sometimes more and sometimes less, and the colliery manager judges whether an offence is sufficiently serious to compel a prosecution or whether the workman shall be fined. In collieries the conditions are exceptional. The workings are very extensive; in the company with which I am connected we have 3,500 workmen, and they are scattered about at very great distances apart. We have special officials to look after the safety of the mine, and these officials are the first to come in contact with any delinquent and to deal with him; it is only on their representation that a serious offence or a series of offences has occurred that the manager takes action at all.

11153. Please understand that there is no suggestion of blame or anything of that sort; we only want to get at how the system works. Now will you tell me with

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regard to the cautions? I suppose a system of cautions is adopted in the interests of discipline?—Certainly; and, considering the multifarious rules by which colliers have to be guided, the number of cautions, of course, is very great. There cannot be an hour of the day but that some caution is administered to somebody or other.

11154. Then comes a stage when they might be prosecuted, but you impose fines?—Yes.

11155. Do you ever impose fines in cases where there is no case for a prosecution, or would you approve of that?—Yes, I should. For instance, there may be a series of damages to certain property or certain machinery, which it would be very difficult to substantiate in, I suppose, a criminal court, and yet in which it is very necessary that something should be done.

11156. What would be the difficulty of establishing such a case in a criminal court?—The principal one would be the great inconvenience of it; it would not be worth it.

11157. But, apart from inconvenience, I fancy it could be established in a criminal court, could it not?—Will you allow me to refer to the list of fines at the Whitwood Collieries for last year, and I will see if I can point to any that could not be strictly established? I have scheduled a list of all the fines at these collieries for your information, so that you can see exactly what we fine for.

11158. But can I not have your view upon this? We should value your view. Are you in favour of fining for the purpose of discipline, even although the offence for which the fine was imposed would not if proved, come within the criminal law?—I am afraid I am not quite sufficient of a lawyer to be able to say what always does come within the criminal law. The only point that I am a little doubtful about is, in case, say, of a dirty engine, an engine which is not kept properly clean, and as to which cautions and repeated warnings have had no effect, I am not at all clear whether that would come within the criminal law; but I take it that it is distinctly in the interests of discipline that that offender should be finable.

11159. Do you know any colliery where fines are not imposed?—I do not.

11160. Do you think that discipline could not be maintained without fines?—I think the same high standard of discipline could not.

11161. Have you ever considered the subject of suspending a man or a boy?—Yes.

11162. I mean suspending him for a week?—Not a week.

11163. Or for a short time?—It is very rarely that we suspend; if we do suspend it is merely for the purpose of investigation; suspension usually results in a final dismissal.

11164. So that you have never resorted to a system of what you might call temporary suspension?—It is very much objected to by the workmen—exceedingly so. They lose their day's wages or week's wages as the case may be, and they feel that it is an arbitrary punishment that they are compelled to stand whether they are innocent or guilty.

11165. I gather that in the large majority of cases the caution system suffices for the purpose of discipline?—In enormously the larger proportion of cases.

11166. You give an illustration from the Whitwood Collieries, you say: "Upwards of 200 boys start work each year; of a total of 500 boys employed during 1906 seventeen only were fined, and one was prosecuted"—we will keep out the one prosecuted. Is it your evidence that you could not have maintained discipline among these 500 boys unless you had fined the seventeen?—Either fined the seventeen or prosecuted the seventeen.

11167. Your evidence is so strong as that?—It is. A boy is usually less amenable to discipline than a man; in his case it does need some punishment to prevent the repetition of the offence, it is essential to enforce the rules of the mine.

11168. The highest fine you say during the year was 10s. and the lowest was 6d.?—Yes.

11169. The prosecution there referred to resulted in a fine of 2s. 6d., and costs 23s. 6d.?—Yes.

11170. Then, I think you have experience where the father of the boy appeals for a heavy fine in lieu of prosecution?—It is almost the unvarying experience.

11171. So that apparently prosecution is a very severe deterrent?—It is very much objected to by the boys' parents.

11172. But it is a very severe deterrent?—I am not so sure that it is a severe deterrent; it depends a good deal on the character of the boy.

11173. Suppose he were a good boy?—If he were a good boy, our idea is that the stigma of being fined at a magistrate's court often lowers the boy's character until he does not care, and in a pure spirit of bravado with other boys he does not object to being prosecuted again. For a first prosecution the boy's father almost unvaryingly asks for a fine.

11174. Then you say "particulars of a recent case are produced where after a plaint had been made against a boy for contravention of a special rule the father appealed to have the summons withdrawn"?—Yes I have sent you particulars of that; you have the particulars in the letters that I have sent to the secretary.

11175. What did the officials of the Miners' Union want you to do?—They asked particularly that the boy should not be prosecuted. I said that something ought to be done to mark the offence, because it was very serious. They offered to call a special public meeting of the miners at which all the boys should attend in order that attention might be called to the matter. That was giving more effective public attention to the matter than could have been got by a prosecution before a magistrates' court; it was much more effective.

11176. I gather that your evidence would rather point, if the law is to be more regular, to the Coal Mines Regulation Acts being altered to some extent in order to give an option to the managers to put the criminal law into motion or not into motion according as they thought best?—That is so. At the present time the inspectors of mines have the opportunity of revising these fines. They see them. A register must be kept of the fines, which the mines inspector can look at, and if he finds that anything unfair or unreasonable has been done he can prosecute the manager.

11177. Now give us these figures. You say "at the Whitwood Collieries during the year 1906 out of a total of 3,430 workmen only fifty-one (including the seventeen boys) were fined £10 0s. 6d., an average per man of less than a penny." Then there were three prosecutions, and you think that these prosecutions would have been increased to fifty-four if fines had been prohibited?—Yes.

11178. Is not there a middle course to that, namely, that you should have cautioned the men up to the point where you thought it was worthy of prosecution, and then prosecuted?—But then we had cautioned the men up to the point of fining.

11179. But suppose fines were abolished; you would caution them up to the point where it was absolutely necessary to prosecute and then you would prosecute, what is the harm of that?—I set out the harm in my statement. The harm is that it is very much more inconvenient and much more objectionable. First of all, the miners would absolutely refuse to consent to it. I do not know anything that would injure the friendly relations between the workmen and employers in the coal mining industry more than that we should be constantly taking the men before the magistrates courts. Those collieries who have tried it have tried it at their very great cost.

11180. You have explained about the serious cases, now we will go to the others?—I hope you have correctly understood my remark as to dismissals. Dismissal is not a punishment that always meets the gravity of the offence. Some workmen may have work that they do not care particularly about keeping; dismissal in that case is very little punishment. In other cases where a man has employment that he is very satisfied with and would much dislike to lose, dismissal is a serious punishment. I am afraid that if we were not allowed to fine, and prosecutions were compulsory, then where all warnings and cautions had been non-effective, we should rely on dismissals, and I am convinced that punishment by dismissal

could not be made to meet the circumstances of the case. I may say that I have had a meeting with the representatives of the miners at the Whitwood Collieries upon this matter. Possibly you have had evidence from the miners; I do not know, but the miners in our Collieries are most anxious that fines should not be prohibited; they say that prosecutions would be a much more serious burden.

11181. Then it is necessary, is it not, to have power to deduct from wages at the request of the workmen for objects connected with their welfare?—Certainly, that is most important.

11182. At the Whitwood Collieries deductions have or are being made for tools and explosives?—Yes.

11183. For house rent?—Yes.

11184. Those are of course included under the existing law?—Yes.

11185. Then for coal and leading. What is coal and leading?—Coal is the workmen's coal that is supplied to them at a very cheap rate; the collier gets his coal at 2s. a ton.

11186. Then there are deductions for check weighmen?—We have power to make that deduction under the Coal Mines Regulations Act, that is for the payment of the men's weighman.

11187. Then there are deductions for the workmen's annual excursion?—Yes; they arrange an excursion. In each excursion we contribute generally 2s. out of 3s.

11188. Who is "we"?—The company. The company give that to the workmen; the workmen name their place of excursion——

11189. Are they free to decline to contribute, or is that a compulsory contribution?—It is a request on their part that we give them 2s. towards their 3s. and they ask us to stop the other 1s.

11190. I do not think you follow me. Suppose any workman is not going to the excursion what happens to him?—He has no money stopped. He has to sign a request asking us to stop his money.

11191. Then deductions are made for the mutual accident fund, is that voluntary also?—That is voluntary.

11192. Then the sick fund?—The sick fund is also voluntary.

11193. Then the nursing fund?—That is now extinct; the men have not seen fit to carry it on.

11194. Then the hospitals and infirmaries fund?—That is voluntary also.

11195. And the old age pensions fund?—That is voluntary.

11196. And the South African War fund?—That was voluntary at the time it was existing.

11197. With regard to all those is it known among the body of workmen which of the workmen have deductions taken from them?—It is known to all the workmen, because each workman has his deduction on his pay ticket.

11198. But assuming them to gather at the office for their pay, suppose one or two were not paying to one of these funds; would that be known to their fellows?—Not at all.

11199. It is a private arrangement and the nett sum is given out according to the request that has been furnished to the office by the particular workman?—That is so.

11200. In those cases do I gather that all the employers do is to act as a sort of bankers or officials for the concern?—Yes. They save the expenses of collection.

By Mrs. Tennant.

11201. In any of the collieries with which you are familiar have you tried to do without the assistance of fining?—Well, I object to fines if they can be prevented, and from time to time I use my influence as general manager to prevent my managers fining, and also to reduce fines.

11202. But have you ever really tried to work a colliery without recourse to the system of fining?—No, I know it is impossible.

11203. Then with you it is a matter of belief rather than of actual experience. Would you not agree that the alternative of dismissal would be a powerful deterrent?—Oh it is a powerful deterrent, but it is too serious a punishment. You lose your workman and you are not sure that you are going to get a better one.

11204. But you have not contemplated the other possibility, that the presence of a powerful deterrent might cure the workman of his liability to commit the offence?—The offence has been committed at the time the question of punishment is taken into account. The boy has the knowledge that prosecution may result at the time he commits the offence.

11205. But he also has the knowledge that there is the alternative of a fine, which will find greater favour in the minds of the management if it can be arranged than the alternative of dismissal?—I beg your pardon; not "if it can be arranged," it could always be arranged if it lay within the wish of the workman; the prosecution is decided upon without any arrangement with the workmen.

11206. I did not mean by arrangement with the workman, but that if it were a matter which a proprietor of a colliery could arrange to his own satisfaction he would prefer to avoid the inconvenience and expense of a prosecution?—Yes.

11207. And to have recourse to a fine or a caution—if it were a serious offence I presume it would be a fine?—If it was what we call a really serious offence the man would be prosecuted; I am speaking of an offence which would endanger his own life or the lives of his fellow-workmen.

11208. I am excluding that class of offence. You draw a line between a fine and a caution?—The point is this; A boy commits an offence—boys often commit offences; you have to take the conditions of the mine into consideration, the miles of road the boys have to cover and the numerous rules they have to observe; there is no mine in existence that does not break some rules every day—the boy may be cautioned, not once, but sometimes twenty times, and if he really takes no notice of it, then it becomes a question to decide whether you shall dismiss the boy or fine him or prosecute him. It is very rarely indeed that a boy is prosecuted unless the offence is a very serious one.

11209. But would not you come to the conclusion that a system breaks down which allows for cautioning twenty times without the caution taking effect?—I must not be taken too literally in saying that, because we should have to discuss the particular offence. It may be an offence that is an inconvenience, or it may be an offence leading to extreme danger.

11210. But surely you would not caution twenty times in the case of an offence leading to extreme danger?—Oh, no. Suppose a boy opened his safety lamp, he would be prosecuted for the first offence. It must be remembered that these boys are born amongst the miners and they know the dangers that are common in mines; we should not keep a boy who committed such an offence in our employment, and we should prosecute him at the same time. But in regard to numerous other offences different considerations enter. I will name one in order to give you an idea. It is a usual thing and it is compelled by the Mines Regulation Act that a boy working underground must lead his horse. If he does not lead the horse it may be injured on the side of the roadway; but he does not always lead his horse; he does so if he sees an officials light in the distance, but the official may be so far away that he cannot catch him.

11211. Take a case in which you do catch him?—Then we warn him and caution him and point out the danger to the horse and the danger to himself, then if the offence on his part becomes rarer and he shows signs of improvement perhaps he never gets fined at all.

11212. If a boy has been cautioned for that offence and repeats it, what do you do then?—It would depend upon how quickly the offence was repeated; if he did not repeat it for a fortnight or three weeks, we should probably caution him again; but if he repeated it quickly we should probably fine him.

11213. Do not you think that if for the first offence you threatened either to prosecute him or to dismiss

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him for the repetition of the offence he would be more likely to avoid the repetition of the offence than if he realised that he was simply subject to another caution ?—He does not realise it ; he does not know it.

11214. But if it is the practice of the colliery—if he sees other boys who have repeated the same offence being subjected only to another caution or to a fine, he would be liable to assume that his case would be treated in the same way ?—I suppose he might, but he does not know.

11215. You may say that he does not know it, but he may assume it ; it is human nature that he should assume it, is it not ?—I should not say so. The difficulty is this ; when boys get together, particularly boys like those in mines, there is a great deal of bravado about their actions, and the boy may be brazened to do a thing which he would be very contrite about afterwards. You have many circumstances to take into consideration.

11216. You said that in certain cases a miner is attached to his work and in certain other cases he is not. In cases where a miner is really attached to his work and does not wish to lose his job, would not the risk of dismissal or of a prosecution be a powerful deterrent ?—Yes.

11217. It would be more likely to be a powerful deterrent than merely the risk of incurring a fine ?—Yes, to a miner. I am not speaking of a boy. The boy could get employment anywhere ; the day after he leaves us he could go into the next pit and get employment there.

11218. But if he brings a record of dismissals he would not be likely to get employment, would he ?—He does not bring any record I am sorry to say ; the miners will not allow us to obtain characters.

11219. And it will not become known that he has been dismissed ?—It might become known if you asked him where he came from ; but that would only be rarely. And then the circumstances of the dismissal would not be known. It is a habit of boys, and of men sometimes, to vacate their employment every year at a seasonal colliery, a colliery producing house coal, and working good time in the winter and poor time in the summer ; 25 per cent. of such boys and men leave during the summer months and come back in the winter months. Amongst such a changing body of workmen it would be most difficult to trace men, even if a system of characters were formulated.

11220. Is work always so full and constant that any boy could get employment just on presenting himself at any colliery ?—It is nearly so. The raising of the age at which boys may be employed has very greatly affected the number of boys available. Then again, boys do not usually go down mines except they are sons of miners ; we do not recruit very much from outside I should take it that any mine to-day could do with 25 per cent. more boys than it has ; men have to do the work that boys could do and would do were they there.

11221. Then in the other case you presented in which the miner does not care about his job and therefore would be indifferent to dismissal ; has he also got some immediate resource ?—Usually speaking. It depends on his age.

11222. If he has some other resource and does not care about his job, why does not he act on the other resource without waiting for his dismissal ?—He may not quite have arrived at the stage where he would voluntarily dismiss himself, but he may have reached the point where he does not care whether he goes or not. In that case a prosecution would be a greater deterrent than dismissal.

11223. Then you do think that prosecution is a greater deterrent than dismissal ?—Certainly in such cases.

By Sir Frederick Cawley.

11224. You may be taken as speaking for the colliery managers in Yorkshire and Derbyshire ?—I think so.

11225. It is their opinion that fines are better for discipline than the alternatives of prosecution or suspension or dismissal ?—Yes, it is much better for discipline.

11226. What do you say about the opinions of the men as to that ?—I say the men are distinctly with us.

11227. They prefer the system of fines to a new system in which suspension and very often prosecution and sometimes dismissal would have to take the place of fining in order to maintain discipline ?—Distinctly. There is a want of elasticity between a caution and a prosecution ; the change is too drastic between the two ; we need some middle course.

11228. Your evidence really comes to this ; that to do away with fines as a matter of discipline is against the interest of the master and the managers and the men ?—Yes.

By Mr. Walsh.

11229. You speak here of breaches of discipline. You say, "It is inadvisable that the practice of fining workmen at collieries for breaches of discipline or contraventions of rules should be prohibited." What do you mean by breaches of disciplines ; could you give us a little further indication of what that phrase means ?—It would be a little difficult. Collieries have various grades of discipline. In the case of the Whitwood Collieries we think we may congratulate ourselves upon having good discipline. I believe the number of both fines and prosecutions very largely depends on the standard of discipline maintained in the mines.

11230. I do not wish to press it at all ; I know it is very difficult to define. There are breaches of discipline that are not contraventions of the rules ?—I am not sure of that ; we have both the rules under the Coal Mines Regulation Acts and our own bye-laws.

11231. When you speak of contraventions of rules, they are not contraventions of rules under the Mines Regulations Acts, neither the general nor the special rules ; they are, so to speak, breaches of your own rules which have not necessarily any legal sanction, but are bye-laws necessary in your own view for the purpose of maintaining discipline in and about the mine ?—That is so.

11232. Many of these breaches of discipline may be small incidents, may they not ?—They may.

11233. For which it would be impossible to take the delinquent into court ?—Quite so ; the seriousness of the offence might not be sufficient to justify our taking it into court.

11234. Not only that, but there would be no danger involved in regard to many of these small offences ?—No immediate danger.

11235. As I said at first, it is impossible, because of the infinite variety of working conditions in mines, to give point and shape to these small offences ; we cannot do it at this table, although you and I could probably do it at the Whitwood Colliery ?—You are quite right.

11236. But as to these minor offences, which you say are taking place by hundreds every day——?—I did not say by hundreds every day.

11237. The term you used was "multifarious" cases ; it would be quite impossible for you to prosecute the boys in those cases ?—Yes, quite.

11238. In that case, instead of making a deduction from the wages of the boy, would it not be better, for the purpose of maintaining discipline I mean, that you should administer a caution ?—That is what we do.

11239. And that if the caution failed after fair repetition you should then take the option open to you of either suspending him or dismissing him from your employment ?—We do that. You see the punishment for the boy is really borne by the father. Even if the boy is prosecuted the father has to pay the fine and the costs. If the boy is dismissed the father has to bear the burden. The boy does not bear it, and that is one of our difficulties ; he cannot be made to bear it.

11240. Do you know of any better censor of a boy than his father or his mother ?—I do not.

11241. Therefore they are much the better people for enforcing discipline ?—Yes.

11242. Therefore, inasmuch as upon them falls the financial burden which is imposed, are they not likely to press home upon their boys the necessity of discipline ?—They are.

11243. Would not the object that you yourself desire be effected by the arrangement that I suggest ?—No, because the fathers themselves who are bearing this burden are the people who ask us to fine.

11244. I am not asking you as to that ; I am asking you, would not the object you have in view be better

effected—the maintenance of discipline, and incidentally the assurance of safety? It is not the question of the ease of the father or the mother, but would not the object of the safety of the mine and the maintenance of discipline be effected, even if it did cause a financial burden to be placed on the father?—I could not answer that directly "yes," because the burden of the prosecution would be so serious that in many cases ——

11245. I am not talking of a prosecution; I am speaking of those cases where you cannot prosecute, but where cautions having failed and discipline having become relaxed, you have taken it into your own hands and dismissed the boy, and thus placed a burden on the parent. Then I am asking you whether placing that burden on the parents, who are admittedly the best maintainers of discipline so far as the boy himself is concerned, would not bring about the object that you yourself desire?—I think it would.

11246. The great object of all, of course, is the maintenance of discipline?—Yes.

11247. Should you, then, keep on with this system of cautions and fines—which by your statement here are admittedly small—rather than seek the method, which I admit is the more drastic, but as I put it is the surer method that I have suggested of maintaining discipline?—I should not like to dismiss seventeen boys a year; I do not want to have to do it; the task is too great a one.

11248. Are not you there taking it as though all these cases would occur all the year?—This is an average year.

11249. But I am trying to find out this. You have admitted that it would be a greater deterrent if parents were, by the process I suggest, able to bring pressure upon the boys. Now, when that greater pressure was brought to bear upon the boys, is it likely that this number would continue?—I think so; I do not think there would be any abatement.

11250. Now I go to another point. You have seventeen boys here who are fined in the year, 1906; that is out of, I suppose, 200 boys on the average in the year?—We had 500 boys.

11251. That would be the working average employed throughout the year?—Yes.

11252. At probably five days a week?—Yes; it was a good year.

11253. So that you have 260 turns worked by 500 boys?—Yes.

11254. I am really incompetent to get at that calculation but it is an enormous figure. Anyhow, you can see it is 130,000 turns worked?—Yes.

11255. And have you fined seventeen times in 130,000 turns worked?—Yes.

11256. You certainly have got (and it is very greatly to your credit, I think) the standard of discipline in your mines to a very high point; but does it not seem, when discipline has been maintained to that extent, that you could do away wth the system of fining, inasmuch as you have only fined seventeen times in 130,000 turns?—We had reached that stage in each of those seventeen cases that we must do something—either prosecute or dismiss; we had already tried all that warning could do. We did not want to discharge the lad, we had either to fine or to prosecute.

11257. That is to say, those seventeen cases were cases, if not of great gravity, yet of long continuance?—That is so.

11258. Does it not seem that those are the very cases that should be dismissed, because do they not tend to relax the discipline of the other boys?—Suppose I discharge those seventeen boys, and the next firm to us under the same conditions discharge other seventeen boys. It is almost certain that I should have their seventeen boys at my place and they would have my seventeen boys at theirs. There would be no difference at the end of the year, because we should each be taking on the other's discharged boys.

11259. You think it is better to bear the boys you have than to fly to boys that you know not of?—Quite so. We have already warned the boy, and he knows what to expect; but if he gets dismissed he may start with a clean page at the next colliery. Not only that. I have known boys dismissed from one of our own pits working for us in another pit within a fortnight.

11260. If these cases are cases that were either open to prosecution or cases that were long continued cases of misconduct and bad discipline, may I ask whether fining them and keeping them in your employ is likely to tend to the safety and discipline that you yourself desire?—It is, because we should not continue fining. I do not think you will find a boy fined twice; certainly never for the same offence. I have tried to find one who had been fined twice, and I could not find one; if he repeated the offence he would be dismissed.

11261. You think in this one year it was necessary, in order to maintain discipline, to fine these seventeen boys?—Certainly. Would you mind looking through the seventeen cases, and you will see for yourself what they are.

11262. These are inclusive of adults and boys?—Yes, you will see by the occupation whether it is a case of a boy or not. The first is a case of February 24th, "J—— B——, driver, allowing full tubs" ——

11263. How are we to find out whether this was a matter within the control of the boy?—His control was that he must put lockers in the tubs to stop them.

11264. Were the boxes going?—Oh, no, they would be brought in by the horse to the pass-bye at the end of the engine plane; that would be on a downhill gradient; instead of lockering them and brakeing them he let them go.

11265. You will see with me the difficulty of going into these technical matters here; but I will ask you this. Were the boxes on the move when the locker should have been put in, or were they stopped to begin with?—I could not say. This was a case in which the under-manager himself found the boy neglecting his duty after repeated warnings.

11266. I will put this to you. Might it not be that it was not the result of his inefficiency at all? There are many boys who can scotch very quickly we know; there are other boys who are not nearly so quick, who are just as desirous of doing their work, but not so quick at their work; might not this be a boy who could not scotch quickly, and the boxes got beyond his control, and then he is fined 5s. for that?—That is possible; but you must remember that the deputy had looked into the case, the under-manager looked into it, and then the manager reported it, and they all agreed as to the boy's neglect.

11267. Then here is another one:—"Causing the pit to stand forty-five minutes"; that might be utterly beyond the boy's control?—It is the effect——

11268. It is the effect, but it might be an effect for which he was not in any sense specially responsible; it might have been the boxes coming from any other place It seems to me that it would have been better if there had been a place at which those boxes must stand until the lockers were put in?—Then you could not move them again.

11269. Oh, yes you could; however, it is unnecessary to go into that. Now you say that in one particular case where a boy was likely to be prosecuted, upon the appeal of the miners, a meeting of the whole of the boys was called, and you say that greater publicity therefore resulted from that meeting than would have resulted even had a prosecution taken place?—Yes.

11270. You therefore think it is desirable that the utmost publicity should be given when any of these offences or breaches of discipline take place?—I think it is desirable.

11271. Is the system of fining one that gives the greatest publicity?—It gives publicity to that particular section of workmen who are concerned. A driver is not fined without all the other drivers knowing it.

11272. How is that?—It would be the common topic of conversation for a long time.

11273. When you inflict a fine, what is the procedure that you follow?—First of all it is an offence that the deputy of the district has seen.

11274. When you inflict a fine, after the fine is inflicted, what is done?—The boy has to meet the manager;

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he brings witnesses and the under-manager brings witnesses.

11275. Do you post the fine ?—No, we make a separate agreement with the boy.

11276. That agreement is kept in the office really ?—A copy is given to the boy.

11277. But the agreement itself, the official agreement, is kept in the office ?—Yes.

11278. You do not post anything up ?—No, we think that would add largely to his punishment.

11279. You think it would not be fair to the boy, after having entered into that agreement, to notify his offence ?—The men would not have it.

11280. Then what publicity results from that ?—There has been the procedure of investigation of three different sets of management looking into the case, which of course causes that portion of the pit to be well aware of the circumstances.

11281. Does that procedure take place when you impose a fine of 1s. or 6d. for some small offence ?—Yes. We do not usually fine less than 1s. ; I see we have two cases only in which the fine was 6d.

11282. Am I to understand that all this cumbrous machinery is put into operation for the infliction of a fine of 6d. ?—I will not say for a fine of 6d., but certainly for a fine of 1s. or more. With regard to the two fines of 6d. each, I see it was for breaking incandescent lamps ; probably the under-manager saw that himself. But after all, this is much less trouble than would be involved in a prosecution.

11283. I am not speaking of trouble, I am trying to ascertain your view as to whether it is desirable that the utmost publicity should be given in cases where a breach of the rules has taken place ?—Yes, I think so.

11284. Does the greatest publicity not result from a prosecution in court ?—No.

11285. You think not ?—I am sure of it.

11286. You could not have meetings of the men or the boys on every occasion ?—No.

11287. Therefore the next best thing, in order to obtain the greatest publicity, would be a prosecution in court, would it not ?—I do not think so.

11288. What then would you advise ?—The greatest publicity would be got by posting a notice at the pit head ; every man will see it ; but that is pillorying a man very badly indeed.

11289. Do you think every man would see a notice at the pit head ?—Yes.

11290. On dark mornings as well ?—Oh yes, because it would be lit up.

11291. When the men are going down the pit, they do not examine these notices very much at the pit head, do they ?—If one examined it there would not be many men in the pit that did not know all about it.

11292. Even although the workings are spread over miles of territory as you say ?—The men go down together.

11293. Do all the men go down together ?—Well, they follow each other immediately.

11294. Yes, but they do not congregate at the bottom of the pit and gossip about the notices at the pit head ?—Every man who goes down has to sit down for about five or six minutes to get his eyesight. If one man had seen that Jack So-and-so had been fined, it would very soon be known all over the pit.

11295. For nine months out of twelve they do not need to stay five or six minutes when they get down in order to get their eyesight, do they ?—Oh yes, they do not start from the pit-bottom immediately they have descended.

11296. I certainly did not know that, and I have been down in mines for a great many years. Now, you speak here of old age pensions. How is this arranged ? Do all the men pay to the old age pension fund in the case of the Whitwood Collieries ?—I am not sure that all do, but the great bulk of them do.

11297. This is, I suppose, by agreement, with the men ?—Certainly. I found the burden of the Workmen's Compensation Act very severe upon old men, and as the old men were regularly appealing to us for assistance, I thought it would be better if we could get a pension fund for our old people. The company did not care to administer the fund, as it was difficult to decide who should be entitled to a pension ; so we gave the whole administration into the hands of the men, asking them to contribute half the cost.

11298. You asked them to contribute half ?—Exactly half.

11299. Do all the men, from the age of fifteen to fifty pay alike ?—Yes.

11300. It is a uniform contribution ?—Yes. The contribution was to be ½d. per week ; we decided that it was better to put it at 1d. per week during the winter months and nothing at all in the summer months during the slack time.

11301. It is ½d. a week, but confined to six months in the year, making it for that six months 1d. a week ?—Yes.

11302. At what age is the pension payable ?—At any age the men consider the man is entitled to it.

11303. Then it is not an old age pension ; it is an incapacity pension ?—Yes.

11304. If in the opinion of the workman a man is incapacitated a pension is given him ?—Yes, subject to the condition that he has worked at the collieries for fifteen years out of twenty years, or for twenty years intermittently the men may award him a pension.

11305. Does not that seem rather hard upon the contributors ?—Yes, but in the case of the boys it is the fathers in reality who are paying it.

11306. It is very much of a family concern in that sense ?—Very much ; of course it is purely voluntary. In this pension fund there is no guarantee that any of the men who subscribe will ever receive anything back. The first pensioners never paid a farthing into the fund.

11307. If men leave there is no surrender value given, so to speak ?—Not at all. It is a charity.

11308. In this list of fines how many adults are there ?—There are fifty-one altogether ; if you deduct seventeen boys there are left thirty-four adults.

11309. Two-thirds were adults and one-third boys ?—Yes.

11310. That is for the whole year ?—Yes.

11311. Out of 3,500 ?—Practically.

11312. That gives a very infinitesimal proportion of the working days upon which fines were inflicted, does it not ?—That is so.

By Mr. Brotherton.

11313. I see from the document in front of me that you are past President of the Yorkshire Branch of the National Association of Colliery Managers ?—Yes.

11314. I take it that you have considered at your meetings this question of fines and deductions ?—We have.

11315. May I ask whether the particular fines that are in operation at your Whitwood Collieries have been submitted to the association ?—No, they have not.

11316. Might I ask whether there is a common standard of fining ?—I should not say so. I should think it would depend very much on the character of the mines.

11317. I suppose you will have compared notes as to what breaches of discipline might be the subject of fines, but you have not agreed upon the exact amounts ?—We have always felt as colliery managers that each offence must stand on its own merits, and it is for that reason that we feel that prosecutions do not meet the circumstances of the case. When a case goes to a magistrate's court the colliery manager cannot be both plaintiff and defendant, and he cannot take into court the ext nuating circumstances. We go into court to win our case ; it would be a sad day for us if we did not win our case ; and we naturally put our best case before the magistrate and the man puts in his defence. On the other hand, if we ourselves inflict a fine we can and do take the extenuating circumstances into account.

11318. I may put it then that each colliery will have its own system of disciplining and fining ?—Yes.

11319. When you institute such a system do you consult with the men or with their representatives or with

the overseers, or is it a matter between the managers and the under-managers without consulting with the men ?—This system has been in existence in collieries probably ever since mining commenced. It certainly has been so all my life and in the time of my own people before that.

11320. What I ask you is are the men themselves consulted—the miners' leaders, or the workmen themselves ?—Yes. If the men thought that we had been arbitrary they would have no hesitation in asking us to meet a deputation, who would put forward their particular case. I have had deputations, but I have never had a case where the men refused to be fined and insisted on prosecution; of course they have always that alternative

11321. Have they an opportunity of being present at the inquiry; I mean, have the men or their leaders an opportunity of being present. Suppose you were dealing with an offence that a boy has committed, the boy is brought before the under-manager or brought before the manager, or brought before both. Has the boy anyone else to assist him to prove the circumstances under which the alleged offence has been committed, has the boy any help in putting the case from his standpoint ?—The first inquiry takes place on the spot.

11322. The boy is there ?—The boy is there.

11323. Anybody else ?—The boy is there and his friends who may have been at the place at the time of the alleged offence are there also. For instance, if he is a pony driver there will be the other pony drivers there; the deputy will state the case; and the under-manager will investigate it, taking into account what is said by the boy himself and by the other boys who are present.

11324. The other boys are entitled to take part in the proceedings on behalf of the boy who is supposed to be the culprit ?—Yes, they put in a defence for him. Then further when the dispute comes before the manager the boy brings his witnesses.

11325. So that you give the boy a complete hearing and anybody that he has worked with is entitled to be heard, and as a matter of fact is heard ?—Yes, we welcome them coming.

11326. Then has there been any objection on the part of the boys or on the part of their parents, or on the part of the workmen or their leaders as to the manner in which you have conducted this system of fining ?—There has not been one single objection. Sometimes when a boy has been fined and the mother is a widow and the boy's wages have been all that she has had to depend upon, the mother has come to me privately and asked me to remit the fine in the case of her boy, and I have sometimes done that, but that is a sentimental phase of the matter.

11327. It seems to be a mutual agreement that there is no breach of discipline, or rather nothing that you consider a breach, which is not accepted by the boys or by the workmen as a breach of discipline ?—There is no criticism made at all.

11328. They accept the discipline that you enforce as being desirable for the working of the mine ?—Yes.

11329. And they look upon the amount of the fines that they are paying as not unreasonable ?—Quite so.

11330. You say that the gross amount of fines for the year 1906 for 3,500 workmen was £10 0s. 6d. ?—Yes.

11331. Where does that amount go to ?—Into the Workmen's Accident Fund or to charities.

11332. Each time you deal with a boy for a breach of discipline and fine him you enter up particulars so that the inspector of mines may see what you have done ?—Quite so; we keep a register of that.

11333. Is he competent to find fault in case he thinks that you have been unduly severe with the man or the boy ?—Quite. He may prosecute the manager if he thinks that the manager has been unfair; the inspector may hold a separate inquiry for himself.

11334. Have you had that in any case of that kind in your own district ?—No. The managers do not inflict fines to that extent. If they felt that the offence they were dealing with was so serious, they would take it to the magistrate's court.

11335. I suppose the deductions for various objects are made at the request of the miners or of the boys; they fill up a special form, I suppose ?—Yes.

11336. Have you brought one of those forms ?—Yes.

By the Chairman.

11337. I do not think, Mr. Brotherton, you were present at our meetings when Mr. Ratcliffe Ellis was examined. He explained all about these forms, and the form that he put in is, I think, the one that has been adopted generally in Yorkshire.

The Witness.

11338. The form that Mr. Ratcliffe Ellis produced was, I think, for Lancashire and Cheshire; I do not think our Yorkshire form is exactly in that shape, but it is on all fours with it.

By Mr. Maddison.

11339. Of course I am not a miner, so I know nothing of the technical part of the business; but it is clear from the evidence that you have given us, and also from our common knowledge, that there are two classes of offences so to speak, in mines. There are those which come under the general and special rules under the Coal Mines Regulation Act and the rules for discipline of a particular colliery, which vary in extent and in importance ?—Yes.

11340. Would you say that if you only had to deal with breaches of discipline as opposed to breaches of these other rules, you would need fines, in order to maintain discipline in your mines ?—Well, there are so very few rules that are outside the Coal Mines Regulation Act, that it would not be a very serious matter.

11341. If you were only confronted with those small things you would not say that fines were necessary ?—In the Coal Mines Regulation Acts the mere disobeying the orders of an official is an offence.

11342. Even in trivial cases—even in the case you have mentioned of neglecting to clean an engine ?—Yes. Of course we do not draw the net so wide as that; but in all these Acts there is the provision that the workman must obey his superior official, and you can always stretch that net wide enough to cover the offence.

11343. It would be stretching it rather wide, would it not, if you tried to catch the man who neglected to clean an engine ?—Oh, yes, I should not care to do it; but under the Act there is no doubt it could be done.

11344. You have told us that the men generally are in favour of fines ?—Yes.

11345. Does that apply to the union leaders ?—Yes. When I say the union leaders, I mean the local leaders at the collieries; the leaders I have to deal with are all in favour of these fines; whether the actual President of the Miners Union would be so I am not able to say.

11346. Is their attitude towards fines which you have described simply a question of preferring a fine to a prosecution ?—Yes, I think so. Of course they would prefer no fine at all.

11347. That is to say, they prefer the men to be fined rather than to go to a police court ?—That is so; in the case of a prosecution there is the loss of the man's time and the general inconvenience of it.

11348. But that agreement with fines would not be carried quite, would it, to the extent of saying that you could not adopt some other method for the less serious offences, where you would never think of prosecuting, which cannot be a very large proportion of the offences that come before you ?—You mean those offences as to which we let the man off with a caution ?

11349. Yes ?—Well, they know, of course, that we caution repeatedly; it must be common knowledge to every miner.

11350. Now a question has been put to you as to the respective values as a deterrent of your method and of a system whereby either the boy's parent or the adult would know that something more serious than a fine would follow ?—Yes.

11351. And you think that that would have no real deterrent value ?—I do not think so. I think in each case where we fined the man expected prosecution, and it was only because we did not proceed to that extreme measure that we fined.

11352. The difficulty to my mind is that there must be a lot of breaches of discipline, speaking as between man and man, that it would never enter into your head to take into court ?—That is so.

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11353. Those things are constantly going on, and your evidence is that you apply the caution just up to the point where you cannot let the thing go on any further in the interests of discipline?—Just so, in the cases causing real danger.

11354. A great many of these offences do not cause real danger?—Oh, yes, a great number. You cannot measure a miner up exactly with an inch rule. Supposing we go into a place and the timber is set beyond the statutory distance; we should probably first of all caution the man and say: "This is not right," probably he would say, "No, it is not, and I will do better next time," and he probably would do better.

11355. Now, instead of a fine could you not have this: after you had got beyond the caution stage, could you not instead of fining have (to use an ugly name), a "black list," or call it what you like, where a man's or a boy's record would be put up at the pithead. What do you say to that?—Oh, the men would not have it; they strongly dislike it.

11356. You mean to say the men would resent, and one can easily understand why they should, that form of publicity?—They strongly object to it.

11357. Therefore, your evidence is that you are driven under those circumstances either to fining or prosecuting?—Or dismissal.

11358. There is no intermediate method between the caution and all these other methods?—That is so, and frequently the others are too drastic for the offence.

11359. You talked about the trouble of prosecution, and you told us the very obvious truth, that a man could not be in two places at one time; the colliery manager cannot be in the mine and in the police court at the same time?—Just so.

11360. But I suppose he could leave a deputy?—No. To go into court with any chance of success we must take the actual witness of the offence, who will usually be the deputy of the district, or the under-manager.

11361. But suppose the man is ill?—Well, we have spare deputies, of course, but we have not two managers.

11362. But occasionally the deputy or the under-manager will be ill; they surely are not able to be there every day when the mine is working?—In this case there would have been fifty-four prosecutions; that would be one case a week; we do not have anything like that amount of sickness.

11363. But anyhow you could make provision if necessary?—The provision would be that the manager would have to leave the mine, and the mine itself must suffer by the loss of its superior officials.

11364. Would you say that the test of efficiency in a mine is the smallness of the fines?—I would not say that. I should like to say so, but it is possible to have a weak manager who does not fine at all; the efficiency of the mine might be beneath contempt, but there would be no fines on the list. You can have the two extremes with an equally short list of fines, the manager who fines but rarely whose mine gets into a wretched condition, and the manager who fines very rigidly indeed, but rarely because his mine is in a high state of efficiency.

11365. I think I understood you to say that you very seldom fined a boy or a man twice within a reasonable period, and hardly ever twice for the same offence?—Hardly ever. I do not recollect an instance.

11366. So that in your mine you do not allow constant fining of the same person to go on?—Oh, no.

11367. What is your experience of other mines; is your mine an exception?—I think it is, rather. Our mines have been in existence for very many years and there are strong traditional and friendly feelings between employer and employed.

11368. What would you say to a mine where they allowed constant fining—constant repetitions of fines?—I think that would tend to the point which Mrs. Tennant called attention to—the fining would then cease to be a deterrent.

11369. So that you only rely upon the fining method to a very slight extent, so far as the individual is concerned?—That is so. It is really to mark to the man that we have finished cautioning—that we cannot go on cautioning any longer, that we really mean what we say, that he must either change his methods, or that we shall prosecute or dismiss him.

11370. Is it your opinion based on the experience that you have had that you cannot carry on the discipline of the mine as you are obliged to do in the interests of safety by the general rules and special rules under the Coal Mines Regulation Act, and so on, without either fining or taking what you have called the more extreme course of prosecutions or dismissals?—Yes, I am sure of it.

11371. And you say that the men generally take your view?—Quite so.

By Mr. Delevingne.

11372. I think you have covered most of the ground already that I intended to ask you about, but there are two small points that I should like to get quite clear. You mentioned the company's bye-laws; what are these bye-laws?—They are mostly the conditions of service and the conditions as to notice. I have put them in evidence. This is the form of contract. The form of contract and the bye-laws are bound up with the general and special rules of the Coal Mines Regulation Act, and the price of tools for which the men have to pay, so that they have it all before them, and a copy is given to each man to take home.

11373. Do they affect matters of discipline?—Yes. For instance there are rules that the men shall not quarrel or fight, and that they shall obey the orders of their officials, and so on.

11374. Those are not statutory regulations in the sense that you could prosecute for breach of them?—No.

11375. As to the explosives, are all your men obliged to buy their explosives from you?—Decidedly.

11376. You allow no explosives in your mines except those you supply yourself?—No.

11377. You consider that that tends to safety?—Yes. Under the "Explosives in Coal Mines Order" issued by Mr. Gladstone, the colliery manager is directly responsible for explosives, and if any explosives are found in a mine below a certain standard of quality the colliery manager is liable to prosecution.

Mr. JOHN P. HOUFTON called; and Examined.

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By the Chairman.

11378. You know the previous witness, I think?—Yes.

11379. And you have been having a talk with him about the evidence?—I have not had an opportunity of speaking to him.

11380. I thought you would be able to say that you agreed generally with his views?—I really cannot say, because I do not know what his views are.

11381. Will you let me tell you generally what his views are; as he stated them to us. The previous witness has explained his approval of the continuance of the system of fines in mines?—By agreement with the men, I presume?

11382. By agreement with the men; and he has shown us copies of the agreements, the agreements having been made after the offence had been committed. Now you approve of the continuance of that system, do you?—I do.

11383. He has given us his reasons why he thinks that without that efficient discipline could not be maintained, and he says that these fines are imposed sometimes for things which the law should recognise as criminal if there was a prosecution. He has also said that the prosecution involves considerable wastage of time and is resented on that ground and on the ground of its inconvenience, do you agree with that?—I think it is a very great hardship.

11384. Now we will come to the special points of your evidence. You are general manager of the Bolsover Colliery Company, Limited, near Chesterfield ?—Yes.

11385. Your evidence refers to the Derbyshire and Nottinghamshire collieries ?—Yes, principally; almost entirely.

11386. What are the principal offences for which fines are generally imposed; will you read the list ?—The principal fines are for :—Breaches of general and special rules. Damaging safety lamps. Taking matches or tobacco into the mine. Neglecting to use appliances for ensuring safety of men and boys. Leaving ventilating doors open. Neglecting to set sprags and props. Riding horses or ponies in the mine. Fighting and bad language. Disobedience to orders. Indecent writing on tubs. Smoking. Sleeping when on duty. Gobbing props. Burying and losing rails and tools. Taking intoxicants into the mine. Ill-using horses and ponies. Filling bad stuff. Stealing. Neglecting to build packs. Not attending work regularly. Those are the chief offences for which fines are imposed.

11387. Then with regard to these things, I take some of the things which are manifestly criminal, such as stealing, ill-using horses and ponies, that is really cruelty to animals? —Yes, it is.

11388. Take those two cases of cruelty to animals and stealing. Now the system adopted is that these persons are not dealt with by the criminal law ?—That is so.

11389. But a system of fines takes the place of that. Have you any defence to offer for that system ?—Yes. There are degrees both in connection with stealing and in connection with ill-using horses. If a horse was very badly ill-used we should take the boy before the magistrate. If he cruelly beat it, not to do it any permanent harm, if it does not seem serious enough to take before the magistrate we should give the boy the option of a fine.

11390. Now take the case of stealing ?—Stealing is usually this ; a man steals another man's tools. There is more trouble over their picks than anything else.

11391. Petty thefts ?—Yes.

11392. Do you know any other employment in the country in which a system of this kind is adopted with regard to thefts, petty or otherwise ?—I do not know that there is any. I cannot remember a single instance where we have imposed a fine for stealing.

11393. But have you any defence to offer to this, except that it is a shorthand way of getting at what the criminal law would get at ?—It is a more convenient and quicker method of punishment.

11394. That is what I call a shorthand way. Of course, logically it could not be defended ?—I do not suppose it could, logically.

11395. And similarly with regard to cases of cruelty to animals, that is one category clearly criminal. Then taking matches into the mine and smoking in the mine. That of course might be attended with very serious results ?—It might, certainly.

11396. That is punished, is it not, by the criminal law ?—It is an offence under the special rules.

11397. Now I put to you this just to get your evidence about it ; that if it was not a serious case you should forgive it, if it was a serious case you should let the law deal with it. What do you say to that ?—Well, I think you are quite right in that. I should like to give you an instance that occurred only last week in our district in connection with this very thing. A number of matches were found in this particular colliery. The men were searched and two of them were found in possession of matches. They were charged with the offence and they said they would much rather be fined than go before the magistrate, and they said they would submit to a fine of 20s. each ; but the management thought it was such a serious offence in this particular instance that they decided to take them before the magistrate. They did so and the men were fined 7s. 6d., including costs.

11398. That is quite a fair illustration and I am obliged to you for giving it. The system rather seems to be that with the consent of both parties they can buy out the law rather than undergo it ?—If you like to put it in that way.

11399. But suppose it is put in that way; you can hardly find any fault with it, can you ?—It is getting a punishment rather more commensurate with the offence than in some cases they get by law.

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11400. Nobody doubts at all that the motive on your part may be perfectly right, but from the public point of view you see that either the statute would require some kind of amendment to permit that course or else you should not go on ignoring it ?—It would be better I think if there were statutory powers to fine.

11401. Then I just want to put one question as to the arrangement for paying a fine. It simply comes to this ; that if you fixed a certain sum and the man would not pay it or would not sign an agreement, you would have to pay him his wages, but of course he would go ?—We should pay him his wages and if it was an offence for which we could prosecute him we should prosecute him. Some of us now instead of fining suspend the men for a few days.

11402. How do you find that work ?—We find it work fairly well. At one of our collieries we are doing it almost entirely, in fact we only got about £2 in fines altogether last year ; in that particular colliery there are 1,600 men and boys.

11403. In the course of twelve months the fines only amounted to £2 ?—Yes. We suspended a number of men, say for three days and bad cases seven days.

11404. Do you find the effect upon discipline rather good ?—I think it has quite as good an effect as fining and probably better. Of course I do not know that we have any legal power to do that, but I think it is a better practice really than fining.

By Sir Frederick Cawley.

11405. In a mine where you suspend instead of fine you consider suspension, I presume, a more severe form of punishment ?—Yes.

11406. It is really harder on the man or boy than a fine ?—It is so, but at the same time there can be no question involved that the colliery company have taken his money ; they lose his work, they do not benefit by it ; but in the case of a fine, say for damage to a company's property and that fine is appropriated by the company, it may be said that it pays the company to fine.

11407. But in any of the collieries that you have to do with does the company take the fine ?—They take the fines as a general rule, in our district where damage is done to the company's property ; it is only in the case of breaches of discipline that the fine goes to the mens' funds.

11408. As far as you as a colliery manager are concerned you think you can do without fines if you have a system of suspension, but you look upon suspension as much more severe ?—I think suspension is much more severe, and I think there should be power to fine for minor offences.

11409. The severer penalty has the greater deterrent effect ?—Oh yes, the greater deterrent effect, and therefore you would not put it into operation so readily as if you had some milder alternative in the case of some small offences.

By Mr. Walsh.

11410. You have a long list of fines here. I just wish to ask you a question or two upon one or two of these fines. You have a fine here for "neglecting to set spraggs and props ? "—Yes. That is a breach of the special rules of course.

11411. You have the distance limit in accordance with the order of the Home Office and the inspectors under the Rules of 1902 ?—Yes.

11412. You remember of course that the Home Office and the inspectors themselves paid very great regard to this matter which hitherto had been left a good deal to the judgment of the men and the officials themselves ? —That is so.

11413. And now it is taken out of that category? — Yes. It must be specified now.

11414. There is a specified limit ?—Yes.

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11415. That really showed the great importance of this matter ?—Yes.

11416. It was a matter of national importance really, was it not ?—Well, it was a matter of safety of life.

11417. And it really now applies to all the mines in the United Kingdom ?—Yes.

11418. Now I put it to you, do you think that a matter that is admittedly of such great importance is one which, where the rule is broken should be left to the chance infliction of a fine ?—I think in some cases it is an adequate punishment.

11419. It may be an adequate punishment, but do you think it is the punishment that you have to consider only ?—Suppose instead of 5 feet 6 inches away it is put 6 feet ; it would be rather hard to take a man before a magistrate because he happened to put his props 6 inches too far away.

11420. But that would really re-open the whole area of, so to speak, individual judgment, and the results arising from individual judgment, which it was evidently the intention of the Home Office and of those in authority to close ?—These distances are not fixed by the Home Office or by the inspector.

11421. No, they are fixed by the management of course, but they are to be specified ; they are part of the actual working conditions of the colliery ?—Oh yes, that is the idea.

11422. I only wish to find out as to how far you are really of opinion that fines are either commensurate with the offence or ought to be imposed when conditions so essential to safety are violated ?—I think it is a proper question to ask, but I might say that there are over 200 or 250 general and special rules, and it is almost impossible for any ordinary miner to be familiar with the whole of them. If he breaks one of them and he is fined for it it draws his attention to that one and he remembers it in future.

11423. Still these, after all, with which they are most familiar are the regulations for the spragging and propping ; there are few miners who are so ignorant as not to know that ?—Yes.

11424. Take the offence of gobbing props ; that is an offence for which you inflict a fine ?—Yes.

11425. I suppose gobbing props would mean leaving the props in—not necessarily throwing them in ?—Yes—it is neglecting to take them out.

11426. Is there any special reason why the men should neglect to take them out ?—It is to save trouble generally.

11427. But are there not many cases where the taking out of a prop from the gob would probably mean the collapse of the whole of the gob and possibly the endangering of the men's life ?—If that were so no manager would dream of punishing the man by a fine.

11428. Have you never found that a fine has been inflicted ?—I have not in the case of my own collieries ; it may be the case in some others

11429. Of course there is a very great desire on the part of the manager to get these props out ?—Yes.

11430. It is better for the effective working of the colliery ?—Yes.

11431. A fine would probably follow in those cases ?—I do not think so ; they can always get permission to leave in the props if necessary.

11432. But you do the work of withdrawing props generally by night ?—No ; in our district the men do their own propping.

11433. Take the case of a man working in the night ; they work in that case, I suppose, double turns. Take the stone men working at night ; they will have to withdraw the timber from the ways occasionally, will they not ?—They are only working in the roadways, not in the stalls.

11434. But will they not have to withdraw the timber from the ways in order to do the packing effectively ?—No, as the stallmen do all the spragging and timbering ; no one touches the timber in the stalls except themselves.

11435. You do not give it out to contractors' men ?—No.

11436. But suppose they are desirous of asking permission of the officials to leave a prop in, and the official, say, is a mile and a half away ?—He is always through the place two or three times a day, and they have the whole day to get permission.

11437. Then " burying and losing rails and tools." Do you think that any man would lose rails and tools of malice aforethought ?—I do not think so for a moment ; I think they do it from carelessness very often.

11438. They would lose rails and tools through carelessness you think ?—Yes ; I mean they put them in the gob, and forget all about them until they are buried by the roof falling sometimes, instead of taking the trouble to bring them out at the gate.

11439. Do you not ever find that the conditions under which the men are working are such that it is impossible to save the rails and tools in all cases ?—When a stall comes in you cannot prevent it, and you would never dream of punishing a man for it.

11440. Are we to understand then that it is only in those cases where the incident is directly under the control of the man that they fine at all ?—That is so.

11441. Then " filling bad stuff " ; what do you mean by that ?—Where a man's contract is to fill with a fork and he fills with a shovel—where there are two prices, one for filling coal and one for filling slack.

11442. That is an improper act under the Coal Mines Regulation Act ?—Not under the Coal Mines Regulation Act, but under the particular price lists in force.

11443. But you are entitled to make deductions under the checkweighing sections of the Act for improper filling? —I do not know whether that would cover this. There are two contracts ; there is one so much a ton for coal, and another so much a ton for slack.

11444. I quite understand what you mean, but would this filling bad stuff mean any of the floor or roof along with the coal ?—It does in some cases where there is a clod say, in the coal and the contract is not to put that clod, into the coal wagon, and they put it in through carelessness generally ; then they are fined.

11445. Is not that a matter which is provided for under the checkweighing sections of the Coal Mines Regulation Act ?—But you cannot deal with it on the top ; you must deal with it at the bottom.

11446. But the Act says that that is the only method by which these deductions shall be imposed. Anyhow you put it that that is an effective way ?—Certainly I would like to point out that if there could be any method of dealing with some of these minor offences without having only two options, one of taking the man before the magistrates and the other of suspension or dismissal, the men themselves, I think, would prefer it.

By the Chairman.

11447. We rely greatly upon Mr. Walsh's experience about mining and so on ; that is why he has put these details to show you that point after point of the matters that you have referred to are embraced by the operation of the statute, if you ally with the statute the special rules under the statute ?—But it is a hardship only to have the one method of punishment.

By Mr. Walsh.

11448. You say here that out of 1,434 men and boys employed at the Bolsover Colliery during the year 1906 the total amount of fines imposed was £20 0s. 6d., and that the average works out to only 3¼d. per person per annum ? —That is so.

11449. That clearly shows, does it not, that your discipline has been very well maintained on the whole ?—I think so ; it is more amongst the boys than the men really that the offences occurred.

11450. I only wish to put it to you that it almost follows that these fines are not necessary ?—If we had taken these men before the magistrates it would have cost them a great deal more.

11451. But the implication is that all these are offences for which they could be taken before the magistrates ?—Some of them are.

By Mr. Brotherton.

11452. I would like to ask your opinion as to whether you consider that collieries could be effectively worked without a system of levying fines ?—I think they could be, but I say it would be a great hardship on the men.

11453. As an alternative you would prefer suspension ?—I do not say that I would prefer it, but it is a very good alternative.

11454. I understood you to say that in one of the collieries you are associated with that was the alternative ?—That is the alternative.

11455. That you really had put suspension into effect there ?—Yes.

11456. Could it not easily happen that by suspending a man rather than fining him you are inflicting some hardship upon his fellow workers, as you might be preventing them continuing their work ?—It might possibly be the case—not often. The suspension of one man does not make much difference.

11457. Do you not think that it would be much better if the colliery owners, the employers, in no case took the proceeds of the fines to their own funds, but handed them over to some fund in which the men had a common interest ?—I think it would be; it has always been the rule until the Workmen's Compensation Act was passed that the owners handed over all the fines to the men's clubs. Since that Act was passed I think it has become more of a rule that where damage is caused to the colliery the amount of the fine goes to the company.

11458. And where fines at the collieries you are connected with are not on account of damage to property what becomes of the fines ?—They go to the men's sick club.

11459. Have you had any exception taken by any of the inspectors as to the way you have levied fines ?—We have not; we have merely had information asked for, but no exception taken.

By Mr. Maddison.

11460. With respect to the colliery where you have suspensions, what has been the view of the men about the suspensions ?—They think it is a harder punishment than a fine.

11461. But has there been any very strong objection to it as against fines ?—No.

11462. You say here that in some collieries it is the custom when some gross irregularity has occurred to put up a notice setting forth the nature of the offence and the amount of the fine and so on; what do the men say to that ?—They take it as a warning of course; it is put up for that purpose.

11463. You do not think that you could carry that form of deterrent by publicity a considerable step further by contenting yourself with that for many of these offences without fining at all—trying to get the men to be rather ashamed of themselves for committing the offence ?—You mean putting up a notice "So-and-so has been guilty of a certain offence; we have not punished him for it this time, but merely advertise it."

11464. Yes, it would be a record of the offence; would the men resent that very much, do you think ?—I think in many cases they would rather be fined than have it published.

11465. Then it would be a greater deterrent ?—Yes.

11466. Then, after all, all these fines are deterrent ?—Yes, that is the only object there is in view.

11467. Now, do you not think there may be resources that you have not thought about for dealing with minor offences; may there not be resources that you have not tapped other than fining where you have got beyond the mere caution stage ?—It does not strike me at the moment what other resources there are.

11468. Take this one of publicity. You do it for the more serious offences; I can quite see that there is a little difference—that the men might accept one and not care for the other. However, I will not pursue that. Now, you are legally responsible for the safety of the mine as the colliery manager ?—Yes.

11469. But you are not compelled either to fine or to prosecute for any offence that may be committed ?—No, I do not know that we are compelled to prosecute.

11470. The law does not compel you to prosecute ?—No.

11471. Even these very serious offences, such as taking matches down the pit and so on—you are not compelled by law to prosecute even there ?—We are not obliged to prosecute, but we have to use our judgment.

11472. What the law makes you responsible for is the safety of life, and you have to use your own judgment as to your methods ?—Yes. It says that you must not take matches down the mine—that if the men do that it is a breach of the rules and they are liable of course to prosecution.

11473. But my point is that in these Acts there is no obligation on you as manager to punish for such offences at all ?—No. The only thing is that where life has been endangered and an accident has occurred which is reported to the inspector he investigates it and then he directs that a prosecution shall be instituted.

By Mr. Delevingne.

11474. I see in your list of deductions for materials supplied that you include "lamps, lamp glasses, lamp gauzes, tools, sharpening or repairing tools," and other things. As regards tools, do you provide them merely as a matter of convenience for the miners ?—There is no obligation on us to do it; it is merely as a convenience.

11475. And the same with sharpening and repairing tools ?—Yes. In our case we have nothing to do with that; the men employ their own sharpener, but this list is a summary from forty-seven or fifty collieries.

11476. As regards safety lamps, there is a definite obligation on you under the Act to supply safety lamps ?—I do not know that there is even an obligation for that. In Wales I think the men supply their own, but it has always been the rule in our district for the colliery to supply them.

11477. Apart from that, do you see any reason why the owner should charge the men for the use of the safety lamps—is there any reason why they should not provide them with the lamps ?—We do provide them free; they are only charged when they break their glasses or damage their gauzes.

11478. This is only for damage to the lamps, not for the lamps themselves ?—Oh no, not for the lamps.

FORTY-SECOND DAY.

Thursday, 9th May, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P. Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. ALEXANDER KAYE BUTTERWORTH, called; and Examined.

Mr. A. K. Butterworth. 9 May 1907.

By the Chairman.

11479. You are the General Manager of the North Eastern Railway Company ?—Yes.

11480. You succeeded Sir George Gibb ?—Yes.

11481, How many hands does the company employ ?—About 50,000 hands.

11482. What is the number earning wages ?—The wages grades number about 43,000.

11483. That is inclusive of your shop as well as your railway staff ?—Yes.

11484. After the passing of the Truck Act of 1896, I believe there was published by the company a notice setting out the fines which the company reserved the right to impose ?—Yes. Perhaps I had better hand that in.

NORTH EASTERN RAILWAY.

TRUCK ACT, 1896.

In accordance with the Truck Act, 1896, Notice is hereby given, that the Company reserve the right to impose the following fines in respect of the acts or omissions mentioned below, and to deduct from the wages of their servants, and to retain the sums that may be imposed as fines :—

Nature of Offence.	Fine, having regard to all the circumstances of the case, not exceeding
1. For inattention whilst on duty, absence from duty without leave, coming late on duty, leaving duty before proper time or before being relieved, coming on duty without proper rest, or otherwise unfit for duty, permitting relief by men unauthorised or unfit for duty - - - - - -	2s. 6d.
2. For insubordination or non-observance of the lawful orders of a superior officer, or for the use of abusive or offensive language whilst on duty, or for the wilful misrepresentation or suppression of facts in a verbal or written report, or for failing to report irregularities or accidents - - - - - -	
3. For incivility or want of proper courtesy or attention to Passengers or other members of the public -	
4. For negligence or misconduct by which damage or delay is, or may be, caused to trains or traffic - - -	5s.
5. For negligence or misconduct by which loss is, or may be, caused to the Company, or by which damage or injury is, or may be, caused to luggage, parcels, animals, goods, or traffic, or to engines, vehicles, machines, signals, lamps, or other property of the Company - - -	
6. For negligence or misconduct whereby danger or risk of danger is, or may be, caused to human life - -	10s.

For a repetition of any of the above offences the fine may be doubled.

GEORGE S. GIBB,
General Manager.

York, August 16th, 1897.

That is a sample of what we have posted up at our various stations, depots, and works.

11485. Was it posted in each engine shed ?—Yes, it would be posted at each engine shed.

11486. And at the stations and places where there are men employed ?—That is so—all the big principal buildings where the men would be employed.

11487. You considered, as a company, that this was necessary in order to have full compliance with the statute of 1896 ?—Yes. This was done under my advice as solicitor. I was then solicitor to the company. We thought we must have something of this sort. The difficulty was in complying. I should not like to say positively that everyone would agree that this was a compliance, but it was as near as we could get to compliance. I say that because I notice Sir Frederick Harrison says that his company were advised it was impossible to comply with the Act, but we thought we could comply with it.

11488. May I ask you about these first two questions ? This is a graded list of fines, there being three of them : 2s. 6d., 5s., 10s. ?—Yes.

11489. The minor fine is 2s. 6d. and that is for inattention, insurbordination, or lack of civility, and courtesy ?—Yes.

11490. The heavier rate of 5s. is for either negligence or misconduct, such as causes loss ?—That is so.

11491. The 10s. is for causing danger to life ?—Yes, that is so. That was the nearest gradation. It is rather a rough gradation.

11492. If you will allow me to say so, it seems to me a very judicious schedule to put them under, whatever may be the details of it, that is, if there is to be such a thing at all. Then with regard to the imposition of those fines, is this scheduled list considered as a maximum ?—It is so treated. I should not like to carry my memory back to the date when this was drawn up. I am not at all sure that it was so intended, but it has been treated as a maximum and, of course, it is obviously to the advantage of the men that it should be so treated, and I can give you particulars, if you like, as to how the fines range within those figures. It has been certainly treated as a maximum in the principal departments.

11493. Now on p. 1 of your proof you say, "Neither the imposition of the fine, nor the amount of the fine, is determined by subordinate officials" ?—This is carried a step further in the direction of complying with the Act by the rule that we have. We have the same rules as the other companies have, reserving the right to fine, and all our men are supplied with a copy of that book. We take a formal receipt from them for the book, and we read the two together. The rule they are taken to have a knowledge of and to assent to, that the company reserve this right in regard to the notice stating the amounts. In our minds we read the two together as a compliance with the Truck Act.

11494. That is Clause 22, is it ?—Yes.

11495. I want to see that ? (*Same handed.*)—The last issue is April, 1904. Shall I read it so as to get it on the notes ?

11496. Yes ?—"The company reserve the right to punish any servant by immediate dismissal or suspension from duty for intoxication, disobedience of orders, negligence or misconduct, or for being absent from duty without leave, and withhold permanently the wages which would have been earned by any servant during the time

of such suspension or during his absence from duty from any cause. The company also reserve the right to fine for acts or omissions specified in the notices given by the company under the Truck Act, 1896." That is the notice you have before you.

11497. That refers to the notice you have put in ?—Yes.

11498. With regard to the notice there has been compliance with the publication that is required ?—Yes, that is so.

11499. Is it not possible that this may be construed further as a permanent deduction from wages—I mean to withhold permanently the wages which would have been earned by any servant during the time of such suspension ? I suppose you will say that the punishment is suspension ?—Yes, the punishment is suspension. But, of course, suspension would be no punishment unless it carried with it the loss of money that would be earned. It would be merely a holiday at the company's expense if it did not carry that with it, and it was only to make that perfectly clear that it was put so.

11500. Then so far as this rule is concerned, it does not add to the notice in respect of fines or deductions at all ?—No, it is not so. It deals with suspensions as well. Perhaps I need only have read the latter part of the rule in answer to your question.

11501. Now may I come back to the other point I was putting about the maximum of fines and the amount of them. That is not determined by subordinate officials, is it ?—No, never—not in any case.

11502. What is the practice ?—The practice is that where a man has committed an offence the man immediately above him, ordinarily the foreman, decides that he deserves notice or punishment of some sort. That would be reported to the man above the foreman, and so on to the District Superintendent, or District Manager, as the case may be. The fine is either imposed by him (the practice is not uniform in all departments) or by actually the head of the department at headquarters. It is never imposed by anyone lower than the district head. So that it is either the district head or the headquarters head—that is, the absolute head of the department.

11503. Supposing there is an offence reported, I suppose you start by a caution ?—Yes, certainly, as a general rule. Supposing a very, very serious offence was the first offence the man ever committed, I should not like to say that would be so, but you may take it the general practice is to caution first and fine for a second or third offence.

11504. Then is a written notice of the fine to be levied given to each man ?—Yes, that is so, and I have the forms of notice with me of the different departments.

11505. I should like to see that ?—That is this document. Perhaps I might read them. Take the Locomotive Department, or the Mechanical Engineers' Office, as we call it, which is the department in which most of the fines are inflicted. That is where the greatest necessity for fining arises, undoubtedly. The form of notice is this: "I have received instructions to fine you the sum of for being late on duty." What is given here is only an instance of such an offence—"This amount will be deducted from your wages." Then that is signed either by the head of the department or the district head, and as an instruction to the foreman, who gives it to the man.

11506. That is the first definite intimation to him, is it not, of the actual amount that is to be levied ?—Yes, it would be.

11507. And it is the first specification in words of the offence which falls within the categories embraced in your notice ?—Yes, that is so.

11508. Supposing he resents that and thinks it is harsh or improper, what happens then ?—Then he would lay his case before the local head of the department—the district manager or the district superintendent. He would have a hearing from him.

11509. But of course it is the determination of the company, always acting within these rules ?—Yes.

11510. That substantially is made a final matter ?—Do you mean the decision of the local people ?

11511. Yes ?—No. He would be in a position to appeal to the head of the department. It is not very often done, but it is done.

11512. Do you know of cases of fines being lowered in consequence of such representation ?—I have been General Manager for a short time only, and I do not think I do, but that there have been such cases I have no hesitation in saying. I feel sure there would be cases where Mr. Worsdell, who is the head of our locomotive department, would have altered the fine. I do not say they would be numerous, and I think the reason that they would not be numerous would be because the fine is not levied by a subordinate, and is not levied except after very full consideration. It is not a thing that is done in a hurry.

11513. I fancy personally you would disapprove, would you not, of any less cautious system than that?—Certainly.

11514. Now I want particulars from you of the whole of the fines levied ?—I should be very much opposed to giving any lower officials the power of fining. I think that would create a great deal of friction between the men. Take the foreman. It is not a matter that I would think of putting into the foreman's hands.

11515. But even for the foreman it might land him in a great difficulty ?—Yes. It would not be prudent to do it. The other notices are in the same form.

11516. Would you give us the particulars of the fines levied on the North-Eastern ? I think you have them for the year 1905 ?—Yes, I have them here for the year 1905, because we were in the year 1906, when they were taken out. The total number of fines in the year 1905 was 1,019, and of those 786 were on railway men. The balance was in the shops. I have those separate. I take it that is primarily a railway man's question and not an artisan's question, and perhaps the 786 is the better figure. You have the figures of our wages' staff, namely, about 43,000, and if you exclude our shop staff it is about 32,000; but that includes about 10,000 men who are in the engineer's department, and the fines are very few in that department. It is amongst the locomotive and traffic men where the majority of the fines are. Our railway staff is 32,000, less 10,000, leaves 22,000. So that you may say that of 1,000 fines between 700 and 800 are levied on 22,000 men in that year.

11517. Of the whole number of fines I think I have it down that a third of them did not exceed a shilling ?—Yes, that is so.

11518. And five-sixths did not exceed half-a-crown ?—That is so. The fines of half-a-crown and under were 839 out of a total of 1,019.

11519. Then with regard to your engineers' department; tell me how it is that fining is almost entirely absent there ?—It is mainly in connection with the running of trains and the conduct of traffic that the necessity arises.

11520. The necessity for fining ?—The necessity for fining. There is nothing, I think, in the employment of the platelayers that calls very much for fining. Theirs is more like ordinary labourers' or artisans' work. The fining in that case would probably be for their not turning up, or habitually turning up late, or something of that sort, and we have not found the necessity of much fining there. I think the necessity for fining in the locomotive service really arises from the conduct of the traffic and the men being away from control, scouring all over the country with the engines, and the extreme importance and extreme seriousness of the result of even a comparatively small offence.

11521. But you have heard the suggestion that fines should be abolished and that suspensions should be substituted—I mean after a caution is found to be ineffective ?—Yes.

11522. What do you say to that ?—Of course I know that is the London and North-Western system and therefore one has knowledge that it is an effective system. What strikes us a little bit is that it is rather harder on the men than our system. We have the system of suspensions, and I can give you details of our suspensions in the year, but we regard suspension as a very heavy form of fine.

11523. As a further stage ?—Yes, as a further stage. My objection to the abolition of fines is that suspension,

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being such a heavy punishment, there would be reluctance on the part of the officers of the company to inflict it, and I should be afraid of one's not getting effective discipline. I presume the London and North Western do not find that, and they must have a good reason for their system. But that is one's feeling. For instance, carry it a step further, and suppose your only punishment was dismissal, I should view that with a great deal of alarm. More men would be dismissed than now, but on the other hand our discipline would be more slack because there would be a reluctance on the part of the officers to dismiss men, because they would say that is such a very serious punishment on the men. I look on suspension as an intermediate stage of punishment.

11524. So far as you know, what is the opinion of the men with regard to this matter as to the abolition of or retention of the system of fining?—I have no means of speaking for the men, but I cannot think myself that it would be in their favour. I may go so far as to say we have had nothing brought before us to show that it is the desire of our men; but I should not like to say that I am voicing the men, because I have taken no steps to ascertain their views.

11525. That is quite a fair answer. Now I think you have some remarks to make on Mr. Bell's evidence Qs. 4722-3 and Q. 4952?—Yes. I might say that I have reason for my caution, because Mr. Bell represents a larger number of men on our railway than he does on any other railway. We have always been given to understand that a larger proportion belong to our company than in the case of the southern lines, but on the other hand I do not understand Mr. Bell's evidence to be pointed particularly at our company. I see nothing to lead me to think that.

11526. Now there is apparently a complaint in Mr. Bell's evidence as to the fine being a fixed sum and not varying according to the wage?—Yes. But that was a part of his evidence that was a little puzzling to me, because I thought he made inconsistent complaints. He also complained in another place of the absence of fixity.

11527. Yes, but he complains of different men being fined different sums for the same offence?—Yes, and you cannot have it both ways. You might undoubtedly turn those maxima into actuals and say it shall be always 2s. 6d. instead of being in a number of cases a 1s. Mr. Bell cannot have it both ways.

11528. I am not quite sure that that is quite fair to Mr. Bell, because probably he does not wish to have it both ways?—I do not want to be unfair to Mr. Bell, but I have a difficulty in understanding his point there.

11529. May I say that it might be possible that the fine is not varied according to the wage?—No.

11530. You see that that may be relatively a greater hardship on a man with a smaller wage than on a man with a large wage?—I perhaps spoke hurriedly there. When I say it is not fixed in proportion to the wage that is accurate, but I think it is a thing that would be taken into consideration by the officer fixing the fine. I do not think he would affix the same fine on, say, a cleaner getting 16s. a week perhaps, that he would fix on a driver getting his 40s. a week. It is not likely that the offence would be exactly the same. But imagining a case where the offences are identical, I do not think the same fine would be inflicted.

11531. Then the other complaint you refer to may not be inconsistent; that is that different men were fined different sums for the same offence. These different men may all have been earning the same wage?—Yes.

11532. I suppose your answer to that may be that the different sums were fixed having in view the gravity or levity of the offence on the one hand and on the other hand the position of the man in the service and his wages?—Yes, and also a third thing that constantly comes in, and that is the man's previous record. The more times he has got fined the higher the fine would be. Take the locomotive department. I have looked through many of the fines imposed to see how it works out. In one case you have a man keeping bad time and in March he gets cautioned. Then he keeps bad time in May and he gets cautioned a little more severely; then again in August there is bad time kept and he might have a third caution, but probably it would be a fine. Then, if in September he does the same thing, he will have a severer fine, and our experience is that the fine pulls the man up. Perhaps the man who keeps bad time will go on for two or three years before doing the same thing, and he will then begin again.

11533. The amount deducted in fines on the North Eastern has been diminished, has it not?—Yes, it has on the total amount.

11534. £193 was the total amount in 1900 and last year it had gone down to £75?—Yes, that is so.

11535. May I take it that although the amount of fines has diminished still good discipline on the system has been kept up?—Yes, there has been no falling off, I think, in the discipline.

11536. Then how do you dispose of the money that is realised in fines?—It goes into a benevolent fund to meet the hard cases of widows and orphans—it goes into form of gratuities really.

11537. There was a case of a Hull porter which you might explain?—Yes; that is the only case that Mr. Bell mentions on the North Eastern. I think there the Company were thoroughly justified in imposing the fine.

11538. 2s. 6d., was it not?—Yes.

11539. For throwing an envelope of invoices into an empty cask?—Yes. Those were invoices relating to the goods on the truck. It was his duty to affix those to the truck. There is a place outside the truck where those are all put, and that is the record of the journey that has to be taken by the goods.

11540. Have you the paragraph before you?—Yes, I have it.

11541. You might give us your explanation by reading it from your proof so as to get it on the notes?—I will read the paragraph: "On February 13th, 1906, two wagons were received at Drypool from Sculcoats apparently unentered"—that is to say there was no record of where they were going to—"but, turning out the contents twenty-one invoices were found at the bottom of the cask where they had been carelessly thrown by a porter employed at Sculcoats, apparently to save himself the trouble of attaching them to the side of the wagon as it was his duty to do. As he had been several times cautioned previously he was on this occasion fined 2s. 6d." It really was a bit of sheer carelessness, or laziness, one would rather say. It might have delayed that traffic considerably and we might have had a claim made and probably been liable.

11542. Then you explain about suspension only being imposed for serious offences, and the most serious of all, of course, justifying dismissal?—Yes.

11543. Supposing a man is suspended pending an inquiry and the result shows him not to be to blame, are his wages paid during the period of suspension?—Yes. I ought to have explained that in connection with Rule 12. The words in Rule 12 are not intended to cover that. Where Rule 12 says we reserve the right to retain money that would have been earned during suspension, that means suspension as a punishment and not suspension pending inquiry.

11544. Then Mr. Bell expresses doubts as to whether fines or suspensions either are deterrent. What is your view about that?—I feel sure they are. I do not think you must judge that simply by the amount we collect. I notice in reading through Mr. Aspinall's evidence that one of the Committee, if I may call their attention to it without disrespect, asked how could fines be a deterrent when they worked out to only a penny per man per annum. Of course, if the fines were paid by the whole body of men between them, there would be nothing in it at all, I quite agree. The fine could not act as a deterrent then, but I do not think that is a fair way of looking at it any more than it would be fair to divide up the hanging of three people who are hung in a year amongst the community. It is the three men who are hung, and it is those particular individuals who are fined, on whom the punishment falls. The other people do not pay a penny but they know they will be fined if they are careless. I think the best answer to that is our own lists which deal with men who are inclined to be a little bit careless or lazy or bad time-keepers, which is a very common case. Repeatedly we have cases of caution, caution, caution, and then a small fine, and if

he does not stop there there is a heavier fine, and then he stops. You do not get a case of a man going on and on and then getting dismissed. That is not the usual thing, though I do not say it never happens. The man does not like it, and somebody mentioned that his wife does not like it either.

11545. The cases you mentioned are those of carelessness, laziness etc. ?—Yes, a man is not always committing serious offences, but that is the men's feeling about it. They do not like it.

11546. Supposing the London and North Western Railway Company find it to their advantage to abolish fines, I suppose you are not able to prognosticate what would be the result to your Company of doing the same thing ?—No, of course I could not do that. I have to admit that the London and North Western apparently find they can work on that system, but as I read Sir Frederick Harrison's evidence, the substitution of suspension for fines was brought about by the view of their legal adviser that there was no way otherwise of complying with the requirements of the law. I do not understand that they adopted it as a thing in itself preferable, but still, one can only give one's own view for one's own company.

11547. Then what is your view about bonuses ?—I have considered a good deal what Mr. Bell says, but I do not really see in principle the difference between his idea of bonuses and the idea of a fine, because the bonus would tend to become general and to be regarded as part of the men's wages, and after a time the withholding of the bonus would be regarded by the men as, and would be in substance exactly the same thing as the imposing of a fine. I do not see in principle the difference. Of course, unless there is to be really an increase of the wage, if all the men are going to earn their bonuses we must first take it off the wages, and the men would not like that. I do not see that in principle the two systems differ. It is withholding something for, I will not say incompetence but for non-discharge of duty. It is withholding something which, if you discharge your duties, you earn, and I do not see really the difference in principle between a wage and a fine and a wage plus a bonus with a deduction of the bonus.

11548. I gather that being the solicitor of the company you advised this notice. I think you mentioned that and you might be so kind as to deal with your view of the Act of 1896 ?—It is some years ago. I understand you want me to look at the Act.

11549. Yes. I want to see really the kind of way in which you were meeting the Act. You see Section 1 ?—Yes.

11550. That provides, of course, for the two cases—the contract published in the way that you have had it published here ?—Yes.

11551. And also the contract in writing ?—Yes.

11552. It is Sub-section (1) (*b*) of Section 1 that I want you to deal with. The contract specifies the act or acts of omission in respect of which the fine may be imposed, and the amount of the fine, or the particulars from which that amount may be ascertained. Now you have read that as referring to the amount of the fine as a maximum ?—Yes, we have.

11553. I mean it is rather a matter of construction and I want to get your view ?—I rather guarded myself in saying that, and I am not perfectly sure that that was my view when that notice was framed. I am not at all sure that that notice was not framed with the idea that these actual sums would be fined, but it has not been so read by the departments, and it has not been so acted upon, and I have not thought fit since I have been general manager to alter our practice. That is the fair way of putting it, I think.

11554. Supposing the correct view were that there should be a specification of the exact amount of the fine and the exact particulars of the offence, then, of course the way in which your rules have been interpreted do not meet that case ?—I agree. I should like to point out if there is any question of altering the law that it does seem to me that the maximum should not be an absurd maximum If you are going to fine a man 1s., a 40s. maximum is no help at all, but supposing the maxima are not absurd maxima, I think it is distinctly to the advantage of the men that everyone should not have to be fined alike. I do not think it is desirable that the man who commits an offence for the first time or after one caution should receive the same punishment as the man who did the same thing the week before and was fined 1s. then. I think it is much better that the second time he should be fined 2s. 6d. You cannot put your figure as a minimum. You must guard yourself, I think, by putting the maximum. That is to say that if there is a case that justifies 2s. 6d., then they must all pay 2s. 6d. I do not think that you can make it otherwise really so favourable to the workman. So that if we have strained the law, we have very good reason for it and it is the law that should be altered and not our practice, if I may say so.

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11555. I gathered that that was your view, and that is what I wanted you to come to ?—Yes.

By Mrs. Tennant.

11556. I notice that the sixth class of offences on this notice is as follows: "For negligence or misconduct whereby danger or risk of danger is or may be caused to human life, 10s.;" and then at the bottom it says: "For a repetition of any of the above offences the fine may be doubled." Would you not consider it rather a dangerous doctrine that a man might even once endanger human life and get off with a penalty of 10s., and still more dangerous that he should look forward to doing it a second time and getting off with only the penalty of a doubled fine ?—Of course, if the case was a serious one the man would be dismissed. This notice does not mean that we limit ourselves to these punishments.

11557. No, you do not bind yourselves, I quite see that; but still you do leave it open to the man to feel that he may commit this one offence which involves risk to, or actually the loss of, human life, and you penalise him only to the extent of 10s.; and then that offence could be repeated and yet he may only be dealt with by a penalty of 20s. ?—Yes, I quite see the force of the criticism, and no doubt the doubling of the fine has more reference to the 2s. 6d. and the 5s. than to the 10s. I quite see the force of that, but I think it is conceivable that an offence that could cause loss of life might be committed by a man twice without justifying dismissal. I should not like to say that that is not so. I may say that as far as our company is concerned that No. 6 notice, I am glad to say, very seldom comes into operation indeed. Suspension or dismissal would be a more likely punishment.

11558. Now would you describe your system as a kind of progressive system under which you, practically, first caution, then fine, or after two or three cautions fine, and then suspend, and then dismiss ?—Yes, that is the practice—that exactly expresses it. I do not mean we go through all those stages, but that is distinctly our system. Then if a man had been with us five or ten years without an offence, he would probably begin at the bottom of the ladder and would have only a caution. But we do keep a record of all our men's careers, and their punishments are awarded in part in connection with that record.

11559. Then when you speak of having cautioned a man, and having cautioned him perhaps several times, and then having fined him, has the threat which has been held over him in each case been that of a subsequent fine, or has he ever been threatened directly with suspension in the event of a repetition of the offence ?—Of course, I do not do these things myself, but I think, no doubt, suspension would be held over him. If a man had got fined several times, I think the form of punishment given to him, or reprimand, would be to take care, and if it happened again it would not be a case of fining at all.

11560. But I mean, when he is in the caution stage, is the threat held over him always that of a fine ?—Yes, that would be ordinarily so—"Now, take care, because if that happens again you will be fined." That would not mean if the offence was sufficiently serious next time he might not be suspended, but it would be exactly as you put it. The man would be cautioned, and if he did it again it would be said: "You did that once before, and if you do it again you will be fined." That is exactly how it would be done.

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11561. I wish to arrive at the deterrent effect of the caution, and I rather gather from one of your statements in reply to the Chairman that you have cautioned men several times?—Yes.

11562. Then the threat of the fine does not seem to have been very effective in the cases in which they have been cautioned several times?—No, I have rather tried to make that point. Some men have to be pulled up by the fine. If you went on indefinitely cautioning some men you would get no result, and we do find that the fine pulls them up.

11563. Do you think more would be pulled up if the threat were a severer threat?—It might be so.

11564. It is in my mind that the threat of the fine does not seem in those cases to have been an effective deterrent, and that possibly the threat of a severer penalty such as dismissal would be a more effective deterrent and you would not have had to caution them on so many occasions?—I made the point before you came into the room, and I hope I have made myself clear on that, because my view is that it would be prejudicial to the company and hard on the men. It would be hard on the men because it would mean a severer punishment than it is to-day, and also the company would lose because the officials out of pity and out of reluctance to inflict a severe punishment would inflict none at all. So that we should get slacker discipline and at the same time a number of men would get a severer punishment than we should wish to inflict.

11565. That is because that would be the only punishment?—That is so.

11566. If two or three men had been cautioned under threat of dismissal who thought the company would be lenient and would not exercise the threat, but the company showed they meant to enforce discipline, do you not think that would have a deterrent influence upon others who had been similarly cautioned, and they would not therefore reach the need for punishment?—It is only a question of the severity of the punishment. It is the old question of deterring, and as to how far hanging is a deterrent against murder. It is a very difficult question, and I daresay you could get me into giving inconsistent answers, but my feeling is, I confess, that I am in favour of our system as against that of the London and North Western. I cannot help saying it.

By Mr. Walsh.

11567. Are any fines imposed by your company for offences other than those included in this schedule here?—No, I do not think so. They ought not to be. They are not to my knowledge.

11568. I would like to ask your attention for a moment to the rather general terms in which this schedule is framed. The six clauses of the schedule are after all couched in very general phrases. For instance, insubordination is quite an indefinite phrase, is it not?—It is intentionally done no doubt. The net is meant to be spread wide. That was the lawyer's duty when he drafted it I take it.

11569. You thought it necessary really at the same time as you secured compliance with the Act to make the net sufficiently wide and comprehensive to embrace the number of offences that were likely to occur. Is that so?—Yes, all the offences were defined at the time. We did not want to alter our practice at all. We thought our practice was right, but of course we had to comply with the law.

11570. So that, nevertheless, although the law came along you wanted to make the practice fit in with the law as well as the law fit in with the practice. Is that it?—Yes, I think so. But do not let me be misunderstood. I do not mean in any way to evade the law. I was not aware that there was anything in our practice except so far as notification goes that was aimed at by the Act; nothing was brought home to my knowledge in any way.

11571. Did you give any attention at the time as a lawyer to the desire of the Act to give a certain definiteness and form to that which was vague and hazy before?—Yes, I think we did, and that was the general idea underlying the Truck Act. That was the grievance of the men at the time.

11572. Do you think, therefore, that the vague and general way in which these clauses are couched met the desire of the Act and of the men to give form and substance to that which was vague and general before?—I thought it was as far as one could go on the railway service. The Truck Act, so far as I know, was not primarily aimed at railway companies.

11573. No, it was a general thing of course?—We have always thought our case was a little bit exceptional, and that we could less afford to do without fines than most employers could. You see, the alternative would have been to attempt to draw up a very detailed list of offences.

11574. Are you aware that some of the railway companies at that time did endeavour to detail the offences for which fines would be imposed?—No. If I knew it I have forgotten it, but I do not think I knew it.

11575. Did you know that some of the southern companies did?—I did not know it.

11576. The Act states that there must be a contract—which is, of course, the case here—with your workpeople?—Yes.

11577. And the contract must specify the act or omission?—Yes.

11578. Not couching the language in general terms but saying that the contract must specify the act or omission. Now, do you think you have specified the act or omission here?—I am not a lawyer now, and so I suppose I can afford to say what I like of my previous law. There is no doubt it is very difficult to know how far you should go in that way.

11579. I will not press that further. Could you give us any record of the fines and offences. Have you a list of the offences for which the fines have been imposed?—No, I have not, but I have taken more or less haphazard out of a large number those cases where I saw men who had got a long list against them. It was done quite haphazard. This is from the locomotive department: "Coming late on duty, caution; absent from duty, personally warned; third time strong caution; absent from duty; coming late on duty; absent from duty; absent from duty." I think "absent from duty" means men not coming in the ordinary time. Then I have, "Frequently absent from duty," and then "absent from duty," and then "absent from duty through drink." The man was cautioned, cautioned, strongly cautioned, then 2s. 6d. fine, then a 3s. 6d. fine.

11580. Is this the same man?—Yes, the same man. Then there is "absent from duty through drink," and he was suspended a week. That is going on for seven years, 1894 to 1899, 1900, 1901. Then he came late on duty again and he was cautioned. Then there is "absent from duty and making a false statement, and then he was fined 2s. 6d. Then he was absent from duty and he was cautioned. Next time he was fined, and next time he was fined. Except that case of being absent through drink, those are all absent from duty.

11581. Could you give us the number of cases in 1900, because you said that in 1900 there were about £193 imposed as fines upon the men. Could you give us the number of cases there?—The number of fines?

11582. The number of cases?—No, but I could get that for you. I have not got it.

11583. It is not necessary. I only wanted it for the purposes of the moment?—I should think you might have it. It would be somewhat in proportion to the amount, but that is rather a guess.

11584. You have the 1,019 cases for £75?—That is a mere guess as to its being in proportion, and if you want it I would rather get it for you.

11585. I do not know that it is specially necessary; I only wanted to find out how far the number of fines had fallen?—I think probably we have imposed smaller fines than we did, but I only get that idea from these records. That is rather the idea I have gathered. I do not see 1s. 6d. and 2s. 6d. as frequently in the earlier years as in the later.

11586. Calculating it upon the amount of the fines, it works out to about 1s. 6d. a fine, and this is not over the whole of the men employed but only over the whole amount fined?—I have got that all detailed. Of our 1,000 fines, 300 of them and over were only 1s.; 839 of

them are either half a crown or under, and then between 5s. and 2s. 6d. there were 147.

11587. A very small number indeed ?—We only had thirty-eight fines over 5s. So that the majority of the fines are small fines.

11588. I beg to ask this upon that: does it not seem from that that the very great majority, five-sixths being half a crown and under, are after all matters which might very well have been met by an admonition on behalf of the officials ?—No; that is just the point I really do not agree on. I think after a certain number of cautions unless you follow the man up with something more serious, it is hopeless. You could, of course, suspend in between. I do not really think mere cautions would act as the check that the man wants. It is like water running off a duck's back after a time, but he does not like to be without the 1s., and I do really think it acts as a deterrent.

11589. Supposing a man is a little easy by nature and comes to his work an hour or two late in the morning, do you think the imposition of 1s. fine is likely to make that man a more diligent attendant ?—If it will not, I think the 2s. 6d. will, and if the 2s. 6d. will not I think the 5s. will. It just depends on the degree of thickness of his skin. A shilling pulls up some. I think the records show that without doubt. But of course in a matter like this I go largely by the judgment of those who are brought more into personal touch with the men than I am. I have discussed this a good deal with those who have the imposing of the fines to do, and I find that is their strong view.

11590. Is it within your knowledge that many of the incidents for which these fines are imposed are matters not within the control of the men themselves?—No, I think you might say never. That is a matter I have made strict inquiry about. I should be glad if anyone would bring my attention to such cases, because that is certainly not our intention. I think the essence of the fine should be something within the man's control. It is the right punishment for laziness and carelessness, but that he should be fined for something beyond his control is a thing we should certainly never wish to do.

11591. There were several cases mentioned by Mr. Bell which seem to imply that many matters for which fines had been imposed were matters of such a general character that really the men had no effective control over them, and yet they felt very sore because fines were inflicted ?—One cannot deal with general statements. But I should be very glad to have cases of that sort on our railway brought to my notice, because it does not commend itself to my judgment, but my belief is that it does not exist, and I do not think I can say more than that.

11592. From 1900 down to 1905 the amount of the fines has fallen off very considerably indeed ?—If you take an interest in this sort of thing I have some particulars with regard to that. These really are chosen haphazard; I did not choose them for this inquiry. I do not know what is in this case but I can see by looking at it that it is not absent from duty, because otherwise it would be ditto, ditto, ditto. This is a case from the locomotive department and the first fine was in 1869. It was the case of a man changing the gauge lamp on his engine; then having his engine off the line; then leaving his engine at Thirsk.

11593. Take the case of having the engine off the line. Would that be a matter within the engine man's control ?—That is in 1877, and one would have to look it up and see what sent it off, but if it were not within his control he ought not to have been fined.

11594. But you do have engines off the line now ?—Yes, we had a sad case the other day; but then the driver is not fined in a case of that kind.

11595. After all, the standard of conduct on your railway is undoubtedly very high ?—Yes.

11596. I am bound to say your discipline is probably the best in the world in regard to English railways. The point I wish to submit to you is this: is any driver likely to get his engine off the line wilfully ?—No, not wilfully—I quite agree not wilfully, and that is why I wanted to guard myself.

11597. Are there not cases of a lower standard of carelessness than the culpable carelessness which merits a fine ?—I should rather say the degree of carelessness which will be pulled up by the imposition of a fine. That is how I wish to put it.

11598. You think to that extent it is within the control of the engine man ?—I say if not he ought not to be fined. That is my view, and I do really believe that is the practice.

11599. Of course, one does not wish to make comparisons, and I hope you will not take this as a comparison, but for eleven years the London and North Western Company have abandoned the system of fining ?—Yes, but I think they must carry the system of suspension further than we do. I think if fines were abolished we should have to do that. It is not as if they were able to do without punishment.

11600. No, and that is not suggested at all. Is it within your knowledge that suspensions are more complained of than fines ?—No, it is not within my knowledge, but it stands to reason, and I think it must be so, for is not suspension a very heavy fine ?

11601. It is not a fine from wages earned ?—No.

11602. What this Committee has before its attention is fines taken from wages actually earned ?—Is that not a technical distinction ?

11603. No. A man may be working in his garden or having two or three days' holiday at Blackpool ?—There is no grievance that the men complain of so much as enforced holidays, and we are obliged to have them sometimes. It is very hard on the wives and very hard on the men.

11604. So far as the fines themselves are concerned, you seem to be working now on what economists would call the law of diminishing returns ?—Yes.

11605. It seems to be going on to extinction, does it not ?—Of course, naturally, that is the first thing that occurred to me on getting these returns out. I had to get them made for me specially for this evidence, and I have gone into that carefully with our people and their view—I can only give for what it is worth, and I say that after hearing it it commends itself to my judgment and it is in the opposite direction to what you suggest.

11606. You think that though discipline does seem to be in a certain sense well maintained and possibly even heightened yet that if this difficulty of fines were removed, there might be a relaxation of and a fall in the standard of discipline. Is that so ?—Till we are all perfect and none of us wants any punishment, such things cannot be avoided—not as long as we are human.

11607. You would not like to abandon the system of fines or the power to impose fines, because discipline might relax. Is that so ?—Yes, that is so.

By Mr. Brotherton.

11608. I may take it that in your view discipline is maintained at a higher point of efficiency by your company having this method of inflicting the fines ?—We think so.

11609. And you would be very sorry if the power to inflict fines should be abolished ?—Yes.

11610. With regard to the system on which you give the men warning before a fine is inflicted, does the warning come from some official corresponding to the official who would inflict the fine ?—Yes, I think all the warnings that I speak of are not mere foremen's warnings. It is the warning of a superior officer.

11611. In a definite way—is it in writing or verbal usually ?—I think usually verbal.

11612. Even at the time of inflicting the fine it is verbal ?—I would not be quite sure. One's knowledge, of course, is only general in these cases, and it might be that the superintendent would say to the foreman, "I do not think this is a case of a fine, you must caution the man;" and the caution will be recorded. It is the recording of cautions. He might say to that foreman "You give a caution," and I think that very often would be done. But the point is that it is not a mere foreman saying to the man: "You must not do that again." It is a case brought up, considered and recorded. It is a formal thing, and that is the importance of it.

11613. The man knows, I presume, what is recorded in the company's books against him ?—Yes, he would know it would be recorded against him. I have here the number of cautions we had in the year as compared with the

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suspensions and fines. Our fines were 1,000 and our suspensions amongst the railway men, leaving out the shopmen, were just 400, while our cautions were just 5,000.

11614. Could you for my convenience put it in this way. What are the cautions first ?—5,000.

11615. And the number of fines ?—I have got the shopmen in here I find. The fines omitting the shopmen are 786 and the suspensions 403.

11616. And the dismissals ?—I have not got a record of them, but I can get it.

11617. In regard to the money collected in fines, it is appropriated by the company, is it ?—Yes. In one locality it is given to a hospital, but that has an old history.

11618. It is appropriated for the time being by the company, but it is distributed by them in any way that they think fit, is it ?—It indirectly finds its way back to the pockets of the men and their families. The benevolent fund is a fund we keep for meeting hard cases.

11619. Would they find less grievances by the imposition of fines if the money were handed back ?—It would be only about a penny a piece.

11620. The men perhaps would have a less grievance if it were handed back to a fund of which they had the entire control. But you have not heard on that point from them, perhaps ?—No complaint has come to me personally in our railway about fines. I have no knowledge that there is any feeling that our system is unjust. I have no reason to think there is.

11621. I wish rather to suggest for your consideration that if money be taken from the workmen in the way of fines the amount should be handed back to a benevolent fund of which they have sole control. Then with regard to the hearing of a case in which a man, perhaps, gets notice of a fine that is deducted from his wages—with regard to hearing his defence no difficulties are placed in his way, are there ?—No.

11622. He is invited, I hope, to consult his superiors ?—He knows perfectly well he can have his case heard in the form of an appeal against the decision.

11623. Have you the number of those appeals with you ?—No, I have not got them.

11624. It is rather an unusual thing, perhaps, to have an appeal against the decision of the officer who has charge of the case ?—I could not say in what proportion of cases a man lodges an appeal. I have had cases. Mr. Bell has brought cases up since I have been general manager where the men have taken the matter to their society, but they have been very few and far between.

By Mr. Maddison.

11625. You told us very clearly that fines were not imposed by any of the lower grades—never less than the district head ?—That is so.

11626. And that appeals are permissible and you think they have taken place ?—Yes, undoubtedly they have.

11627. But whatever may be the stage at which the fine is imposed I take it that the final amount, of course, rests with your officials ?—Yes, I suppose theoretically with the directors, but I have never heard of a case brought up to the board in connection with a fine.

11628. There are no means by which the man, who very often is not very well able to put his own case, can put it before the officials except by himself ?—You ask me rather a peculiar question there, because our company perhaps differs a little bit from the other railway companies as regards that. We have to a certain extent listened to representations made on behalf of the men put before us by Mr. Bell, but that is rather not in accordance with the usual practice. But there is no one better able to state his case than a railwayman. Even for the short time that I have been General Manager I have had a good deal of experience, for that was the first thing I had to take up. If you want a case put forcibly and clearly you cannot have it done better than by a North-country railway man. I will not say anything for the men in the South though I am a South-countryman myself. I do not think the man's case suffers. If the man has got a good case he can put it.

11629. You do not quite see that a goods porter in some of your depots or some of the lower grade men when they are faced with their head official really may not put their case in a very effective way to him ?—They do, indeed. It has never actually happened to me. You may say the men I come across are rather picked men, but I do not at all believe that they do not. I believe the driver or fireman, who are the men to whom this applies, go and see the district superintendent or Mr. Raven, the assistant mechanical engineer, and I am sure no one could put their case more effectively.

11630. But you would admit, however, that after they have defended themselves to the best of their ability, these men do often feel that they have been dealt with wrongly ?—I have no evidence of that before me, really.

11631. But you could conceive a case like that, I suppose ?—Yes. There was one case I had before me as manager, but I did not see my way to remit the fine. I conceive it is possible the man thought my decision was a harsh one, but I took great pains with the case.

11632. So that in the end the power that imposes these fines is an arbitrary one ?—It must be in that sense. I do not like the word, but if you mean somebody must have the last say and the persons must be employed and employer, really I cannot see any way out of it. I think it is a condition of employment, whether public employment, as in the Army or Navy, or in the railway service.

11633. This is a deduction which may be a serious deduction from the wages, and you admit you must have the last word, and that being so, what is your objection or what is the ground of your objection to a government inspector having the same power to look over the fine list on a railway as he has in regard to a mine ?—I did not know he had it in mines.

11634. Yes, we had it in evidence yesterday. That is so, and the members of the Committee know it ?—What is exactly the power ? Do you mean that there is an appeal ?

By Mr. Delevingne.

11635. It is Section 6 of the Truck Act of 1896 ?—But does that go beyond inspection.

By Mr. Maddison.

11636. He can take up the question as to whether the fine is reasonable or not ?—I did not know that, but that does not follow from the right of inspection. I should not mind anyone seeing the fine list.

11637. We have had a number of officials here, all of whom realised that they have that power, and not only so, but that the mines inspectors had it ?—Does he hold an inquiry ?

11638. He cannot himself of his own arbitrary authority say you must reduce this fine, but he can take it before a Court of Summary Jurisdiction and endeavour to get it reduced. But the point is, do very similar cases of that kind occur or not at all with you. If an inspector was to take that step would he be over-ruled ? I regard this as rather an important point. You have told the Committee that you think it is inevitable that your company through their officials or the directors ultimately, if it went right to the directors, must have the last word ?—Yes.

11639. I see a good deal of difficulty in controverting that inside your company, but I see none if an inspector had the power to go and inspect your fine list, and if he came to a fine which he thought excessive that he, an outside authority, could call attention to it. Now in what way could that interfere with discipline ?—Limited in the way in which you put it now I do not see any great objection to it. I thought you rather implied an investigation into the circumstances by an inspector, and a remission of the fine if he thought we had gone too far.

11640. You mean just under his authority there and then ?—Or before any court—I think that is very subversive of discipline.

11641. It follows of course that if you could not satisfy the inspector that it was a fair and reasonable fine, there ought to be, one would say, some power for him to test it in a Court of Law, but apart from that you would see no objection, I gather, to an inspector having the power to inspect your fine list so that he could at any rate call your

attention to what he thought quite an unreasonable fine ?—No, I do not see any objection to that—personally, I should have no objection to it.

11642. Take the case of these people, the intelligent man you have been telling us about who has put his case as best he could—and I have known men of the very class you speak of on your railway—who believes and feels that he has suffered an injustice. If such a man had the knowledge that an inspector could look at the fine and come back to you, or who ever the official was, it would be some sort of compensation to him ?—I think if you could promise me it would stop there I should have no objection to it; because I hope one is open-minded enough to be glad when a hardship is brought to one's notice. But if it should go further and they were to try every case over again it would not do. Ultimately every case just depends on the inference you draw as to the facts and very often as to which of two men you believe, and I think it would be an impossible state of things that every question between master and man should be threshed out by an independent tribunal in that way.

11643. But taking your total of last year's fines there does not seem to be very much ground to fear that there should be that, and I am sure there would be a very small proportion indeed of those fines that an inspector would think unreasonable, so that he would not range over the whole area ?—That the inspector would think unreasonable ?

11644. Yes ?—But no man likes to be fined, and when we are smarting under a punishment we are not any of us in our most reasonable frame of mind. I think that if the men knew this was open to them it would be more than human nature not to use it for all it was worth. Many a man who would sit down under a fine and not feel that he had been hardly treated, if this sort of outside investigation was open to him, would find it almost an encouragement to appeal.

11645. But you have already told me you would not object to the power of inspection at any rate ?—No, I raise no objection to that as regards my company.

11646. Then a question or two about this matter of the inequality of fines for the same offence. You gave us a case of a cleaner and a driver, but I would put the case of a goods guard getting I suppose 5s. a day, would it be ?—Yes.

11647. And a driver getting would it be 7s. 6d. a day ?—Yes.

11648. These two men can commit, and I suppose often do commit, exactly the same sort of offence ?—Their duties are very different, but there are offences that you might put on an equality first as regards the consequences and then as regards the heinousness. You might say "yes" as to that. I see what is in your mind.

11649. The man who has 50 per cent. less wages than the other often gets fined the same amount ?—Yes, but I do not see that you can do more than I suggest. In reply to the Chairman I said that the amount of wage was one of the things taken into consideration. To begin with, they are dealt with by two different departments.

11650. But as a matter of fact is it not true that you know probably amongst those you have got in the various departments people who might be fined the same amount, probably a platelayer and a driver ?—You might.

11651. A man getting £1 a week and another man making probably £2 5s. ?—But I do not think it is done. I think in the case of a man with £1 a week the man imposing the fine would say 6d. or 1s. is as much as 2s. 6d. to the other man. I think undoubtedly you ought to have regard to the man's wage. That goes without saying, I think. But what I see difficulty in is in putting that all out in the form of a scale of detailed offences. It is almost like a dictionary.

11652. I feel that very much, and I am not continuing to press you on that, because I see the difficulty, only I also see very grave inequality or very serious inequality of treatment in fining one man with £1 a week exactly the same amount as another fellow getting £2 10s., perhaps running a passenger train and so on. The difference in punishment is really a very serious one. The man does not care much about a 2s. 6d. fine who is getting his £2 5s. a week while the other poor fellow is hardly living ?—I agree entirely with what you say, but I think we have that in our mind.

11653. Have you many repetitions of a fine for the same man within frequent intervals or short intervals ?—Yes, one could find cases of that kind. But it is very curious in that respect—you sometimes see that a man will go for five or six years without a fine and then he will come on again.

11654. What do you say about frequent repetitions or frequent impositions of fines on the same man. What effect has it on the man ?—If the fine is not having any effect then you must go to a further stage.

11655. You read out something about a man making a false statement. He told a lie, I take it ?—Yes, he must have done.

11656. You put down lying as a minor offence on the North Eastern; you can lie for 2s. 6d. ?—But that does seem to be an ethical point. He might have got off with a caution, but he probably prevaricated about his case, and that added to his offence, so that he got fined 2s. 6d.

11657. Then you can wilfully suppress facts, which is, I suppose, lying, and you can do it with comparative impunity, you rather give facilities for that sort of thing with a low scale of fines ?—We were placed in this difficulty by the Truck Act, and had to get over it as best we could. I am not sure that the wilful representation of facts should not come into the 5s. category.

11658. But my point there is this, that I do not quite see that that is much of a deterrent when a man knows that he can actually tell a lie, and get off for 2s. 6d. How many fines would you impose for that, and how long would it be before you stopped a man lying ?—I should be rather inclined to agree with your criticism. I do not think that it is a sufficient recognition of the seriousness of the offence.

11659. Supposing you put it in the 5s. scale, then the ethical question does not seem to be of very much importance ?—But we could not dismiss every man who tells a lie.

11660. I do not want you to do that, but what I thought was that a man who told a lie committed a moral offence, and he is absolutely responsible. It is different from the case of a man dropping a lead plug, because I believe a man can drop a lead plug, and not know it; but I do know that a driver could not tell a lie without being responsible, and it does appear to me that the moral value of fining as a deterrent is very much at a discount; and do you not think that there ought to be quite another method of dealing with them, and that a man who does that should be admonished in such a way as to really leave a moral effect on the man ?—I quite agree, but I think you would have to have regard also to the effect of the offence as well as the moral seriousness of it. That has been brought home to us very much in railways in regard to these things, where the result might be so very serious, although the moral obliquity in regard to it may not be any greater than in another case which is trivial. You cannot take one factor in the case, and say we will make a scale apart from the seriousness to the public.

11661. But does not that all point to the very inadequate method of getting anything like justice through the system of fines. It may be impossible to make any difference, but does that not seem rather to point not only to inequalities, but to all sorts of things in the fining system ?—I think it places a greater responsibility on those who have to impose the fines, and I may say I think our officers are sensible of that.

11662. Now a question about these sort of things which really appear to be out of the control of the driver or employee. Do you fine for running late ?—Certainly not for the mere fact of being late, but I suppose if the late running was traceable to a cause for which we thought the man to blame, we should do so.

11663. Supposing a man is running from Berwick to York or Newcastle to York, say, and he has signals against him, and is late in consequence. The signalman then has to explain it ?—True.

11664. But supposing he has no signals against him and he runs into York five minutes late ?—He certainly would not be fined for that.

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11665. But would he not be fined for being five minutes late ?—No, I feel sure he would not. But, of course, I would much rather that the locomotive superintendent be consulted before answering that, because these things are not quite within my knowledge. He would be asked for his explanation.

11666. I am assured that in some companies a man is fined for being five minutes late, and if that is so my point is that human nature is subject to all sorts of things that are literally under the control of the driver, but which you and I and everybody knows in ordinary life we cannot control, and yet the result is that the man is running five minutes late, and I put it to you whether it is fair and just to look at the effect, and not take into account those almost indescribable things which happen to us all ?—I should agree with you entirely.

11667. But you do not know whether you do fine for running late ?—No. I have looked through these lists and I do not remember coming across a case of that kind. It must be quite an exceptional thing, and these are all cases of drivers, I think, that I have here. Here is a case of a strong caution—" slow running with goods train to York," and so and so—" strong caution." But that is a goods train.*

11668. That might be the sort of case I mean. I do not know, and I will leave it. Then just a question or two on your objection to Mr. Bell's proposal, about a system of rewards or bonuses instead of fines. You are aware Mr. Bell wants to maintain discipline by hope rather than by fear ?—Yes, one follows that. That is the ethical idea in it, no doubt.

11669. And you are aware that some of the American railroads have introduced a system of that kind, so that Mr. Bell does not merely mention something that has not been in operation ?—No, I did not know that, but I know many railway companies have a system of bonuses amongst signal men, which we have not got. But Mr. Bell does not like that.

11670. You have not that system of bonuses ?—No, nothing beyond a reward for a particularly smart action.

11671. You think it would be regarded as part of his wages and cause trouble as regards wages ? That is one of your objections ?—Yes, and I think eventually it would come to be identical with fines, and it would be unfair to the company unless it was accompanied first of all by a reduction of wages, and then in that case it would be most unpopular with the men.

11672. I think Mr. Bell had in his mind a long period, say three years, and at the end of that time if a man had no black mark against him in any way the idea was that he should get some sort of reward. That would be not a very serious thing for a big company like the North Eastern, would it ?—No, but it is an increase of the wage under another term.

By Mr. Delevingne.

11673. The suggestion has been made to the Committee that in order to secure a due proportion between the amount of the fine and the man's wage some definite limit or proportion should be fixed by the Act itself ?—Yes.

11674. Would you see any difficulty in complying with a provision of that sort ?—You could do it by saying that it must not be more than a certain proportion of the man's wage. You could do it in that general way. If you allowed your drivers to be fined up to the extent of 10s. if they got two pounds a week then a man with £1 a week should be fined not more than half of that.

11675. Do you see any practical objection or difficulty in that from your point of view ?—No, I do not think so. It would be a question of amount.

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* The Secretary has since received a letter from Mr. Kaye Butterworth in the following terms :—

You will remember that when giving evidence before the Truck Act Committee on the 19th ultimo, I was asked how many fines had been inflicted on our men for slow running, or trains running late, for the year 1905. I have had enquiry made, and I find that during the year in question no fines were inflicted specifically for slow running.

There were, however, 31 cases in which fines were inflicted for neglect of duty, which resulted in delay to the train, viz. :—

8 cases for careless manipulation of the brake.
2 cases of turning engine improperly (*i.e.*, when it ought not to have been turned).
4 cases of not properly examining engine before starting.
3 cases of omitting to keep engine properly supplied with water.
14 cases of neglect of various kinds resulting in delay.

Mr. W. GUY GRANET, called ; and Examined.

By the Chairman.

11676. You are General Manager of the Midland Railway Company ?—I am.

11677. You have read Sir Frederick Harrison's proof, and I understand you agree with his opinion ?—I agree with his opinion generally as to the necessity for the maintenance of discipline, and so on. I do not agree with everything he has said, but on the general point I agree clearly.

11678. Do you think it would be to the detriment of safe and efficient working if anything were done to weaken the authority of those responsible for the staff ?—Clearly.

11679. I think you have had some recent experience, have you not, of a system of fining for certain offences committed ?—Our recent experience has been to abolish the system of fining for the greater portion of our men. We have abolished it entirely for the traffic department, but the system remains for the locomotive and the carriage and wagon department.

11680. Can you give us approximately the figures applicable to the cases where it has been abolished and the cases where it remains ?—Yes, I have got a table here giving the actual numbers of fines, reprimands, and so on.

11681. But what I am anxious in the meantime to get is the number of men in the department where it has been abolished by you ?—There are about 36,000 in the department in which it has been abolished, and about 24,000 remain in the department in which the system continues.

11682. What has been, speaking generally, the result of that abolition ?—Personally, so far as it is possible, I am very strongly in favour of abolition. I think that the suspension system, at any rate for the traffic department, is very much better. That is my personal opinion.

11683. But what I was wanting to get was what has been the experience of abolition. Has it impeded sound discipline, or been inconsistent with sound discipline ?—No, my opinion is that discipline is certainly no worse than it was before.

11684. Then can you now give the reasons for its retention in the case of the 24,000 men ?—I do not know that I could give you them at length. Of course, as you understand, I have not been on the Midland Railway very long, and I have to give the information I give to some extent secondhand.

11685. We are very glad to have it from you ?—I understand that those in control of the locomotive department attach great importance to the power of fining if need be, because of the diversity of offences which can be committed by a man. There are so many things which in their opinion a mere reprimand would not meet, and which at the same time it would be extremely hard on a man to suspend him for, and therefore they have very strongly urged the retention of the power to fine.

11686. That seems to be just a statement of the case for retention of finings in every department. I mean before they abolished did you simply do what you have described ? You say that it would be a hardship to have the mere alternative of suspension, instead of the intermediate thing called fining ?—I think there is a good deal of distinction between the traffic department and the locomotive department. There are obviously many more specific offences which a man can commit in shops, for instance, or where he is engaged in dealing with material and with tools, and so on, than in the case of the traffic department, where it is really as a general rule more a question of general conduct than anything else.

11687. But that would rather appear to point to the power of fining having a certain elasticity of application ?—Clearly that is so.

11688. Now, are you aware that the object of the Act of 1896 was to do away so far with such elasticity by specifying the acts and the omissions, and the amounts of the fine applicable to each ?—Yes. I am aware of the different points of view as to the interpretation of the Act.

11689. The last witness, whose evidence perhaps you had the advantage of hearing, gave us his view as to the fixing of what might be considered a very general description of the category of fines, with the maximum sum ?—Yes.

11690. Do you adopt that system ?—Yes, broadly speaking, we do.

11691. Have you any published notice ?—Yes.

11692. Will you kindly show it to us ?—That is for the locomotive department.

MIDLAND RAILWAY.

Locomotive Department.—Electric Light and Power Branch.

TRUCK ACT, 1896.

In accordance with the Truck Act, 1896, Notice is hereby given, that the Company reserve the right to impose the following fines in respect of the acts or omissions mentioned below, and to deduct from the wages of their servants, and to retain the sums that may be imposed as fines :—

Nature of Offence	Fine, having regard to all the circumstances of the case, not exceeding
1. For inattention whilst on duty, absence from duty without leave, coming late on duty, leaving duty before proper time or before being relieved, coming on duty without proper rest, or otherwise unfit for duty, permitting relief by men unauthorised or unfit for duty	2s. 6d.
2. For insubordination or non-observance of the lawful orders of a superior officer, or for the use of abusive or offensive language whilst on duty, or for the wilful misrepresentation or suppression of facts in a verbal or written report, or for failing to report irregularities or accidents	
3. For incivility or want of proper courtesy or attention to Passengers or other members of the public	
4. For negligence or misconduct by which damage or delay is, or may be, caused to trains or traffic	5s.
5. For negligence or misconduct by which loss is, or may be, caused to the Company, or by which damage or injury is, or may be, caused to luggage, parcels, animals, goods, or traffic, or to engines, vehicles, machines, signals, lamps, or other property of the Company	
6. For negligence or misconduct whereby danger or risk of danger is, or may be, caused to human life	10s.

For a repetition of any of the above offences the fine may be doubled.

R. M. DEELEY,
Locomotive Superintendent.

Derby, January 1st, 1904.

MIDLAND RAILWAY.

Locomotive Department.

TRUCK ACT, 1896.

In accordance with the Truck Act, 1896, Notice is hereby given, that the Company reserve the right to impose the following fines in respect of the acts or omissions mentioned below, and to deduct from the wages of their servants and to retain the sums that may be imposed as fines :—

Nature of Offence.	Fine, having regard to all the circumstances of the case, not exceeding
Inattention to work	2s. 6d.
Absence from work without leave	
Coming late on duty	
Leaving work before the proper time	
Wilfully misrepresenting or suppressing facts in a verbal or written report	
Failing to report irregularities	
Making tools without direction	
Breaking open drawers or boxes	
Neglecting to put out lights when leaving work	
Improper use of machinery belonging to the Company	
Irregularities with checks	
Making out incorrect accounts for work done	
Obtaining materials in an irregular manner	
Smoking in yards, sheds, workshops, &c.	
Failing to return taps, dies, gauges, or other general tools in good order to the authorised person after using the same	
Negligence or misconduct by which loss is, or may be, caused to the Company, or by which damage or injury is, or may be, caused to any property of the Company	5s.
Negligence or misconduct whereby danger, or risk of danger, is, or may be, caused to human life	10s.
Insubordination	

For a repetition of any of these offences the fine may be doubled.

R. M. DEELEY,
Locomotive Superintendent.

Derby, March 4th, 1904.

MIDLAND RAILWAY.

Notice to Drivers, Firemen and passed Cleaners.

TRUCK ACT, 1896.

In accordance with the Truck Act, 1896, Notice is hereby given that the Company reserve the right to impose the following fines in respect of the acts or omissions mentioned below, and to deduct from the wages of their servants, and to retain, the sums that may be imposed as fines.

Nature of Offence.	Fine, having regard to all the circumstances of the case, not exceeding
Mismanagement of fire and causing delay to train	2s. 6d.
Not properly cleaning out fire and smoke boxes before putting engine away	
Making incorrect entries on drivers' sheets or in books or tampering with guards' journals	

Mr. W. G. Granet.

9 May 1907.

Nature of Offence.	Fine, having regard to all the circumstances of the case, not exceeding
Taking oil or stores for use without authority Causing couplings to be broken in trains through want of care Not properly holding points, whereby engines are derailed Losing or damaging oil bottles, lamps, fire irons, and engine tools Failing to sign engine off, or to report necessary repairs Coming late on duty, or leaving duty before proper time; or failing to sign on or off duty Not obtaining and depositing journals at proper time Omitting to obtain and sign for Notices, Time Tables and Appendices Not having Rule Book and Appendix to same; also Telegraph Book R.S.P., in possession when on duty Losing or retaining engine keys Wasting oil Propping up slaking apparatus Smoking on duty Omitting to enter coal on driver's sheet Not having a full set of tools, &c., on engine, or having them in a defective or slovenly condition Omitting to report any unusual occurrence Not having proper head or tail lights, or having tail lamp on engine when working trains Allowing engine to emit unnecessary smoke Failing to give up card pass before signing off duty Neglecting to fill up the counterfoils in the R.S.P. Telegraph Books Not keeping engine lamps clean	2s. 6d.
Absence from engines and Co.'s premises without leave when on duty Damaging vehicles of any kind through carelessness when shunting Inattention to, or want of examination of engines, whereby damage is done, or delay caused to train Not seeing that there is a sufficiency of water in tank, and thereby causing delay or unnecessary mileage	5s.
Disregard of instructions in the Company's Working Time Table or Appendix or the Working Time Table or Appendix of other Companies Disobedience, or non-observance of the lawful orders of a superior, or making use of abusive or offensive language whilst on duty Wilful misrepresentation or suppression of facts in a verbal or written report, or failing to report irregularities or accidents Disregard of Notices as to speed limitations on the line, or when entering stations; and other important Notices issued from time to time in connection with the working of the line Damage to passenger vehicles when setting back to the same For negligence or misconduct whereby danger, or risk of danger, is or may be caused to human life For negligence or misconduct by which injury or delay is or may be caused to trains or traffic, or loss or injury to the property of the company.	10s.

For a repetition of any of the above offences the fine may be doubled.

R. M. Deeley,
Locomotive Superintendent.

Derby, January 1st, 1906.

Of course for the traffic that no longer exists, as we no longer fine.

11693. But I want the things that are still operating ?—Those are the ones which I have handed to you.

11694. Then I see that under your notice as contrasted with the notice of the North Eastern Company, there is a very much greater compliance with the Act ?—Yes, it is a longer notice. I observe we treat lying rather more severely than the North Eastern. It is in the 10s. category.

11695. Are you aware of the experience of the London and North Western ?—Yes, I heard Sir Frederick Harrison give his evidence.

11696. I suppose you have no reason to doubt that the discipline of the London and North Western, notwithstanding the abolition, has been maintained ?—I am certain of it.

11697. But so far as the future of your company would be concerned, assuming the abolition, and assuming the example of the London and North Western were followed, what would your forecast be, to the best of your judgment ?—As I said before, so far as the locomotive and the carriage and wagon works are concerned, I do not think I can really express a personal opinion. I have to take the opinions of others, and the opinion of the officers who control them is against the abolition of fines.

11698. As a general manager of course you are no doubt influenced by the experience of large concerns like the London and North Western ?—Clearly, and I may say at once that personally I am very much more in favour of a system of suspension on general principles than I am in favour of a system of fines. I think it is obvious almost, I might say, on general principles that a system of fining must be abhorrent. It is not a thing one goes in for willingly at all.

11699. Then I think you might just give us the method adopted by the Midland Railway Company ?—In the locomotive and carriage and wagon departments we reprimand, fine, suspend, reduce and discharge. In all the other departments we reprimand, suspend, reduce, and dismiss. In the case of signalmen, for serious offences we stop a portion of the bonus which, under their conditions of service, they are entitled to for good conduct.

11700. I think, even although you have this specification here to which I have called attention, still you treat the 2s. 6d., and the 5s. or the 10s., as the case may be, substantially as a maximum ?—Yes, and of course also there is no doubt that on many occasions we do not fine at all. The man is merely reprimanded and that is entered into the book.

11701. I would just like you to read this passage in your proof in order to get it down, beginning "Taking the year 1905," if you will ?—Yes. "Taking the year 1905 the amount of fines inflicted on the employees in the locomotive department was £169 9s. 11d., and in the carriage and wagon department £34 19s. 9d., or a total of £204 9s. 8d., the number employed in these two sections of the service being 24,365. In the locomotive department the fines inflicted on drivers and firemen are added to the sum of £1,000 granted by the directors each year, and the total of these two amounts is distributed to the drivers and firemen for meritorious conduct, for suggestions as to improved methods of working, etc., and in addition gratuities are given to men who retire from the service through old age or physical infirmity."

11702. I do not think we need ask you about the conditions of employment, but just referring to the top of p. 4 of your proof, when persons are in the carriage and wagon department have they their attention drawn to the set of twelve rules posted in the works ?—Yes. I might mention that Mr. Bell rather seemed to suggest that a man had to read his rules and sign for them and declare he understood them in an hour or so. Certainly that is not the case on the Midland. He has a month. They are given to him, and then he is taken on, if his character is satisfactory, and tried for a month, during which time he is supposed to make himself master of these rules, and at the end of the month, if he has given satisfaction, then he signs for them and not before.

11703. There is one point I am anxious to get from you, namely, about the authority which imposes the fine. Who is that ?—In all cases the authority is the head of the department—absolutely the head of the department. It is the locomotive superintendent, or the carriage and wagon superintendent.

11704. Then is the amount of wages a man is earning an element that they take into account ?—Yes, so they inform me.

11705. Then Mr. Bell made a criticism on the rules as to conditions of service, and infliction of punishment. You cite these rules ?—Yes.

11706. That is in Question 4726 ?—Yes. I cite the two rules in question. They are as follows:—

(1) All persons employed by the Company must devote themselves exclusively to the Company's service; they must reside at whatever places may be appointed; attend at such hours as may be required; pay prompt obedience to all persons placed in authority over them, and conform to all the rules and regulations of the Company.

(12) (*a*) The Company reserve the right to punish any servant by immediate dismissal or suspension from duty for intoxication, disobedience of orders, neglience or misconduct, or for being absent from duty without leave, and they reserve the right to withhold the wages of such servant during the time of suspension, or absence from duty from any cause.

(*b*) The Company also reserve the right to fine for acts or omissions specified in the Notices given by the Company under the Truck Act, 1896.

11707. They are neither long nor complicated ?—Neither long nor complicated.

11708. Then in answer to Question 4727, Mr. Bell says there is no general list or schedule supplied to the men by which they can check the amount that is to be deducted as a fine ?—I have put in the schedule.

11709. As to the schedules of offences and the maximum fines, are they posted up in places ?—They are posted up by the company all over the shops and places generally. There is no question that they are publicly exhibited, and very freely indeed.

11710. Now Question 4743, as to various cases of drivers fined for omitting to sign off duty. What do you say with regard to that ?—Mr. Bell rather suggests that is not a serious offence. In the first place, I would point out that I cannot deal with the particular case here, because I cannot trace it. But it is dealt with by the locomotive superintendent, the head of the department, who goes into the question very carefully indeed, and who is very reluctant to inflict fines. Nobody takes any pleasure in it. It is a thing one hates doing. But with reference to the character of the offence, the locomotive superintendent informs me that he regards it as a grave offence, because it is one of the tests that one has to be able to see what condition a driver is in when he leaves his engine. That is a test which is very much insisted upon in order to test sobriety, which is absolutely pre-eminently important. Therefore, one is very anxious indeed to be able to test the condition of the driver as far as possible, and the signing off is one of the principal tests there, and that is why it is regarded as a serious offence. Of course a man is reprimanded and cautioned before being fined, and it is obviously on a repetition of the offence that that comes in. I have a whole series of what we call pedigrees, if you care to see them. I have chosen them at haphazard, and I have not seen them all myself. This (*producing document*) is a locomotive department one, I find.

11711. Then you refer to some other questions answered by Mr. Bell. One is Question 4745. That is the case of a Staveley driver fined 2s. 6d. for omitting to sign orders or instructions ?—That is a very important thing indeed, and it is the only way in which we can test whether a man has received orders with reference to the condition of the road—certain signals may be altered.

11712. Then Questions 4756 to 4759. Those were cases referred to by Mr. Bell for emitting black smoke and blowing off steam. Do you give the same answer with regard to that ?—Clearly. Mr. Bell rather suggests we buy cheap coal, but we buy the very best.

11713. You, of course, as a company, would be liable, and would be under the cognisance of the law for the emission of black smoke unnecessarily ?—Clearly.

11714. Then Questions 4800 to 4805 as to the bonus arrangement. I wish you to give us your answer about that ?—Mr. Bell rather suggested that men were punished by having the whole of their bonuses taken away, and so on. I say that is quite wrong there. It is extremely rare that a man is punished by having the whole of his bonus taken away, or even part of his bonus taken away.

Mr. W. G. Granet.

9 May 1907

11715. Then Question 4872; that is the case of the Normanton driver fined for not signing off duty. You cannot ascertain the particulars of that, can you ?—No, but I might say as to the bonuses that in the six months list available December 31st, only three cases occur amongst all the signal men employed.

11716. What was the number of those men ?—The number of men employed is 2,900, and the general practice is to limit the stoppage to a quarter of the three months bonus that a man is entitled to. I may say that I have got out on this table the total number of cases in which a stoppage of bonuses did occur on the Midland Line in last year, and that was seventy-two. So that there are not very many cases in which any stoppage has been made.

11717. Now, Question 4774, as to publishing the names of offenders, you have not that practice on the Midland, have you ?—No, we do not do it now. We did, but that been done away with for some time. We publish a notice which is posted up in all the locomotive shops, giving a summary of the different classes of offence. The names are not given, and the locality in which the offence takes place is not given, so that there is no means of identifying the person.

11718. Could you give us in a general way a statement as to the action of the Midland Railway Company upon the subject referred to by Mr. Bell and Sir Frederick Harrison as to friendly societies and sick and accident and other societies ?—Generally, not to go into detail. There is a friendly society on the Midland, which is managed practically entirely by the men. They have absolute control over the investments, for instance, and the laying out on benefits, and so on. The company contributes £21,000 a year. That was the amount last year, and we have just increased that by another £2500. The men contribute £55,000. That provides for an allowance of 12s. a week during ordinary sickness, under which compensation is not recoverable under the Workmen's Compensation Act, for the first twenty-six weeks, and then afterwards 6s. a week, and then in cases of accidental sickness—by that I mean sickness in respect of which claims can be made—there again it is an allowance of 12s. a week for the first two weeks and after that 6s. a week. Then at superannuation, that is, at sixty-five years of age, there is an allowance of 8s. a week. At the member's death there is a payment of £12, and at the death of a member's wife a payment of £5. As to that allowance of 8s. a week there has this year been adopted a scheme for increasing that to 10s., the company and the contributors making an increased contribution. It is a purely voluntary thing, and up to the present I think that about 10 per cent. of the men have taken advantage of that.

11719 With regard to all those schemes, can you give me a category of them ? There is the friendly society you have referred to ?—Yes.

11720. Then is there sick pay ?—It is all under the friendly society. We are not like the men of the London and North Western, who have different societies.

11721. Then the only other point is as to the auditing of that fund. How about the auditing of that fund ? You deal with it at the close of the part of your proof dealing with the financial conduct of the fund ?—Yes, that is audited by actuaries, and on the last occasion, that is, in 1900, there was a deficiency of £487,000. That, we believe, is being put right by the company making an increased contribution, and by guaranteeing the rate of interest at 3½ per cent. as against what it was guaranteed before.

11722. Is it your impression that these societies are now on a solvent actuarial footing ?—Investigation is now going on, and I am pretty certain that the society is now on a more solvent footing.

11723. To put it colloquially, the Midland Railway Company had to stand in to a very considerable amount ?—We had to, obviously, in order to put it right.

Mr. W. G. Granet.

9 May 1907.

By Mr. Walsh.

11724. How long is it that you have abolished fines in the case of the 36,000 men?—Nearly two years. At the end of 1905 we abolished them.

11725. That really will apply to people on your permanent way, and that sort of thing, will it?—Yes.

11726. To that class of labour?—And it applies to goods' guards and people on the running staff, too. I mean they are the bulk of the traffic employees. The people on the permanent way and the engineers' department are a comparatively small number.

11727. They are included in the 36,000?—Yes.

11728. So that, as a matter of fact, a good deal of highly-skilled labour will be affected in that 36,000—I mean skilled and responsible labour?—I think all railway labour is skilled and responsible.

11729. I know, but it is a matter of degree?—But, subject to that I should say no. The permanent way men are not the most skilled.

11730. But the goods' guards?—The goods' guards, of course, are. They are at the top of the tree in a way.

11731. I know it would be very difficult to define the particular scales of labour, or grades of labour, involved in the 36,000, because it is a big task?—Yes.

11732. Do you find that the abolition of fines in those departments has resulted in any lower discipline?—No, certainly not. As I say, I am a convinced believer in doing away with it. But all I wish to guard myself against is being supposed to be a person of very much experience, because I have not got that. I have got a table here which may be interesting, and I will put it in if you wish, showing the number of reprimands, fines, suspensions, degradations, dismissals, and severe punishments in that department in 1895 and 1906, and showing the variations.

11733. You give here 60,000 people, namely, 24,000 who are at present under liability to be fined, or most of them, and 36,000 with regard to whom the fines are abolished?—Yes.

11734. That leaves 11,000 unaccounted for?—They are not on the wages list.

11735. That is clerical, is it?—They are clerical, and they would not be fined, clearly. We never fine an official.

11736. Why? Are they incapable of misconduct or small offences?—No, but you are now on a difficult question. You could not possibly fine, I think, a man who is not under discipline in the sense that a man is whom you have to control; a man in the works, for instance. You have to supervise him much more.

11737. You put it that the same standard of test should not be applied in their case?—No, I think it is clear you could not apply the same standard of overlooking to the clerical staff in that way.

11738. Though it is possible for them to come a little late?—Clearly, and they get dropped upon. If they come late, they get punished in other ways.

11739. Except that the punishment of a fine is not imposed in their case?—No.

11740. Then you speak of the diversity of conditions obtaining in the case of the locomotive traffic people?—Yes.

11741. With regard to the diversity of conditions that may obtain, is it not the case that a man may pass over his line of railway for a distance of 200 miles, and may experience changed conditions all over the journey?—Yes.

11742. Does it not, therefore, seem that many of the things for which a man may be fined are really fortuitous and accidental, as we might say?—All I can say to that is that if that is so, he is wrongly fined. I have no hesitation whatever in saying that. If the case is as you state it, he is wrongly fined, and he ought not to be fined.

11743. Do you not think that, after all, this may very easily lead, even with the best intentions on the part of the management, because of their desire to have discipline maintained, and to have the public service, of course, safely guarded, under such conditions to a fine being wrongly imposed?—Do you mean that the diversity of conditions may lead to a fine being wrongly imposed?

11744. Yes, and the fact that these diverse conditions are matters over which the man has no effective control? Take the case of the driver of an engine. I am a layman in these matters?—I quite admit, as I say, putting it in a hypothetical way, that if what you state is true, the man is wrongly fined, but I do not admit that it is true from my knowledge of the way it is done, and the care which is taken in investigating the man's story, and having the man up, and listening to what he has to say, and so on. Of course, this is a question which, I personally, am not at all conversant with, because I only hear of these cases in the event of an appeal, which is very rare. The person who inflicts the fine would be very much more able to speak to you about that.

11745. One quite recognises the difficulty of dealing with a specific case, both on our part and on yours?—Yes, I quite agree the difficulty is great. I have convinced myself of this, that very great care is taken before a fine is imposed, and that it is never imposed except by the head of the department—that is, by two men on the Midland system.

By Mr. Maddison.

11746. I suppose that we are right in concluding that as you have abolished fines in such an important department as the traffic department, which includes signalmen, there has been no danger to safety by such abolition?—No.

11747. Could you give us any idea of the number of suspensions in these two years?—Yes. I will take the coaching department, in which the signalmen are. They have gone up, but of course, the numbers have gone up too. The suspensions in 1895 were sixty-three, and they went up to 282 in 1906. But, of course, as I say, all other arrangements in the way of fining had been done away with, and the numbers of the men were considerably more, because they had gone up from 9,500 to 13,400. So that you had 4,000 more men.

11748. That is for the coaching?—Yes, for the coaching.

11749. Could you give us the total, to save time?—Yes, the total for all departments in 1895 was 436, and in 1906 it had gone up to 1,135—that is, for the whole lot.

11750. Does that total give the duration of the suspensions?—No.

11751. Have you any idea how they would pan out on an average?—No, I cannot say that. Except that it is mostly three or four days, or something like that. I have got some coaching particulars.

11752. Three or four days, you say?—I think that would be about it. Here is one man twice suspended. In the first case he was suspended six days, and in the other case he was suspended one day.

11753. Perhaps we can shorten it and get what I want? if you could give us the respective amounts in wages between the 436 and the 1,135?—I am afraid I could not do that without enormous work. In fact, I doubt whether I could do it at all. I should doubt whether I had the records for it.

11754. I suppose that at four days your men will not average 5s. a day, would they, taking them all?—No, certainly not?

11755. Anyhow, that does seem a very large increase in suspensions even allowing for increased numbers?—It has gone up 1 per cent.

11756. Not more than that?—No more than that. It was 0·88 per cent. of the number of the staff in 1895, and it is 1·89 per cent. since.

11757. The difference between 436 and 1,135 is made up by the total increase in the staff, is it?—Yes. That seems to be so, to a great extent.

11758. Those 436 cases would come in your suspensions, would not they?—Yes.

11759. Could you give me the fines and suspensions?—Yes, the fines have gone down.

11760. But I mean in 1895, what were they then?—In 1895 I cannot give you the men, but I can give you the number of men fined. That is in the whole service. The number is 3,968.

11761. That is in the whole of the service, but I want this department we are now talking about, so as to get a comparison ?—In the traffic department the number of men fined in 1895 was 757, and, of course, there were none in 1906.

11762. So that what that means is that there were 436 suspensions and 757 cases of fining ?—Let me see if I have got it right. There were not 436 in the traffic, I find. I was giving you the whole of the number. In the traffic department there were only 358 suspensions in 1906. I did not know you wanted to keep it alone to the traffic department. I will take the suspentions now in the traffic department for 1895. In 1895 there were eighty-nine suspensions.

11763. And how many cases of fines ?—757 cases of fines. Then in 1906 the fines had been abolished, and the suspensions had increased to 358. But 358 does not amount to much in the total number in a traffic department of 25,000 men.

11764. So that what it means is that the number of suspensions had gone up from eighty-nine in 1895 to 358 in 1906, but in 1895 there was, in addition to the suspensions, 757 cases of fines ?—Yes.

11765. So that what it really means is that the number of people dealt with by one or other form of punishment has decreased in 1906 ?—Yes ; on those two heads, but of course, I have got the reprimands.

11766. I will ask you in a moment about those, but so far as the infliction of punishment is concerned there has been a very large decrease ?—Yes ; and there has been a very large decrease, indeed, in the reprimands, too—very large and very remarkable, I may say.

11767. When you adopted suspensions instead of fines, did you alter your system of cautions and reprimands in any sort of way ?—No, I am told not. We altered our method of recording reprimands, and that may affect these figures. I did not know that.

11768. Then I will leave that. Just one question about signing off duty. I quite see your point about knowing whether the driver was in a sober condition or not, but who is at the place where he signs ? What sort of official is it who is there ?—It is a timekeeper.

11769. Does he as a rule take any stock of the man really ?—The superintendent tells me that what he goes by is his handwriting more than anything else.

11770. I will not pursue that. Then you told us about your friendly society. There is no condition of employment attached as to joining it, is there ? Is it his own option on employment that the man shall join ?—Yes it is. Under the rules every weekly paid servant has to join, but that regulation is only enforced in the traffic department, and in the case of drivers, firemen, and cleaners. As regards the remainder of the locomotive staff, and of the weekly paid servants in the other departments, it is optional with them as to whether they will join.

11771. In these departments and grades which are subject to compulsory rule, do you think it is a deduction from wages which is made ?—First of all I may say that the man is not expected to join till his wages reach a certain minimum figure. It is a deduction from wages in one sense, but it is a deduction which is made up to him eventually.

11772. Of course, you are quite aware of the great friendly societies outside employment altogether ?—Yes.

11773. Does not that restrict, do you not think, the choice of the man in the free selection of the best purposes to which he may put his wages ?—I admit that at once. It undoubtedly restricts a man in that way, only from our point of view what we say is that the company are paying so much. It is not a friendly society like the outside one, but we pay so much in return for that, and we get the men to join our society in preference to another.

11774. But why do you make it compulsory for one grade and not for another ?—I really do not know. I asked the question myself, and I could not ascertain that.

11775. Perhaps, however, you will know this. You have told us that some £20,000 is contributed by the company ?—Yes, twenty odd thousand.

11776. And £55,000 by the men ?—Yes.

11777. What is the make-up of the managing committee ? What is it as regards the company and the men ?—On the managing committee there are three nominees of the directors and sixteen others.

11778. Then the men have a clear majority ?—Yes. It is sixteen for the men.

11779. Could you put in that table of punishments inflicted on the staff in which there are no names ?—Yes.

11780. It would be rather interesting, I think ?—Yes ; I should like to put it in for the information of the Committee. But I have not considered its being printed, if that is what you mean. But for the information of the Committee by all means let it go in. (*The table was handed in.*)

By the Chairman.

11781. It contains no name, does it ?—It contains no name. It might be treated as a private document for the use of the members of the Committee.

By Mr. Delevingne.

11782. To clear up a point in Mr. Maddison's examination about the signalmen, you say you have abolished all fines for them ?—Yes.

11783. Does that include stoppages of bonus too ?—No. The bonus is stopped, but, as I say, it is a negligible quantity in that case.

11784. But in principle it is the same as a fine ?—Yes, I think so, because of course the bonus is undoubtedly regarded as a part of the wages. For instance, there are workmen's compensation cases, and so on, and there it is treated as part of the men's wages.

By Mr. Walsh.

11785. Have wages at all been lowered as a consequence of the bonus ?—No, they have increased

11786. So that the bonus is really coming out of, shall I say, the generosity of the company ?—I do not know that.

11787. It has come out of the general wage fund, has it ?—I should say it is an equivalent for wages, really one way or the other. I do not think you can say it is coming out of the generosity of the company.

11788. I was not very happy in choosing that term, perhaps ?—But it is a question of wages. It is not a question of generosity. It is a question of what one can give.

11789. But is there a wages movement up or down that would be altering the amount of wages ?—The general tendency of the wages has been to go up. I have got very interesting evidence as to the very considerable amount we are paying more to-day as compared with ten years ago in regard to the increased staff and better conditions of service.

11790. What is the amount of the bonus per man ?—About £5 per year.

FORTY-THIRD DAY.

Wednesday, 15th May, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. C. H. CROWTHER, of the West Riding Woollen Manufacturers' and Spinners' Association, Huddersfield, called; and Examined.

Mr. C. H. Crowther.

15 May 1907.

By the Chairman.

11791. What is your business address ?—Clough House Mills, Huddersfield.

11792. And what is your business ?—Woollen cloth manufacturer.

11793. You are a director of Middlemost Brothers, Huddersfield ?—Yes.

11794. And Vice-President of the West Riding Woollen Manufacturers' and Spinners' Association ?—Yes.

11795. Has your association taken note of the fact that this Committee is sitting ?—It has not been mentioned in our association to my knowledge.

11796. Then in what capacity do you appear before us ?—I am here on account of a telegram received on the 9th of May, asking the association to appoint a representative witness.

11797. Did the association meet ?—Yes, it met on Friday.

11798. And you now represent their views, do you ?—Yes, I am here to represent that association.

11799. Speaking generally, what is the view entertained by your association with regard to the Truck Act ?—The general opinion appears to be that it is fair and equitable to both sides.

11800. Have you any evidence to give with regard to whether fines are, in point of fact, imposed by your manufacturers ?—Fines are imposed, but not to any great extent.

11801. Perhaps you would give us some specification of that ?—The smallest amount of fines is 4¾d. per £100 of wages paid.

11802. What are the fines imposed for ?—Generally for damaging goods in the weaving department.

11803. Is it the practice to have a list of the fines exhibited ?—No. The practice is this, that when a weaver starts work, a ticket is given to him stating that he is responsible for damages.

11804. Have you a copy of the ticket ?—I have not, but I can forward one.

11805. If you will be so kind. I understand the tickets set forth that the weaver is responsible for damaged work. Is the amount of the fine specified ?—It is not, because the amount must depend upon the extent of damage and the quality of the cloth.

11806. Who fixes that ?—It is generally fixed by the principals themselves.

11807. We want more specific evidence as to that ?—I can give you my own experience.

11808. Yes, take your own mills, Messrs. Middlemost's ?—Suppose a piece of cloth comes into the warehouse with a weaver's damage; the first thing is to send for the weaver.

11809. Who does that ?—The foreman in the warehouse department. The weaver comes before him and it generally turns out that the weaver admits the fault and asks what is the amount of the damage. One string may mean a quarter of a yard which we have to allow on the cloth. If the price of the cloth is 3s. per yard, it means that the amount of the damage would be 9d.

11810. How is the agreement come to ?—The understanding is that the weaver has to pay for it.

11811. Is the agreement come to in writing ?—No.

11812. Is the deduction made from his wages ?—The amount is paid by the workman, not deducted from his wages.

11813. On the spot ?—Yes, generally on the spot.

11814. You mean that the man comes with the shillings or the coppers in his pocket, so that when you determine the amount of the fine, he pays the money at once ?—Yes, it is paid over to the warehouse department and does not go through the wages' book. It is not deducted from the man's wages, but goes through our ledger.*

11815. Is that a common practice among the members of the Huddersfield Woollen Manufacturers and Spinners' Association ?—Yes, to the best of my knowledge. I have no evidence that the business is conducted otherwise.

11816. Then you state that there is no deduction made from the worker's wages ?—No, we do not adopt that system.

11817. There is no fine imposed ?—No fine; only the amount of the actual damage.

11818. That being so, I suppose you do not hold yourselves in any way bound by the Act of 1896 with regard to the provision as to a written contract, or as to the amount being fair and reasonable, or any of these statutory requirements ?—With regard to the Act of 1896, we think his contract is covered by what is printed upon the ticket supplied to each weaver with every warp. He can leave his employment when he has finished his piece of work.

11819. I quite follow; but observe that the Act of 1896 specifies, in Section 1, that an employer shall not make any contract with any workman for any deduction from the sum contracted to be paid, in respect of any fine, etc. As I understand your description of the practice, you do not in fact make a contract for a deduction from the wages because the workman himself comes and pays you by a separate arrangement ?—Yes.

11820. Now please observe that the Statute goes on to prescribe that no contract shall be made for any payment to the employer by the workman in respect of any fine, etc., "Unless the terms are contained in a notice kept constantly affixed, etc.," Now you have, as I understand, no notice constantly affixed ?—It is printed on the weaver's ticket.

11821. "And the contract is in writing, signed by the workman." The contract is required to specify the acts or omissions in respect of which a fine may be imposed, and the amount thereof. Now, as I understand, you have no antecedent contract as to the amount of the fine ?—It would be most difficult to fix the amount of the fine, until one knows the amount of the damage done. The damage is usually occasioned by carelessness.

*Mr. Crowther, has on revising his evidence, made the following notes:—

Re the method of deducting for damages.

I find our cashier gave me wrong information.

I have gone thoroughly into the question, and find that occasionally the weaver pays to the clerk in the warehouse, not generally. The ticket (*see* footnote next page) is passed to the pay clerk in the general office, and is deducted from the worker's wages.

11822. So it comes to this: the admitted practice is that the amount is not specified or ascertained beforehand, and you say it cannot be?—It cannot be; it depends upon the extent of the damage and the value of the cloth.

11823. Sub-section 1 (c) proceeds to the effect that if the fine imposed under the contract is in respect to some act or omission which causes or is likely to cause loss or damage to the employer, the amount of the fine must be fair and reasonable. That amount, fair and reasonable, is agreed betwixt the two?—The amount is exactly what we have to allow to purchasers. There is no profit on the amount. If the cloth is 6s. per yard a quarter of a yard damage would represent 1s. 6d., and if it is 3s. per yard the amount would be 9d.

11824. When that payment is made by the workman to the employer, is there any document that passes, showing in writing to the workman what are the particulars in respect of which he has been fined?—I do not think so.*

11825. I call your attention to sub-section (2) (b) of section 2 of the Statute, which provides that an employer shall not make any deduction or receive any such payment unless the deduction or payment is made in pursuance of a contract as aforesaid, and particulars in writing (showing the acts or omissions in respect of which the fine is imposed and the amount thereof) are supplied to the workman on each occasion when a deduction or payment is made. Now, so far as you know, that portion of the section is not complied with or attempted to be complied with?—Only in accordance with the contract on the ticket, which we take to be a compliance with the requirements of the Act.

11826. The Act declares that you are bound to supply particulars in writing, showing the acts or omissions in respect of which the fine is imposed and the amount thereof. You are bound to supply these particulars in writing to the workman, and then the Act adds, "On each occasion when the deduction or payment is made." Am I right in gathering from your evidence that you do not act up to that?—We do not give it in writing. It is arranged with the workman on the spot.

11827. Can you give any explanation how that portion of the law has not been complied with in practice?—I am sure I cannot.

11828. Are you aware of any objections by workmen to fines for damaged work. Have you heard of such a thing?—No.

11829. It is right I should call your attention to the evidence of Mr. Ben Turner of Batley, who, in answer to Question 6796, said, "I have here a few sample tickets from one firm, which is a specimen of deductions made also by other firms for alleged bad work." Have you got any such tickets?—I have not one with me.

11830. In the next question (6797) I said to the witness Mr. Turner: "I observe that these fines in one case are 1s., in another case 2s., and in two other cases 2s. Do you wish to represent that these fines are objected to." To which Mr. Turner replied "They are." He represented a class. All you can say is that, so far as you are aware, there is no objection?—I speak from my own experience and I have been in close contact with the workers for thirty years. I have had no difficulty. It is not a question of bad or inferior work that we are dealing with, but damaged work, through putting wrong colours in, owing to carelessness.

11831. Can you, or can you not, confirm this:—Question 6798 "Take the case of the workman whose tickets you have put in and who is fined 2s.; what wage would he earn?" And the witness Mr. Turner answered "Probably his wage would average from 24s. to 26s. per week"?—Yes, it might be that, but if he is a good workman he might not have another fine within twelve months.

11832. Mr. Turner furnished us with sample receipts received by workmen from firms as evidence of the fines and deductions inflicted. I rather gathered from you that it is not a case in which any kind of writing passes?—No; not to my knowledge.

11833. Can you tell me what is done with the money to received by the firms?—Firms vary very much as so what they do with it.

11834. Take the case of your own firm?—The amount passes into the ledger and goes through the accounts.

11835. It goes into your profit and loss account?—Yes.

11836. Now, the object of all this is not, I presume, the money you get from it?—No; I should like to say what we have received, if I may do so.

11837. Yes, please tell us?—The amount received for damages was equal to 4¾d. per £100 of wages paid in that department in 1904, and the proportion was 7d. per £100 of wages in 1905.

11838. Can you give any explanation of the rise?—The only reason I can give is that we had night-weaving going on, which brings an inferior class of workmen. If a workman says he would rather not pay the damage, it means his dismissal unless he promises to do better. The proportion for damaged work in 1906 was 5¼d. per £100. I took the three years averages from our ledgers. The whole amount comes to £3 17s. 10d. in the three years. It is not a large sum.

11839. That is an average of about 26s. per annum?—Yes, about that.

11840. Of course the real object of all this is discipline?—Yes.

11841. How many hands do your firm employ?—We employ just over 300 hands.

11842. And the wages bill?—I have simply been speaking of the fines in one department. We have no fines in any other department.

11843. I gathered that your evidence referred to damaged goods in the weaving department?—Yes.

11844. Does the total of 300 apply only to that department?—No, it does not.

11845. What is the number in the weaving department?—About 115.

11846. And the wages bill?—The wages paid was £4,471 in 1904; £5,496 in 1905, and £6,511 in 1906.

11847. Am I right in saying that the fines for damage represent about a tenth of 1 per cent. of the wages?—That would cover it.

11848. It is not a question of profit?—Not at all.

11849. The object is discipline?—That is so.

11850. Have you any doubt whatever that with a little attention you could have good discipline in your works without this trivial addition to your revenue?—I think myself that we would get an inferior class of workmen. That is not only my opinion but also that of the manufacturers generally. We consider that fines and deductions from wages are absolutely necessary, and that, if they were entirely abolished, careless work would inevitably be the result.

11851. You mentioned something about workmen being dismissed if they did not pay the fines for damage?—If you have a workman who damages his goods and you cannot make him pay, he must be dismissed. If you find he is a bad workman, you dismiss him.

11852. I take the meaning of your evidence to be that, if a workman does not pay what you think a fair and reasonable sum for damage, he goes?—That is so. I have evidence here from a firm employing a thousand hands, and the head of it informs me that they have had only one dismissal from their firm since they started.

11853. How many have you had?—I cannot say; very few, except in the case of inferior night workers; indeed, I do not remember ever stopping one.

11854. Is it distinctly your evidence that you think the discipline of the factory would be worse and the work would be worse if there were not fines?—That is my opinion.

11855. But surely a workman does not care so much about the few pence of the fine as about the possibility of dismissal?—I think that the fact of responsibility being laid upon a workman for damages is some incentive to him

* Mr. Crowther writes:—"I find a ticket or paper is given to the worker when a deduction is made for damages, as follows:—

47 Loom.
427, 1/3; 29905, 1/4 damage.
Wrong bobbin, 7d.'

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to use his best efforts, and that therefore we get a better class of work.

11856. Suppose the discipline were of another kind, that a workman's delinquencies or errors were noted and made the subject of a caution, and, if persisted in, were made the subject of dismissal ?—But the evil would then be done.

11857. My question has reference to discipline. Would the discipline not be as effective by a system of caution, followed, after repeated offence, by dismissal ?—I do not think so.

11858. Why not ?—You have to take this into consideration in practical working, that a man comes seeking work which he says he can do and you take his word, but it is well he should know that he will be held responsible if he produce damaged work. If there was no such responsibility there would be more damage done and trade would be injured

11859. But there is still more responsibility upon a man if he is liable to dismissal ?—I do not quite see that. I think the prohibition of fines would tend to produce inferior work.

11860. Have you ever had any experience of a weaving shed where there were no fines ?—No.

11861. Nobody that you ever knew has tried that ?—Not to my knowledge.

11862. You have spoken of fines for damaged goods in the weaving department. Are there fines for anything else ?—No ; not outside the weaving department.

11863. Are you not troubled in the weaving department with workmen coming late ?—Yes.

11864. What do you do in such a case ?—Nothing.

11865. Do not you warn them ?—Yes, that is all.

11866. And if it were a bad case would you not dismiss the offender ?—Yes, after warning.

11867. And do you find that warning and dismissal with reference to lateness is quite effective for your purpose ?—In some cases.

11868. Do you judge the individual cases and inflict the more severe punishment of dismissal in the worst cases ?—That is so.

11869. Why should not the same excellent system prevail with regard to damaged goods ?—In my opinion it would not do. I think that the fact of workmen knowing that they are responsible and may be fined for damage tends to produce better work.

11870. We are not here to test or contest your opinions so much as to elicit them. Your view is that although you have, with no disadvantage to anybody, abolished fines for everything else, you still think it is well to retain them for damaged goods in the weaving department ?—I think so. I should prefer to retain there the responsibility for damage.

11871. In other departments than weaving are there fines ?—No.

11872. Not for anything ?—Not to my knowledge.

11873. Do the spinners ever damage the goods by faulty workmanship or mistakes ?—I suppose the spinner cannot very well unless he spins the yarn too thick, and then the Spinners' Scale comes in. That is to say a spinner in the mill spins a yarn eighteen skeins instead of twenty skeins, he is paid for eighteen skeins only. There is no fine about it.

11874. Of course the weavers are paid on piece work too, are they not ?—The weavers are paid on piece work.

11875. One object in the spinners' department is to see that there is no spoiled work and no damaged work ?—They have not the opportunities of damaging the work that weavers have.

11876. I only wanted to get at the facts, and you say you never have spoiled work ?—No, it is very rare and we do not fine them for it. There are no fines there.

11877. With no fines at all in the case of the spinners you have the greatest rarity I gather in spoiled work—it is a rare thing ?—Yes, it is a rare thing.

11878. Now why not give the weavers the same chance as the spinners ?—Because, as I have said before, they have more opportunities of doing this work, and it is carelessness on their part if anything goes wrong, whereas the other may be a machinery defect, and you would not charge a weaver with a machinery defect.

11879. Are there any deductions in your firm or your association for menders' wages ?—I have no evidence from others, but we have no charge for menders. We do not charge them fines. Theirs is contract work, and they have got to make the goods right.

11880. I mean for instance where a piece is defective by reason of broken ends ?—The menders have to make it good.

11881. Who pays the menders' wages ?—The firm.

11882. There is no deduction, I mean, from the men for that ?—From the weavers ?

11883. From the weavers ?—If it is excessively bad work they will pay the menders something for it.

11884. Then there is a deduction ?—But not from the menders.

11885. No, I did not say from the menders ; I said for the menders ?—For the menders from the weavers ?

11886. Yes, from the weavers—is there such a deduction ?—Yes.

11887. Is there no complaint about that ?—From whom—from the weavers ?

11888. Yes ?—We never know anything about that. It never comes before the firm at all in regard to that part of the business.

11889. Then tell me how it is done, because I fear I do not quite follow you ?—If the piece is a bad one and it takes a lot of mending, more than the ordinary, that is so many picks and so many yards of warp out in one thread, the mender gets a trifle from the weaver occasionally for doing that extra work.

11890. Whose servant is the mender ?—I suppose she belongs to the firm. We employ her.

11891. What does the firm pay the mender ?—So much per piece.

11892. Does the firm make any charge against the workman ?—For mending ?

11893. Yes ?—No.

11894. Then when the workman pays something to the mender, under whose authority is that done ?—It is an arrangement between themselves. I should like to explain that if I may.

11895. Certainly ?—We will say that a weaver has got a wrong end through the piece—I do not know whether anybody here understands that technical term or not, but *this* (*illustrating*) is the thread here, and *that* is one *there* just the reverse. If it goes through the piece, the weaver has to pay the mender ½d. per yard for making that good for the weaving.

11896. He has to pay the mender ½d. ?—He has to pay the mender ½d. That is our scale at our works. Now that is something which is a charge that does not come under our observation at all.

11897. Does not the mender do it in your time ?—They do it in their own time. The menders do not work for us by time. They work by piece. I hope you quite follow what I mean. We do not know about this. A weaver may have a wrong end from one end of the cloth to the other and it does not come under our observation at all. That is a matter for the menders. Now I thought that such a question might be brought before this Committee, and I went to see the menders on this particular point as to whether they had much damage in this direction that they got paid for, and I was informed that they had not—that they had not drawn 10s. for bad work during the last six months. I can only give it to you as I have had it given to me. It is not a thing that comes into our hands at all. A mender contracts to do these pieces at so much per piece, and of course they cannot take all the weavers' damages. If it is a very bad one and with wrong ends and long lengths out, and it takes them a day or two to mend, of course they have got to pay this ½d. per yard.

11898. Probably your position is best explained by your answer that substantially as between you and the

workman that is a thing apart—a thing between the mender and them ?—It is apart from the firm. The menders deal with it. If a mender likes to let it go she does so. I suppose that is about it. If she likes to pass it she does so.

By Mr. Walsh.

11899. You speak here of wilful damage, in the third paragraph of your proof. You say, "The only point upon which they feel very strongly is that there should be retained in the Act the power for employers to inflict fines upon the workpeople in cases of wilful damage or carelessness in their work." Do you see that ?—Yes, I see it in this letter. That is written by the secretary.

11900. Will some of that damage that occurs be damage other than wilful ? Will there not be cases of damage where it has not been wilful ?—I should say that most of the damage that occurs is done through carelessness, or you might have a large quantity not damaged. You can have 80 per cent. of your weavers that never have any damages. I think that would be under the mark, but I will put it that 80 per cent. of the weavers will never have damages.

11901. Will damage ever result from the irregular running of the machine ?—We could not charge a weaver for that.

11902. Do you not charge it ?—I want to make it quite clear, if you understand the trade, as to what is a weaver's damage in my opinion. He is weaving, say, three sorts of weft, if you understand the term. If he happens to put two of the same colours together it is a weaver's damage—that is if he puts a grey bobbin where he ought to put a black. Do you understand that term ?

11903. Yes, and that would get nearer to carelessness, would it not ?—You can call it what you like, but you ask me as to the term wilful.

11904. Yes ?—Now I will take the next thing that I consider a weaver's damage. I should be the last in the world to put damage on to the weaver if there were any real doubt about it. But say he is weaving checks and they are 2 inches long from check to check. Now if he were to leave the picks out of one check, and it is only a half one, it is what they call a through damage. That is a weaver's damage. But if you have a piece here that you call irregular work from the machine, you could not charge the weaver with damage. I should not consider that a weaver's damage by any means. I think that the correct word would be that it is carelessness. I think you would call it carelessness to put two bobbins of one sort in instead of only one. It may be a mistake, but they pick up their own bobbins and that is where the damage may come.

11905. Has the work you are speaking of now to be done very quickly, and is it done under circumstances of high speed ?—If you will tell me what you mean by high speed I will answer the question.

11906. We are not in a mill here, but we are asking you as a technical witness, and you know the speed at which this kind of work is done ?—I am speaking of an eighty pick loom, and that is not what is called a fast running loom.

11907. You think this example which you typify of putting in two bobbins together that ought not to have been put in together is not done under circumstances of great speed, do you ?—The same thing occurred when they had what they term the slow loom that was in existence twenty years ago.

11908. I understand you to say that the idea present in the minds of the work people of being made responsible by a fine for this damage or carelessness tends to encourage a higher standard of conduct. Is that so ?—My opinion is that that very fact alone tends to get a higher standard of work. I think we all, if we have responsibility, try to do better than if we have no responsibility.

11909. You put it that the fear of having their wages lowered (because their wages would be lowered when the fine is taken from the gross wages) really acts as a preventive to these acts of carelessness or wilful damage ?—I think that gives them more incentive to do the work better.

11910. That is because there will be a small lowering of their wages, because it is only very small according to the evidence you give here ?—It is the evidence of Middlemost Brothers as to the figures I have given you. I am here to represent firms of the highest standing, I think, in the trade, employing 15,000 to 20,000 workpeople, and the information I have got from these firms is that the very highest amount is 9d. per £100 of the wages paid.

11911. That is very small, and I put it to you that if that is an incentive which you believe to be powerful enough to keep up a high state of work—that is a very small deduction from the wages—then, if they had the possibility of dismissal hanging over their heads, and of losing their wages entirely, it would act as an even greater incentive to them ?—I do not know, because the same thing would occur now. If a man is constantly damaging your work, you would stop him to-day. You would not have it, because a merchant does not approve of having goods with damages in them. However well disposed you feel towards a workman, you could not keep on employing him if he damaged your goods.

11912. Anyhow these small fines give the employers no tangible relief for any damage that has occurred. They give you no tangible relief in the place of the damage, because they are so small ?—They do not. In fact, some of the firms transfer this amount of the fines to the workpeople's sick and poor fund.

11913. The point I am trying to put to you to see how far you agree with it is as to whether a caution first with dismissal in the event of that caution not having been properly noted, would not bring about the same standard of good workmanship that you possess at the present time ?—I do not think it would. You have got this to deal with in the first instance; that you put a man on who is a new man. You can try it with a man you know, and an experienced man, I will admit; but then on the other hand you may have a man who has had no experience, and you suggest putting him on and letting him take his chance, but if he damages your goods so that they are not of any market value, you would stop him when it is done.

11914. You would dismiss him ?—Yes, because he has made the goods absolutely unmarketable.

11915. But, after having received a caution first, if he gives proof of great incompetence, you hold that power of dismissal over him now ?—Exactly. I could go and put a man on to the mill to-morrow in that way. A man comes and says: "Do you want a weaver ?" and I say I do, and he assures me he is a good weaver, but you have had no experience at all of him, and he may make the piece quite useless. If you have no fining he is done with—you pay him his wages and send him away, but to-day you can fine him for it.

11916. But that is not the class of case you fine. If a man makes some of your goods utterly unmarketable you do not inflict a fine running to about 4½d. in £100 of wages. That is not the class of case in which you fine to that extent, is it ?—No, but supposing one man had all to pay, it would only average the same over the lot. That is only one out of 100. But I am not here to say that every man in our establishment is of that class.

11917. No, I quite understand that ?—You might say it might have been done with one or two.

11918. You are quoting to us the case of a man that, first of all, had made a promise to you that he is a competent workman and knows how to perform his work, and when he gets on to the loom he really exhibits himself as utterly incompetent, and very serious damage is done. Is that the kind of case in which you fine people at all ? Would not you dismiss that man at once ?—We should dismiss him. But to-day you can charge him for his damage, and rightly so.

11919. How do you mean that you can charge him for his damage ?—I take it your argument is that you would allow that man to be tried. Directly you find him to be incompetent you simply dismiss him and pay him for what he has done, and you stand the damages.

11920. Yes, you take him on in your employ, and if he possesses no distinct value you pay him and get rid of him ?—Although the workman has made the piece quite useless and damages the material ?

11921. You make the deduction now ?—Yes, but what you are asking me is whether I ought to prohibit that. I say no.

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11922. I am afraid that you are submitting a case which would only occur once in a good many thousands of cases ?—I have had more experience during the last three years of that class of workman than I have had before in my thirty years experience.

11923. What is the height to which your fines have reached—what is the highest individual case ? Could you tell the Committee that ?—I could not.

11924. Then has the Committee to be content with the phrase that from 4¼d. to 9d. per £100 of wages paid is the only information you can give us on that ?—That is the information I have got from the books, and there are the returns by the different manufacturers.

11925. I think it would be of interest to the Committee to find out how many cases of that particular class that you have quoted have really occurred. The mere statement that 4¼d. to 9d. on the £100 is the amount gives no idea of the fact ?—It is 4¾d.

11926. Yes, 4¾d. to 9d. per £100 does not give us any idea as to these gross cases that you have quoted to us. I suppose that in these gross cases you would put on a very heavy fine, and one commensurate somewhat with the damage ?—You put it as a fine, but it is actual damage I am speaking about. You could call it a fine, but I suppose you mean actual damage.

11927. A fine commensurate with the damage ?—Yes.

11928. Have you any record of such cases and the amount of the deduction that has been made ?—Had I had my ledger here I could have given you every single amount.

11929. Now you have not that information with you ?—No, that is so ; but I should like to point out that to take it as a personal matter when you have the responsibility and you know the work which you are doing you are responsible for, it does have a tendency to make you a better workman and attend better to your work. That is the point.

11930. The only point I wish to ask you about this is in order to see if I have quite got your opinion on it here. I suppose the workmen's desire to save their wages is after all the incentive on which good conduct exists, is it not ?—Well, what then ?

11931. Is that the case in your opinion ?—I should say with a reasonable workman it would be so.

11932. Now dismissal would lead to the forfeiture of the whole of their wages, and to their being thrown out of employment, and so losing the possibility of getting wages? —They would simply go to the next works.

11933. Would not every reasonable man desire to prevent that as long as he possibly could, and therefore give you good conduct in the mill ?—Yes. You use the words "a reasonable man," but a reasonable man will do what we find is done to-day, that is that they have been working for us for thirty years and are going on to-day without doing damage. That is the reasonable man. There is no difficulty with him. But this Act is for the unreasonable man, and it is no hardship at all on the reasonable man.

11934. The reasonable men have no fines made nor deductions made ?—What I call a reasonable man is a good workman, and I should say we have men in our employment—and it would be generally so throughout the trade—that have never had damages at all. They are too careful in their work. The careful workman will have no damages, in my opinion.

By Mr. Brotherton.

11935. I suppose the Committee are to take it that speaking from your own personal point of view, and also on behalf of the Huddersfield Woollen Manufacturers and Spinners Association, you consider it desirable that the employers should have power to inflict penalties in the case, as you put it here, of wilful damage or carelessness ? —Or careless work.

11936. You do not differentiate between wilful damage and carelessness, but treat them as equivalent terms ?—I should not accept that from a manufacturer's point of view as to wilful damage. A man that committed wilful damage you would not keep in your place half a second, but as to carelessness, even a good man sometimes can be careless, and it is not a question of any profit we make out of the fines in any shape or form.

11937. I quite recognise that ?—We think if we undertake work and contracts ourselves, and that we are responsible for it, we are going to pay better attention to it. That is all.

11938. Then with regard to the fines, they are only inflicted in one department of your factory ?—The weaving department.

11939. The cause of damage usually for which fines are inflicted is what you term carelessness ?—That is so.

11940. In your opinion the possibility of a fine hanging over them promotes more careful and more efficient work ?—Yes, and being reponsible for the work.

11941. With regard to arriving at the amount of damage, can you explain to the Committee what the method is ? We will suppose that there is a piece of cloth which has not been satisfactory ; in that case who is it that fin 's fault ? Is it the foreman or one of the higher officials ?—When the goods come into the warehouse previous to being sent away they are pulled over a board or table and examined, and these damages are pointed out, and they are dealt with generally. Sometimes they are dealt with in what we call the finishing department.

11942. They are pointed out to the weaver, are they ? —The weaver is sent for.

11943. Then we will assume there is a certain amount of damage, and how is the amount of the damage arrived at usually ?—The custom of the trade is to put a string on dnd if it does not exceed nine inches it is a quarter of the aamage, a quarter of a yard applies to the cloth, whatever that cloth may be.

11944. May I take it then that the price of the cloth is the selling price ?—Yes, that is so. All these damages we have got to allow on the piece when it goes to our customer.

11945. I was going to put that question to you. Is the Committee to take it that the allowance you claim from the workman you also give to your customer ?—In every instance. We have never made a single charge of ½d. to our knowledge without that, and if we could get a piece passed without having to pay we should not charge the weaver.

11946. Am I to understand that you mean that whatever you obtain from the weaver you allow to the customer ?—Yes, we give it to the customer.

11947. Your mill will be under the inspector, I suppose ? —Under the factory inspector.

11948. But any fines or penalties of this nature will not come before him ?—No.

11949. Have the weavers taken any exception to your method, or the method of other members of the Association, as to the way in which they arrive at the damage which is done to the cloth ?—No.

11950. Have the weavers themselves, or the weavers' representatives, taken any exception to these fines which are inflicted ?—No, none whatever.

11951. Not to your knowledge ?—It would come before me, because if they had any dispute about it it would be referred to me.

11952. Are the weavers usually men, or are they of both sexes ?—Both sexes, men and women.

11953. How much will they ordinarily receive for the cloth ?—The cloth is according to the picks—per pick—that is the basis of the scale of payment for weavers.

11954. Then if you speak of a piece of cloth being worth either 3s. or 6s. what proportion of that would be wages ?—They vary very considerably, because the proportion of the weaver's wages is based absolutely on the pick. The cost of the weaving may be less on the higher priced cloth than on the lower.

11955. Then it would be very difficult to tell the Committee the average price per yard that a weaver might receive ?—It would be only on the basis of the different picks. It is all regulated on the picks.

11956. If your association had not power to inflict penalties do you think it would possibly cause some of the workmen at least to be, say, more careless ?—That is the opinion of the manufacturers in the worsted and woollen

trade, employing from 15,000 to 20,000 hands, who are members of our association.

11957. Would your firm and the firms with whom you are associated see any objection to the whole of the fines and penalties going into some general fund that might be provided for the purpose of giving relief to workpeople ?—A sick and poor fund ?

11958. Yes. Would your association be willing for the whole of the fines and penalties to go to the workmen's sick fund ?—I could not speak for them, but personally I would be willing, although the amount we charge the weaver we allow to our customer. Consequently we do not get anything by it. It would simply mean the firm paying a like amount into the sick fund.

By Mr. Maddison.

11959. You said in your reply to the Lord-Advocate that you have no fines for lateness ?—That is so.

11960. It is a little difficult to know in giving your evidence whether you are really speaking of your own firm, or whether you think you fairly represent your brother manufacturers in your district. Now about this question of fines, do you say it is general not to fine at all ?—For what ?

11961. For lateness ?—Yes. Supposing you employ a man 10½ hours a day, and he came there half an hour late, and you deducted a half-hour, would you call that a fine ?

11962. You take from him at the rate of his wages ?—Yes, that is it. That would be 6d. an hour, and if he is half an hour late you would deduct 3d. Is that a fine ?

11963. If he is paid by day, do you mean ?—If he is paid by the hour, or by the week.

11964. We have not the luxury of answering questions on this Committee, and that is not the thing I mean. But that would not be a fine in the form of my question. Mr. Turner, of course, you know ?—Yes, he is in Dewsbury.

11965. This was put to him in question 6963 : " Now take an ordinary average mill. Is there a large number of fines there ?—Not a large number. In a mill of 500 people I should say there will, perhaps, be thirty or forty fined each week." Then the next question is : " Out of 500 ? " and his reply is " Yes, for late coming " ?—All I can say is that we do not fine them, but if a man comes an hour late per week a deduction is made for the hour that he has not worked. But weaving is not paid in that way. It is contract work. There is no fine for weaving in our case.

11966. There is a conflict here between your evidence and his. That is the only point, and you are both representative men ?—I wish to be perfectly clear on the matter. We do not fine, but in the case of a man who comes and loses an hour's time or loses an hour or two hours per week a deduction is made at the rate of payment per hour that we pay him for working.

11967. Mr. Turner says that in a mill of 500 people there will be thirty or forty fines each week, and then he goes on to say " At a mill with about 200 weavers I should imagine that not more than five or six would be fined each week." That is apart from late-coming. So that he lays stress on the large number of fines for late-coming and the comparatively and really small number of deductions or fines for work such as you have been speaking of ?—Yes.

11968. Now my only point is as to what you say to that evidence of Mr. Turner's over the whole of the factories generally in your district about late-coming ?—I have no evidence to prove that any fines are made for late-coming.

11969. Certainly in your works you do not fine ?—In our works we do not fine, but if a man loses an hour or two hours per week that amount is deducted *pro rata* from his week's wages.

11970. And you let them come in at any hour like that ?—We have time checkers, it is recorded, and they record their own time.

11971. You also have said that you do not know any firms in your district that do without fines. You remember that you gave an answer that you did not know of any firms in your district which did without these deductions or fines that you speak of ?—That is so, to the best of my knowledge.

11972. Mr. Turner again is asked, at Question 6803, " Is it the opinion of yourself and those whom you represent that discipline could be sufficiently maintained without fines of this kind ? " and his answer is, " Yes, several leading firms, the names of which I can give you, do not have such deductions. Whether they do it from the belief that people must make occasional mistakes or not I would not say, but they have the other alternative of correcting people who make mistakes regularly, that is to dismiss them because they are not good enough, or competent enough, or efficient enough to do their work." So that Mr. Turner's evidence is that there are several leading firms in your district in this trade in Huddersfield who say, speaking of your trade, that they do without fines. Now my question to you is do you know of any of these ?—I do not. *Mr. C. H. Crowther.* 15 May 1907.

11973. After your thirty years' experience you do not know of any firm that has done without fines ?—No.

11974. You make your position plain, but my doubt about your attitude is this—it is the one that Mr. Walsh put a good many questions to you about, but I want to let a question almost suffice. You told us about the effect of responsibility on a good man, and the responsibility at present consists in knowing that he will have to pay for the damagedone, does it not ?—Yes.

11975. Now would not that sense of responsibility still exist—putting it only to that degree—if instead of having these deductions you had a record which you kept, and after a man had made one or two mistakes he knew that dismissal would follow ?—I do not see that it would, because there is no hardship here now ; we have no hardship, and we have no complaints from the workers on this matter.

11976. I know exactly your position, and knowing you so well I know you have broad sympathies in this respect, but I do want you for the moment not to mind what the workmen say, but just to look at this question of responsibility, which has a great effect on me as to the way you put it, and I do want you to face it. I want to know whether you really think that that responsibility would be undermined by doing away with the actual deductions and substituting for them caution, record of the offences, and that to be followed by dismissal ?—I do.

11977. You think that the sense of responsibility would not be so great ?—I do ; and I want to support that and to say that it is not only mine, but it is the opinion of the firms that are represented in this association.

11978. I do not wish to run you too close to your actual words, because you are giving free evidence, but you said that no careful man would make these damages ; but then you state immediately after that even a good man can be careless. Now you do not really mean that this reasonable man of whom you speak and this good man does not sometimes come in for these deductions for damages ?—I suppose occasionally, but I could not prove that.

11979. But you are a very practical man ?—I have been in close touch with it for twenty-five years.

11980. Then I think you will admit that amongst those deductions which have been made there must have been some made in the case of really good steady reasonable workmen ?—I should say yes.

11981. Then in that case, without a caution or anything, he has to pay for the actual amount of his damage ?—Which he contracted to do.

11982. Then there is another man who may be fined for the same thing who is constantly careless, but you would not keep him ?—No.

11983. But he is very often careless, is not he ?—With reference to keeping him if he is very often careless what do you mean ?

11984. You see what I mean, that you do bring into your net this very good and reasonable man, and I think, or at least it would appear to me so, that this other kind of man it does not act as a very great deterrent to, and that you eventually have to discharge him ; so that the discipline of your factory or mill is evidently not very much dependent on these fines ?—It is simply a question of anticipation. On our part we think that the prohibition of fines would tend to lower the present standard.

Mr. C. H. Crowther.

15 May 1907.

11985. Supposing you were to do away with fines, and supposing Parliament took the view that these deductions should not be legal, what should you do ? How should you go about to keep the excellent discipline of your mill up ?—It would be against the workmen.

11986. But I mean what would be your method in keeping up your discipline, because you would still want to keep up your discipline ?—The method would be dismissal.

11987. Do you mean to say you would dismiss a man for the first fault ?—I have never done so.

11988. But I am now wanting you to assume that you could not fine a man, and do you think you would dismiss a man for a first fault then ?—No.

11989. Then would not you have a system of cautions and record—because I know the Huddersfield men—so that your workmen would be terribly afraid of getting on that record ? I do not mean a record posted up, but a record kept of bad work. Do not you really think you would get all the necessary discipline out of that method ?—I do not think it would be as effective as a fine.

11990. You have given us the total amount of the fines as £3 or £4, which is a very small amount, or at least it is a small amount for three years. I hardly suppose you have the statistics with you, but could you give us the number of people who have been fined each year ?—I could not.*

11991. Are there many repetitions of fines on the same people in your mill, may I ask ?—I could not answer that question from memory.†

11992. It is rather awkward that you cannot, because I place a good deal of value on information of that kind ?—Repetition is a question of the number. If you were constantly having a man in the warehouse to look at damaged goods you would dismiss him ; so that it could not occur so very very many times.

11993. That is perhaps an answer, but what I want to know is whether you do keep fining the same men, and women too, in the weaving shed, and whether it is the same sort of people who have been largely fined during these three years or whether it is spread over a wide area ?—I should say it would not be the same man a considerable number of times.

11994. Now how do the women compare with the men in being fined ?—I should not say that there is very much difference.

11995. Could you give me roughly, if you have no figures, the maximum deduction you remember, the highest amount ?—I cannot.

11996. What should you say ?—I should not think it would be more than 4s. or 5s. for the maximum amount.

11997. I suppose as a matter of fact the extent of the damage is about the same generally, and it is a question of price, not cloth ?—No ; the men may have more than one damage in one piece.

11998. But that would not be so, would it—you would not have more than one damage in the same piece ?—Yes.

11999. What should you say to a view that we have had placed before us from the cotton weaving industry, which was to the effect that they did not think it right (this was from an employer) to charge the full damage to the weaver and that they thought it would be unfair to charge the weaver a shilling for a thing costing a shilling to the employer. What should you say to that ?—I should say that it was a matter of opinion.

12000. What do you think of such an opinion ?—I should say that if I considered that the weaver was responsible for the whole and if he could have foreseen it, I should have charged him the full damage.

12001. The view that I place before you adopts this conception, that, in the making of these faults, on the whole there is a blend of carelessness and of all that indescribable something which happens to us all, which you cannot define. We make all kinds of little mistakes and all these considerations enter into these faults, and I put it to you that it is a fair thing that the employer should share it ; but you do not agree with that perhaps ?—In our case it has to be absolutely his damage, and he admits it himself or he would not be fined for it. It is his own carelessness that has caused the damage. If there was any contributory cause from some other source we should not charge the weaver.

12002. You do not take into account these contributory causes which come from the weaknesses of human nature that we are subject to. You do not, I suppose, make any allowance for that, though it enters into these damages ?—I have tried to exercise human nature in managing my mill, but on your lines I do not quite see it.

12003. Now about these spinners I feel that faults in their case must, I suppose, be much less frequent than in the weaving ?—Yes.

12004. But they do occur ?—I should say occasionally they do.

12005. But still you do not fine ?—No.

12006. That is merely because you take a business view of it and consider it so rare that it is not worth bothering with ?—He is dealing with a class of work that is being done by another man. Take the engineer. If the work is not quite sufficiently well done he cannot make it into good yarn, but he is not the cause. But the unfortunate part is sometimes that he passes it ; but he has not done it. It is contributed by somebody else.

12007. But surely could not the weaver say that some of his bad work might be due to the bad material or yarn he gets ?—Then we should not fine him for that.

12008. But he has the deduction made whether it is through bad material or not ?—I think that we all employ capable men to determine that.

12009. But does the weaver have a voice in it ?—In our case, as far as we are concerned, the weaver has a voice in every damage that he pays for.

12010. Apart from the damage to your cloth do you favour fines for any other purpose ?—Only to keep up the excellence of the workmen. I think it adds to that, and I cannot get over that.

12011. Fines generally ?—For this department, which is the one where they can make the most mistakes.

By Mr. Delevingne.

12012. On the question of unpunctuality of workmen, if a man is five minutes late in arriving at the mill in the morning, is he admitted at once, or are the doors closed at the hour and not opened again, or not till the next half hour ?—As far as our mill is concerned the clock there registers when he comes in. The doors are open and he registers when he comes in—he registers his own time.

12013. He comes in when he likes ?—When he likes.

12014. And in the case of other mills does that practice exist of shutting out an unpunctual worker, say, half an hour ?—I cannot answer that question.

12015. I think I understood you to say that you had no fines for unpunctuality, but that still there was a good deal of unpunctuality amongst your weavers ?—Yes.

12016. And you have a good deal of trouble over that ?—I did not say we have a good deal of trouble, I think.

12017. I thought I understood you to say so ?—No.

12018. Your weavers are on the whole punctual, are they ?—What I do personally is this. I go through the list in the morning, and if we have a weaver that is constantly coming late, I send a message down and say he must alter or seek another situation.

12019. You find that maintains a fair standard of punctuality, do you ?—It keeps them up fairly well. It could be improved, and I should like to see it improved, too, but one cannot always get what one wants.

12020. On the question of damage by weavers it was suggested to us by Mr. Ben Turner that a good many cases of damage were due to causes not within the weaver's own control. I understand you to say that in no case in your experience would a weaver be fined for such a case of damage ?—That is so.

12021. That is the evidence you give ?—If it could not be traced directly to his work we should not charge damage.

Mr. Crowther has made the following notes in revising his evidence :—

* Thirty-six persons in three years.

† No workman has been fined more than twice in the three years.

12022. And you give that evidence not only for your own firm but as representing others ?—I am giving it for my own firm.

12023. Should you say that that also was true of other firms which are represented in your association —I cannot answer for them. I have given you the total maximum cost of damages claimed as 9d. per £100.

12024. I quite understand, but I only want to know if the experience of your firm is representative of that of other firms ?—I should say that, from the evidence I have before me, what we do is carried out principally by these firms now represented here.

12025. Then it was suggested to you, I think, that dismissal would be a more effective deterrent in preventing damage than a fine. Would it be fair to put your view in this way, that dismissal, though a severer penalty, is a penalty which employers and foremen would be much more loth to inflict, and that there would not be the same certainty about the punishment, if the only punishment was dismissal, as there is at present under your system of fines. To put it a little more clearly, a weaver knows that if he does damage such as you have described he will have to pay for the damage ?—Yes.

12026. But under the other system he knows he might be dismissed, but that there is no certainty he will be dismissed, and if the employer or foreman in charge of the work is a humane man he may not be dismissed ?—I can give my own experience on that matter. There is a good deal of human kindness exercised in the works to-day. Whatever others might think, I find this, that if a man is a weaver and he has worked for me for some time, and there is this damage, he will say: "I know I have had one or two faults before, but I would rather pay for it than be dismissed." Now a weaver does get attached to a place and to other workpeople, and they prefer to pay a small fine, where it is proved to be directly their fault, to being dismissed from the place; and I think myself it is better to have that. There is no hardship. I feel certain that in this art there is no hardship on the workman, and that most of the workmen would prefer to pay a small fine than be dismissed and have to go and seek another place.

12027. I wanted to get at why in your opinion the present system of fining is a more effective deterrent than a system of dismissals without fines would be, and I was suggesting to you whether the reason was that after all the essence or effectiveness of all punishment depends on the certainty of the punishment rather than on its severity, and that under your system a man is more certain to be punished for damage than under a system of possible dismissal. It is only a suggestion and I do not want to put it higher than that. I only want to get at what your view is ?—I do not know about that; I am not so sure on that point. It all depends on the state of trade.

12028. Do you mean to say that if the employer was short of hands he would be very unwilling to dismiss them? —Employers do not take a recommendation. There are no recommendations with a weaver; but if you want a clerk in your office they have to have a recommendation signed. He may not earn as much money, but if you take a weaver on he may be a man who has damaged all the goods he has touched at half a dozen mills. He comes without a character. But if you have a man in the office and you pay him 22s. a week he has got to have a good testimonial from experienced men and men of integrity. There is no character with a weaver. I am not running down the weaver, but you take him on trust and with the responsibility for his work, and that does tend to make him look after his work more and do it better.

12029–30. I am not questioning that at all, I only want to get at your reason for thinking a system of dismissal less effective for maintaining this high standard of work than your system of fines ?—I think it is very hard to dismiss them. I think under the present Act we have had no friction, and I am surprised to hear that there was any dispute about it, or any unpleasantness about it. Evidently there is, but it has not been felt in Huddersfield.

12031. To go to another subject, that of the weaver's ticket, which you give to him, is that signed in any way ? —No. That is a term of the contract. When he has finished that ticket he can leave your employment.

12032. It is not signed by him in any way at all ?—No.

12033. It has been suggested that in the case of fines for damage a register might be kept by the employer of the fines which would be open to the inspection of the factory inspector; should you see any objection to that ? —Not a bit. Any we make are all above board and mutually arranged.

12034. And there would be no practical difficulty in keeping such a register ?—Not a bit.

12035. And with the particulars for which they were imposed ?—Yes, and the number of the piece.

12036. What would happen supposing the workman refused to pay that allowance to the mender, which you were referring to ?—If you found that the demand of the mender was justifiable you would dismiss the weaver if he would not adhere to it. Why should a mender be put to working three or four days because he has produced bad work—that is if it is his fault. Now you can produce bad work by having bad yarn, but you would not charge a weaver for that.

12037. But you were saying that where the damage was excessive the mender would expect the weaver to pay him something as a sort of allowance for his extra time spent on it ?—Yes, ½d. per yard.

12038. If the weaver refuses to pay that would the mender appeal to you ?—I suppose so.

12039. And you would, if necessary, dismiss the weaver ? —We should talk the matter over, and if he could show us it was not his fault on our going carefully into it we should not inflict a ½d. fine, if he was not responsible. If he could show us it was not his fault we should pay the mender ourselves. I want you to see that we do exercise due care.

12040. Quite so; I only want to understand the procedure ?—A workman is perfectly justified and I admire a man for making a complaint, and if there is anything wrong in any shape or form, should they bring it before the principals themselves, then in a case of that sort it would come before us and the matter would be gone into; and he would be perfectly justified in bringing it before us if he thought it was not his fault.

12041. Then on the question that Mr. Walsh put to you about the speed at which the looms run, I suppose it is to the weaver's interest to keep up as high a rate of production as possible, as he is paid by the piece ?—That is so.

12042. Is it also to the employer's interest to keep up a high standard of output; that is, are the weavers pressed at all by the foremen to maintain a high standard of production ?—They could only produce what the loom will turn out. I do not quite understand the word pressing, because a weaver is either running his loom, or he is playing.

12043. But as to these subsidiary operations when he has to replace his bobbin, you do not say that he could not put in a wrong bobbin, and Mr. Walsh suggested that he might do that, not through carelessness, but by sheer inadvertence, owing to the pressure he was doing his work at ?—He was suggesting the idea that his machine was running so quick that he had not time to attend to the loom. A loom running at eighty picks per minute is very slow. The looms to-day run at the rate of 100 picks per minute, and there is no undue pressure put upon the weaver.

FORTY-FOURTH DAY.

Wednesday, 29th May, 1907

PRESENT

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*)

Mr. R. HOLMSHAW, of Sheffield, was called; and Examined.

Mr. R. Holmshaw.

29 May 1907.

By the Chairman.

12044. You are the Honorary Secretary of the Sheffield United Cutlery Council ?—Yes.

12045. Will you please tell us how many workmen that embraces ?—About 1,500.

12046. Are the men forming that organisation in employment in Sheffield and neighbourhood ?—In Sheffield itself.

12047. Are they cutlers ?—They are in the cutlery trade.

12048. That is, as we know, an old industry ?—Yes, very old.

12049. With many customs peculiar to it alone ?—Yes.

12050. Is it confined to the district known as Hallamshire, of which Sheffield is the centre ?—Yes.

12051. Does it embrace some of the surrounding villages ?—There may be a few members in the villages, but our council is almost entirely confined to the towns. Originally the cutlery trade was carried on in works situated on the rivers which surround Sheffield and which afforded an abundant supply of water power. Here most of the workmen rented a little land which they farmed in their leisure and when the water ran dry in the summer. Working as they did in solitary grinding wheels on the banks of the streams, it was impossible for the rules and regulations which govern ordinary factory life to become traditional among them. On the other hand very informal habits were formed and a set of traditions handed down which it is easy to see arose entirely out of the peculiar circumstances under which they worked. To this cause we must attribute the freedom from restraint which is so characteristic a feature of the Sheffield cutlery worker of to-day. It is this love of freedom which makes him tolerate practices which are the despair of those who wish to see his lot improved.

12052. Is it a fact that these solitary grinding wheels are now all abolished ?—Not quite; but there are not more than about half a dozen of them left.

12053. The workmen who formerly worked under the conditions you have described are now gathered into factories ?—Yes, in the town.

12054. But they have taken their old habits and prepossessions with them ?—Largely. I may here explain that in the making of cutlery several classes of workmen are required, viz., forgers, grinders, and cutlers. The forger makes the article out of a bar of steel; the grinder grinds and polishes it, and the cutler puts the several parts together. In addition to these, girls are employed in certain processes, such as burnishing and whetting. Leaving the forger to be dealt with more particularly by my colleague, I wish to speak of the grinder and cutler. I should, perhaps, state that I am secretary of the Scissor Grinders' Union, and also of the Sheffield Trades Council.

12055. What number of men are represented by these bodies ?—The trades council includes about 16,000 but these embrace all classes of workmen. It is not at all confined to the cutlery trade.

12056. And the number of the scissor grinders ?—They number about a couple of hundred.

12057. In the earlier portion of your evidence you spoke of traditions handed down, and of tolerating practices which are the despair of those who desire to see the cutler's lot improved. May I assume that you will explain these practices later in your evidence ?—Yes.

12058. What is the name given to a factory in the cutlery trade ?—The factory in which the grinder works is locally known as a "wheel"; the room in which he works is a "hull"; while that part of the hull in which his stone revolves is a "trough." We pay rent for a trough; not for a wheel. In a grinding wheel there are a certain number of hulls, and a hull may contain anything from five to ten troughs.

12059. How many workmen are engaged in one trough ?—That depends. If you take heavy grinding, such as file-grinding, it would be one man, but in such work as pen and pocket blade grinding, two can work at one trough, one of them putting the finishing touches on the work. They get their motive power from what we term a drum, with a long leather band, worked by steam power.

12060. Are not the wheels divided into different classes ?—Yes, three classes: private, semi-private, and public. The owner of the private wheel employs all the workmen on the factory—the owner of the semi-private wheel employs only a certain number of the workmen, the rest rent room and power from him, but are in no sense his employés—the owner of the public wheel simply lets room and power to workmen not in his employ. Rent is charged in all three classes, and is about the same. Grinders pay from 3s. to 8s. per week per trough, according to the kind of work done. In the private wheel every man employed works for the manufacturing owner, and not for any one else. No work for another manufacturer is allowed to be done there. It is entirely, so to speak, self-contained.

12061. Then as to the semi-private wheel ?—In that case the owner may let part of the building to workmen who work either on their own account or, in some instances, for other manufacturers.

12062. The owner there lets room and power to workmen not in his employ ?—Yes.

12063. Are these workers working "on their own," as the phrase goes, or for another manufacturer ?—Usually for another manufacturer

12064. Rent is charged in all these cases ?—Yes. The case of the public wheel explains itself.

12065. That is a case of an owner letting room and power to any one who chooses to hire them ?—Yes.

12066. The rent charged in all these cases is about the same ?—Yes.

12067. The first case is the ordinary one of master and servant. Is rent charged in these cases ?—I exhibit a workman's book which contains a statement of the wages due to him. It shows a sum of £4 19s. 5d., from which there is deducted wheel rent 8s., leaving a sum of £4 11s. 5d. to be paid. The entry in this book is a correct specimen of the prevailing practice. These earnings are the earnings of three men with two troughs between them, for which they pay in rent 4s. for each trough.

12068. Is the £4 11s. 5d. the week's wage ?—Yes; and you will see an item at the bottom, 5 per cent. discount

off the price. The entry of 5s. 2½d. represents 5 per cent of discount, so that, including this item, the original figure stands as £5 4s. 7½d. That represents the gross wages carried according to the scale. From that amount there falls to be deducted 5s. 2½d., being the 5 per cent. discount, and wheel rent 8s., leaving the sum of £4 11s. 5d.

12069. Is the discount off the ordinary statement of wages ?—Yes, off the ordinary piece rates as fixed by the list. I produce a book entitled "General Statement of Scissor Grinding, Polishing, etc.," published at Sheffield, 1873, being a revision of 1844. That General Statement is the one upon which statements are made to-day, subject to discounts.

12070. How are the discounts established, and what do they represent ?—They are established by agreement between employers and workmen.

12071. And what do they represent ?—It is a way of reducing wages.

12072. When they come to an agreement, is that agreement reduced to writing ?—No.

12073. Is the contract one to enter into service according to the rates in the statement, less 5 per cent. ?—No, the discount varies.

12074. Please explain that ?—There is not one general system of discount all through the trade. Some manufacturers take off a larger discount than others ; but in all cases, or nearly all, it represents an agreement between an individual workman and an individual employer.

12075. Still that agreement is known when they start, and is really an agreement for less wages than the general statement ?—That is so.

12076. I understand the grinder pays from 3s. to 8s. per week of rent, according to the work done ?—Yes.

12077. In the case you mentioned it was 4s. per week ?—Yes.

12078. Do table blade grinders pay more than scissor grinders ?—Yes, because they are assumed to want more power to drive and they take up more room. Their stones are larger. You can put six scissor grinders in one hull, whereas you can only put four table blade grinders.

12079. If a workman is absent through illness or shortness of work, has he still to pay rent ?—Yes.

12080. Is that also the case when the engine breaks down ?—Yes, that is sometimes the case even in private wheels. The common practice is that if an engine is broken down for three days, half a week's rent is allowed ; but if for less than three days, full rent is charged. In some cases the employer says : "We will charge so many weeks during the year." In one of the cases which I mentioned, the employer charged fifty and a half weeks' rent, although at Christmas the men are off work for two weeks on account of stock-taking and there is half a week's holiday at Whitsuntide and two days' holiday at Easter. In the particular case in question half a week's rent was charged when the engines were not running at all.

12081. What about tools ?—The workman generally finds his own tools. The exception is the file grinder, from whose wages 33 per cent. is deducted—that being considered an equivalent for room and tools. The edge tool grinders have recently come to an arrangement with their employers by which no deductions are made for room and tools—readjustment of piece rates having been made for this purpose.

12082. Is there any charge or deduction made for gas ?—Gas is charged at the rate of 4d. to 6d. per light. Where the workmen have a meter of their own, the cost of light is much less, not exceeding 3d. per light. I hold in my hand the four quarters' gas bills of a man in a tenement factory who has a meter of his own, and, taking the heaviest half year, his gas account, covering six lights, would not come to more than 2½d. per week. In one case a firm deducts 10 per cent. from the wages of their men for wheel room, but this is an isolated case. The cutler pays rent from 6d. to 1s. 6d. per week per side and 6d. per week for gas. He finds his own tools, and in the case of the table knife cutler he finds in addition to tools certain materials which form a part of the finished knife. In the case of all in-workers, that is workmen working for the owner of the factory, rent and gas charges are deducted from the men's wages.

12083. I gather from your evidence that in the Sheffield trade the system of deductions is universal ?—Yes. *Mr. R. Holmshaw.* 29 May 1907.

12084. Have you no instances that you can give us in that trade where a net wage is fixed and the employer pays all the on cost in the shape of supplying power, light, and tools ?—No, I have not such an instance.

12085. Is there any feeling among the men on that subject ?—The feeling among the men is that it is unfair when an employer (I am speaking more particularly of what we term the in-workers now) undertakes to find the work, and you agree to pay him a certain sum for rent, that when he only finds you a partial week's work or no work at all, he still takes from you your rent. I might give you an instance of a man who was a spring knife cutler. He was ill for forty weeks, and when he had been off work seventeen weeks he gave up his side room—that is his workshop—and when he came back to work at the end of the forty weeks his employer compelled him to pay the seventeen weeks' rent that had accrued before he gave up his side room, although he worked solely for this employer, and the employer knew, of course, that he could not work because of his illness. That is the general custom in the trade. That is in regard to the in-workers. The gas and rent is charged for if a man is ill, or work is not found, and it is deducted from the wages. If they find no work this week for the man, when he goes to work next week and draws his earnings they will stop two weeks' rent.

12086. What I should like to get at from you is, if it could be done, are you against the whole system and in favour of the payment of net wages ?—I am in favour of the payment of net wages, and for this reason, that when the man had finished his work he would draw his net sum. If the employer found him no work he would have no expenses. It would be an inducement for the employer to find more regular work, for the employer of a large factory draws from rents such a large sum of money that it practically pays, or more than pays, the cost of running the factory, so that it does not matter to the employer, apart from getting off his orders, of course, whether the men are working or not. Hence we have in Sheffield a system of bad management in the way the work is given out by the manufacturer, because he knows that on the Saturday his rent is sure. He knows that his rent will pay for the coal and for the engine tenter's wages, and all the rest of it, and leave him a nice balance to the good.

12087. That is pretty strong evidence, and have you made any calculations as to how much is derived per week, say, by one large factory in the shape of rent ?—We have no possible means of knowing that. Take a factory like the one I have mentioned, that this book I have brought refers to. It is so large that nobody who had not access to the books could possibly get the information. Then may I say as an illustration of what I mean, and in further support of this, that in America the workmen find nothing. I may say I was a member of the Moseley Industrial Commission. The result of his finding nothing is that workmen have said to me when I was in America—I am speaking of grinders now—"We do not work on your Sheffield system"—they were Sheffield men—"the work is brought in ; it is put down at the side of me. I work away from morning till evening, and the work is taken back into the warehouse, and I lose no time. My employer sees that I have plenty of work to be going on with." The reason is obvious, because if there is no work the employer's expenses are piling up, and he has not his workmen to pay his expenses.

12088. I gather that the first point that you make is that there would be an inducement in that the employer would have workmen working so that the running expenses in regard to machinery should be kept down to the lowest point ?—Yes.

12089. Then the next point I want to know about is whether you think it would have any effect one way or the other upon the discipline ?—It would improve it.

12090. Will you explain that, please ?—Suppose I speak of myself as a workman, to take a personal illustration for simplicity's sake. I take my work into the warehouse, and my employer says, "I have nothing quite ready for you ; look in in the morning." That will probably mean that I leave off work at half past five and start again at half past nine next morning. The

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result is that many men have drifted away into loose habits because of that system of giving work out, and I believe (though I do not know that this has anything to do with truck), honestly looking at the moral side of it, that our system of giving work out in Sheffield is largely responsible for any unsteadiness that may exist amongst the Sheffield workmen.

12091. Will you amplify that last statement? How does it produce unsteadiness?—The men have so much spare time on their hands. They have done work, and they are waiting for work, and they drift off. They have nothing to do, and going on the assumption that there is always something for idle hands to do, they perhaps go and have a glass one with another. I do not say they go and get drunk, but they go and get a glass one with another, to pass away the time, and I believe it is entirely due to our system of giving out work or largely due to that—I will not say entirely due to it.

12092. Your evidence as thus given is against the existing system and in favour of the net wage, and you give that evidence totally irrespective, I understand, of whether the rent is deducted according to the proper form of law or otherwise. It is the system that you object to?—It is the system I object to.

12093. Whether the law approves of it or not?—That is so. I blame nobody for the system. I blame no employer. It is the system which the workmen and employers have found. The only point is that the employers do make unjust deductions.

12094. You can understand that that seems to be a pretty clear statement or at least it is a plain statement with regard to the first case, where there is master and workman, and the relation of master and workman?—Yes.

12095. Then with regard to the second case, or rather to that portion of the second case which consists of the wheels or the hull, which are tenanted, so to speak, or occupied by the outsiders; those are independent contractors, are not they?—I would rather you did not use the term contractors. I know it is a moot point in this building, and with the inspectors up and down the country, but in my opinion they are absolute workmen, because they simply sell their labour and nothing else. In regard to that, may I give an illustration? The edge tool grinders years ago came to an arrangement with their employers by which the employers should find all necessary tools and room and power, but there were some small employers in the trade who had not enough work to keep a set of men going, and so the union itself took some troughs and set up tools, and had a man or two working there who did work for these small manufacturers. But in this case a different price was charged for the work. It was supposed to cover the additional cost of wheel room and tools, and I take it that that would apply to either the second or third cases of grinding wheels.

12096. Take the second case that you mention, the case of men working for an employer who is not the owner of the factory. That is to say, employer A. sends to work B. certain workmen of his who are to work at the hulls in factory C. Now in that case the workmen are the employees of employer A.?—Yes.

12097. Does it occur to you that there is any difference in principle as to getting at the net wages in the one case or in the other?—No, because you are assuming that A., the employer, is the employer of B. always.

12098. Yes?—And that B. does not work for D., E., and F.

12099. Yes, I am assuming that. That is the second case?—The circumstances then are just the same as in the first.

12100. In fact you would consider the place where A. sends his workmen to work, and the expenses of that place, as on the same footing as the oncost of a work of his tenant?—Yes.

12101. You think the law ought to recognise it in that way?—Yes, I think the cases are identical in that instance.

12102. Then coming to the further case in which there is a workman who works for A., B., C., or D., and he finds in factory C. a hull which suits him. He is independent in that case, is not he?—Yes, he has not one employer. He has a number of employers to whom he sells his labour. In that case, then, the instance I have cited in the edge tool trade would apply. A different rate of price would come in. For instance, there would be in that case no alteration of price to meet the cost of wheel-room and tools.

12103. You think that that is also a case in which net prices should be fixed for his labour?—You cannot fix a net price there in the same way that you can in the first instance.

12104. No, that is the difficulty?—You can only meet it by saying that where a man works in a tenement factory for several employers, and he finds his own wheel-room and tools, the employer shall not find his tools then.

12105. So that you admit then in that case that the only way of getting at it is that a certain deduction should be made from the gross wages earned?—I do not quite follow that.

12106. You admit that there should be a deduction made from his gross wages, the deduction to represent the rent?—Not in the third case. Who would he pay it to, if I may put a question.

12107. The difficulty that is in my mind, and in the minds of the rest of the Committee, I think, is whether in regard to the factory in which he works for the time being the workman has to pay that amount to the factory in which he is working?—Yes.

12108. He gets a gross wage from outside?—Yes.

12109. Then he himself is responsible, and he works partly for the work inside too?—Yes.

12110. So far as the work inside is concerned, he has to take off a certain amount of rent, has not he, from his wages for work inside?—Yes.

12111. And he has to apportion that deduction really among the outside workers too, has not he?—You are speaking of what it would be under what I am advocating, are you?

12112. Yes?—Not according to what the present practice is?

12113. I want to know that?—The present practice is what I have stated in the book. But in the second case the owner of the factory, who is also the employer, would deduct the rent from the man's wages.

12114. But take the case you have given us, and just see that we are not at cross purposes. The case you have given us is a case where he works for A., B., C., and D.?—Yes.

12115. Say A. is the owner of a factory, then with regard to that your book explains the practice. But with regard to B., C., D., how does the practice work? He must get gross wages from them, and then he stands the damage of his rent himself, so to speak?—That is quite correct.

12116. You do not see that that system could be altered with regard to men in that position?—No, not for men in that position. I do not see it myself at present.

12117. Having got your view on that, the next thing I want to get at is whom do you represent in giving these views to the Committee?—I represent the cutlery workers of Sheffield.

12118. Numbering in all, how many?—I could not say how many. They only represent about 1,500 in our council.

12119. Are you able to testify on their behalf that they would prefer a system of net wages?—Yes, I am.

12120. Because it has been represented to us that that method of arriving at wages has been sanctioned by usage, and that it is concurred in by both parties, and that there is no complaint about it?—I do not know who has given you the information, but I am not concerned with that at all.

12121-3. I may say that is the information given to us by Mr. Dodgson, one of the factory inspectors.

I want to put the thing to you, because you see the position of the Committee. We have had that evidence before us, and I want, therefore, to put it pointedly to you: Is there in point of fact a sense of grievance on the part of the Sheffield workers against the existing system ?—Yes. One of the men in this very book here had a strong argument with his manager against the stoppage of rent for a time when he could not work much in one case, because the engine was down, and in the other case because they did not find him work.

12124. Then with regard to light, and all that, it would be impossible exactly, you hold, to investigate whether the charges are fair and reasonable ?—No, not in regard to light. I have some gas bills here from a man which prove to me in themselves, representing as they do six lights, that the charge, assuming it to be at its lowest, that is, at 4d., which is the lowest, is much in excess of the actual gas consumed.

By Sir Frederick Cawley.

12125. I suppose all these people are in the trades union ?—No.

12126. The people you speak about now, that you say are aggrieved because they have their rent charged when they are not there, and say the gas is high, too are all in the trades union, I suppose ?—No.

12127. They are not ?—No.

12128. Are not any of them ?—Yes.

12129. You speak about unjust deductions. Are you an official of the trades union, may I ask ?—Yes.

12130. And have you ever received their authority to go and meet the masters and protest against this system ?—No.

12131. You have had no meeting of the trades union in which this system has been discussed and resolutions carried against it ?—Yes, we had. We had an agitation some years ago.

12132. But lately, I mean—or, how many years ago was that ?—Speaking roughly, I will say six years ago.

12133. Six years ago you had a meeting of your trade union at which you came to the conclusion that these deductions were not right ?—Yes.

12134. Have you done anything since ?—No.

12135. You have never had any meetings, and you have never protested to the masters in any shape or form against it as a trades union ?—As an organised body, you mean, as distinct from individuals.

12136. Officially as distinct from the individual man ?—No, we have not.

12137. You, of course, know the individual objection to certain charges by a master might be open to discussion otherwise ?—It might be open to dismissal, might it not ?

12138. I know that, but it might also be open to discussion ?—Yes.

12139. Might not the master have an argument on his side as well as the men ? If a man comes and tells you a story, you cannot tell that it is always authentic unless you investigate it ?—No, I should not take any man's statement without investigation.

12140. But my point is this: although you have come to us to give evidence against this system, and you call these deductions unjust deductions, you have never as an official or your trades union has never in a single instance protested against the system ?—No, we have never, except in the instance that I have just mentioned, organised a protest.

12141. And you have never for six years had a meeting in your trades union at which this thing has been discussed, and you have come to the resolution that it is unjust ?—No, but I may say that the reason is this, which is explained I think, in the first part of my evidence in reviewing the conditions under which the industry has grown, that the men were working in the wheels up and down——

12142. I have got all that before me, but that is not quite my point. I want to get at the workmen's feeling upon the matter. As I understand the question the workmen do not feel, or there is no evidence that they feel that they have any grievance whatever ?—Except what I have said. The Cutlery Council which I represent has expressed itself very strongly about this. Many men throughout the trades have expressed themselves strongly about it, but there has been no organised representation made to the employers.

12143. There have been individual expressions, but you have not thought it worth while to go further, or the indignation against the system has not been great enough for you as a trades union to make any protest whatever, or any complaint or remonstrance with the employers, or to enter into any negotiations for the system to be abolished ?—May I point out——

12144. But kindly answer if that is so as I say ?—Yes, that is so.

12145. Now will you go on with your explanation ?—May I point out that up to comparatively recent times—I could not say how many years ago—the majority of the workmen in the Sheffield cutlery trades were out-workers renting their own shops, finding their own tools, and paying for their own light to an independent person, not their employer. Gradually the system of in-working is spreading in the town. Employers gather more and more their workpeople under one roof. That is one reason why the custom has not been protested against in an organised manner. Another reason is that it embraces so many different branches of the industry that it wants a strong general movement to accomplish anything. It is no use one branch going alone, and a general movement has not come about yet.

12146. I suppose the men when they engage to take out the work are quite aware of all these deductions ?—Yes.

12147. Then why do they prefer to go on in this way ? Is it because they can come and go as they like by this system, and that they are not subject to discipline ?—No. It is a custom which has grown.

12148. Is it a fact that they do come and go at what times of the day they like ?—Yes.

12149. And they are not subject to the ordinary discipline of a factory ?—Yes, that is so.

12150. Then may I put it in this way, that they bear part of the standing expenses of the wheel or factory ? They are in a manner small masters, and therefore they are not subject to discipline, and that is their *quid pro quo*. Not being subject to discipline, and coming and going when they like, is their *quid pro quo* for paying part of the expenses of the factory ?—You must take the statement that they can come and go when they like with a certain amount of reservation. For instance, if a man stays away from his work, the employer wants to know why he has stayed away, and if the man persists in pleasing himself the result is that the employer will dispense with that man's services. While there is this system as to whether I shall go to work at 8 o'clock or 9 o'clock in the morning, there is always the employer's convenience to be considered, and the employer insists upon it, for he tells you, "If you do not do my work, I will get someone else to do it," which is the discipline.

12151. I see that; but that is very much the position of all tradesmen that are working for private individuals. Take the case of my tailor. If he does not deliver me a suit of clothes at the time I want them I tell him that I am not going to him again; and is not that much the same thing, and is not it the same in all classes of business as in the one you represent ?—Yes, but there is a difference between a buyer and a seller and a workman and an employer.

12152. In regard to the work that is given out for hire, I do not care whether it is coat making or blade grinding. It is done for hire. This work you speak of was piecework, for so many blades, or whatever it is, and is there any difference between that work and any other work that is done by piece-work ?—No, not to my knowledge

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12153. Therefore the workman is a free agent. He comes and goes, and the only thing the employer says is "You do not attend regularly, and consequently you are not doing my work, and therefore I shall not give you my work again?"—That is the discipline.

12154. Yes; but the relations, I mean, are not those of master and servant in any degree, the same as with an ordinary workman and master?—I do not agree with you, if you will pardon me saying so. The workman in the cutlery trade is essentially a servant as much as the man who is tied to being in the factory at a certain time in the morning. Take the piece-workers as we have them in Sheffield in another branch of the industry. I mean the silver-plate branch. The men are bound to go into the factory at a certain time in the morning, and they can go out again at a certain time in the day. If the employer only finds them half a day's work these men are bound to be in the factory, and the man who is not tied to go in the morning at a particular time is just on the same principle. The employer does not guarantee to find a full day's work, and does not find it, but our point is that although I am his workman, and he charges me the full week's rent, he does not find me the full week's work, which, although there is no written contract, there is an implied contract that he shall do, as he is my sole employer.

12155. Therefore the workman knows all that to start with, and he is a free agent really?—If I were a questioner instead of being questioned, I should say how does he know it. I should ask is there anything in writing; is there any Truck Act notice; is there any contract beyond an implied contract?

12156. But you do suggest that the employer, because there is nothing in writing, is doing things that the workman does not know about. Is that your suggestion? Is it your suggestion that the employer is really behaving almost in a fraudulent manner?—No, I do not use that word.

12157. No, you do not, but you say there is nothing down in writing?—No, but I mean this: that an employer makes a deduction from the wages when he has not found sufficient employment to keep the man occupied.

12158. But does not the workman when he engages with that employer know that that will be so, and that if he has not work for half a day still he will have to go on paying rent? Does not he know that when he engages with the employer?—It does not always follow that he does. He does not know that until occasion arises.

12159. But do you mean to say that the workmen in Sheffield are not cognisant of a custom which you say is practically universal, and that when a man goes to a factory the first time he knows that he will not have full work, and that he will have to pay for his room, is when that occurs?—A man going to a new factory where he has never been before, to work for a new employer, will probably not know that that is going to take place. It is not told to him.

12160. But I understand that this custom is a regular custom?—It is a very regular custom; but this man may go from a tenement factory where he has been working, not on the employer's premises. That very often happens.

12161. Then really, although this custom is universal amongst employers and it is perfectly well known, generally, to the men, your evidence, I take it, comes to this: that there are occasions when men do go to factories, and they do not know the custom that is almost universally known in the trade?—They will not know that a particular employer is going to charge them wheel room when he is not finding them work, or when the engine is stopped.

12162. What is your suggestion about the alteration of the law? What is it you would like to see altered in this matter?—I would like to see all deductions from wages made illegal.

12163. Take the concrete case of this man that works at a factory and pays rent, and pays for gas, but who is not obliged to come at any particular time in the morning, and is not obliged to work all the week unless he likes, how would you do with him? Would you say the workman must have all his privileges to come and go when he likes, but that there must be no deduction whatever?—I would treat him just in the same way as the employer treats an employee to-day. The employer says to the man: "I have no work for you to do," and he comes on Monday, and there is nothing for him to do, and then he comes on Tuesday, and there is nothing for him to do; but perhaps on Wednesday he will find him some work, but on the Saturday he stops a full week's rent.

12164. I can see that it may be rather hard, but do you think that the system of workmen coming in and going away when they like, or taking half a day when they like, is compatible with the ordinary law as between master and servant; because, after all, if there were no deductions that would be the ordinary way of it?—Yes; but I would point out that if the man did not work he would get no wages, and that would be the man's loss, and the temptation to remember Saturday will generally induce a man to work.

12165. But you are aware that in other businesses there are systems of piecework, but all the same discipline has to be maintained, and that men have to come in the morning for their work, and go away to dinner at a certain time, and they do not come and go as they like, because they are on piecework. Now do you suggest that the workmen should still have their privileges, which you say they have inherited, and yet that they should not be subjected to the ordinary discipline of a factory?—If the employer will guarantee that a man going into work at a certain time in the morning shall be employed and not idling his time away, being a pieceworker, but shall be employed during the day, then I say let the man get in at the proper time in the morning. The men would like it. But the present system is for the men to go in and the employer to give them work, or not to give them work.

12166. The employer cannot give them work if he has not work to give them, I presume?—No, but I am speaking of cases where the employer has work.

12167. But if the employer has work, you do not suggest that he does not give it to them, do you?—I suggest many a time the men walk about when the employer has work, because he does not get it ready for them, or get it on as he might do.

12168. Then you are criticising the management now?—That does not come under truck, of course. That is really criticising the management.

By Mr. Maddison.

12169. I suppose what you mean in reply to the question of Sir Frederick Cawley is that if the men had a net wage with no deductions when they were at work, you would be quite willing and would expect them to be subject to factory discipline and regulations?—Yes, I do mean that.

12170. You mean that if there was a week's work and plenty of work you would agree with the men going in at a certain time, whatever the time might be, and leaving at a certain time?—Yes.

12171. And not absenting themselves at their own sweet will?—Yes.

12172. But if there was not work, then of course the man would have to be at liberty to seek work elsewhere?—Yes.

12173. As indeed happens, I daresay, in some other branches of the Sheffield trade, though I do not know?—Yes.

12174. What do the silversmiths do?—I do not know. I cannot speak with knowledge of the silversmiths.

12175. Mr. Dodgson described the Sheffield cutler's idea of his relations with his employer in this way, and I want to know whether you agree with it. He says "I ought to explain that the cutler and grinder in Sheffield is a man who considers himself entirely independent of any person employing him, no matter what may be the relationship between them. A man is his own master in the sense at least that he claims the privilege of coming to work and going away again exactly as suits his convenience." Is that accurate?—He does not claim it. It expresses the system under which the men work, but the men do not claim it as a right or as a privilege.

12176. But as a matter of fact, I suppose you agree that that is the actual practice?—That is the practice.

12177. Your point is that it has grown up through long years of custom, and so on, but that it is a system which demoralises the men ?—Yes.

12178. In telling us that you want the present system abolished with all deductions, you are fully alive to the changes which would take place, if the employer applied more rigorous discipline to the men ?—Yes.

12179. And you are prepared to take that ?—Yes.

12180. You do not mind the abolition of the system with the present freeness to come and go as they like ?—No, but of course I take it that in every case that would not prevent a man wanting half a day, or a day off as a legitimate holiday.

12181. No. I had on my note an American experience, and I have read your report with great interest, and I gather from you that this system of deductions is altogether absent from the cutlery trade in America ?—Yes, that is so.

12182. Without giving your own country away, how did the equipment of the Yankee factories compare with ours in Sheffield ?—They worked exactly on the principle that we work on in Sheffield, with regard to tools, but the heating of their factory was much better than ours. It was done not in the open fire places, but by pipes, and the rooms were much lighter and better taking them on the whole.

12183. What about the men. Do they drink less or more ?—There was no drinking in my experience of them.

12184. You gave us here a case of a poor fellow who was away forty weeks, and who had to pay seventeen weeks side rent ?—Yes.

12185. Was that because no one else could go into his room at that time ?—No.

12186. Was anyone working in that particular place ?—I do not know that, but it would be a long open room, as long as this is with a man here and a man there, and so on.

12187. But I mean was it his particular side room ?—I cannot say whether anyone was working on his side or not.

12188. I want to know whether a payment of seventeen weeks' rent is insisted on because the employer keeps his place vacant and therefore, to that extent, it must be so ?—I know the man went back to his work in his workplace when he was better.

12189. But you could not say that a double rent was charged ?—No, I could not say that.

12190. And you would hardly think that would be the case ?—No, I should hardly think so.

12191. Now, you gave us what the Chairman described as very strong evidence as to the rent received by the employers paying for the upkeep of the factory, but on that question I think you were not able to go into details at all ?—No.

12192. Do you feel quite sure upon consideration that that statement is correct ?—Well, yes, I feel sure that it is so.

12193. How many men have the firm H ?—I could not answer that. I do not think anyone could say except H themselves—they employ so many men and have so many different branches of work. They employ hundreds of men.

12194. But that is only a small number compared to many other places we have got evidence about. You have some idea of how many men H employ, have you not ?—No. I do not think anybody would have that knowledge. You have to remember you are not dealing now with great engineering establishments but only with cutlery establishments, which are much smaller.

12195. And therefore it is more easy for you to tell ?—No, that does not follow at all. H themselves have many branches of the trade and it is impossible for anyone outside H to tell how many men they have.

12196. How many hulls are there in H ?

By Mr. Wardley.

12197. It is possible to get to know that if it is important here.

By Mr. Maddison.

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12198. It is a strong statement to make, Mr. Holmshaw, when you tell us that the the rent received by employers is such an important item that it pays for the engine tenter and the upkeep of the factory ?—Yes.

12199. I only wanted to ask you whether you thought you would be quite able to substantiate your statement, and I thought, perhaps, you might get some rough idea of how many troughs or standing room and so on there was at a big place like H or any other place like that; I do not mention H particularly ?—No.

12200. You do not know ?—No, I do not possess that knowledge.

12201. Are notices displayed of these deductions when they are made ?—No.

12202. But you have seen some notices displayed in factories ?—No.

12203. You have not ?—No.

12204. But you know the factories very well and you can get into them ?—Yes, I know them very well.

12205. Mr. Dodgson is asked Question 1074, "On what lines exactly have you gone in requiring truck notices, accepting them in some cases and not requiring them in others ?—(*A.*) In every case where we found that there had been any deduction with regard to light we have insisted on notices being displayed; in every case where we have found that there have been deductions for materials supplied, we have had notices put up in each individual case. We have done that no matter whether they were tenements or ordinary factories" ?—Of course, Mr. Dodgson would know his own business, but I may say that I have never seen a notice, and moreover I have made inquiries amongst the men at many factories and I have only heard of one factory (and in this case it was the warehouse) where there was a Truck Act notice. Men who have worked for firms of importance in the town have never seen a Truck Act notice and do not know what it means.

12206. You see, of course, that you appear to be in entire conflict with Mr. Dodgson who states from his own experience that in every case (he does not say how many cases there are, of course) where there had been a deduction as to light, they insisted on notices being displayed, and then he says the same with deductions for materials supplied. Then, as Mr. Bettany reminds me, at Question 1085 he says in reference to the firm H: "The Truck Act notice is shown in all parts where apart from side-rents and trough-rents any deductions are made." Now to test your memory again, are you quite sure you have never seen one of these notices ?—Absolutely, and may I say, Mr. Chairman, that I have made inquiries amongst the workmen ? I can give you one factory where such a notice I am told by the men themselves is displayed. I can give you a number of others including the one represented by this work-book here where deductions for gas are made but where there is no notice.

12207. Now, you knew, I presume, that it was necessary to display these truck notices ?—Yes.

12208. You did know that ?—I may say I have only known it quite recently—that is since I began to make inquiries with a view to giving evidence here.

12209. Have you known of any prosecutions at all under the Act ?—No, except that I may say there was this case I have here. This is the Report. (*Handing same in.*)

12210. Have you ever brought any cases before Mr. Dodgson's notice at all ?—No, not of that description.

12211. I mean under the Truck Act at all ?—No, none.

12212. Then why has your union allowed a piece of legislation to be in existence without the slightest attempt to use it ?—In regard to Mr. Dodgson we did not know what his authority or his power under the Truck Act was. In regard to the second question I can only explain as I explained to Sir Frederick Cawley, that it is really because it is spread over such a wide area that it has not struck anybody that it should be attended to. It is one of those things that has been allowed to go by.

12213. Then we may take it that so far as the Sheffield cutlery trade is concerned the Truck Act has been for them a dead letter ?—Yes, absolutely a dead letter.

Mr. R. Holmshaw.

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12214. Now a question or two about light and deductions for light. Do you know of a case where for the same amount of light a different charge is made as between men and girls ?—No, I do not know of a case of that sort.

12215. You see my point, that if the girl is charged 4d., the man may be charged 6d. ?—Yes.

12216. But you do not know of such a case ?—No I do not know what the girls are charged I am sure, but I know they are charged.

12217. Has your union regarded the deductions for light as a rule as reasonable ?—No, we think they are unfair as tested by what is paid by men who have a meter of their own.

12218. Now in reply to Question 1254, "Have the trades union never taken up that question of light at all," Mr. Dodgson says, "They have not. They have regarded it as being a reasonable kind of thing." Has he any authority for saying that ?—The only authority he has, I should say, is that he goes by the information of the employers.

12219. But I would hardly say that, and you might answer my question there. Has he authority directly from your union for answering that question in the way I have given you it ?—No, he has not.

12220. You have had no talk with Mr. Dodgson on the subject at all, have you ?—No.

12221. Do you know any other union officials in the Sheffield trade generally who have ?—No, not upon that question.

12222. I mean upon deductions generally ?—No, I do not.

12223. Do you know whether any other trades union secretaries have ever approached Mr. Dodgson about the Truck Act ?—I have never heard so, and I think I should have known it if they had. We are not enamoured of our factory system. When Commander Smith was there we used to go with all sorts of things to him, but our experience of the present system is not very pleasant. So I do not think we have troubled him very much.

12224. We had a case given to us of a deduction for a vice which cost 17s. 6d., the cost of which was wiped out in nine months and the vice lived perhaps two or three years. Do you know anything about a case of that sort ?—No, I have had no experience of that sort. That does not come under cutlery at all.

12225. I think you have made it clear that with the exception of the third kind of factory, which at present seems almost to escape all attempts to adjust it by any new system, you are prepared to speak on behalf of the cutlery workers and to recommend to this Committee that we should make all these deductions illegal ?—Yes.

12226. That a man should not be charged for his light and that he should not be charged for his standing room ?—Yes.

12227. That he should not be charged for his fixed tools—is that so ?—No, I do not say tools.

12228. Then it is light and standing room, and anything else ?—Power.

12229. Anything else ?—No, that covers it.

12230. Those three things you think should be provided by the employer in the ordinary way ?—Yes.

12231. That would mean, I suppose, an adjustment of piece prices would it not ?—Yes, it would.

12232. And you are prepared to consider such an adjustment ?—Yes.

12233. And to take your stand pretty much on the lines of ordinary trades ?—Yes.

12234. You think the Sheffield custom in these matters bad for both the men and the employers ?—Yes, and a large employer has expressed that opinion to me.

By Mr. Delevingne.

12235. I should like to ask a question or two about your statement in regard to the factory inspector and the factory system in Sheffield. I think you said your experiences of the present system were not very pleasant ?—Yes.

12236. That is the present factory inspector ?—Yes. I am speaking now not of Mr. Dodgson himself but of his juniors, and may I give an illustration to explain what I mean. In the old days I have had many many interviews with Commander Smith and have had very great help from him on many occasions, and I have always found him kind and sympathetic and a real friend to the workers. I cannot give you the dates, unfortunately, but I got a letter in my capacity as President of the Trades Council, as I was then, from a worker in the East End of the city complaining of having these deductions and asking me if I would go to the factory inspector and ask him to go into them and saying, "I dare not because of my employment," and I went and saw a junior whose name I do not know and explained the whole case to him saying that I should be glad if he would attend to it. He said "Yes," and he said, "I shall be going down that way shortly and I will look into it." I said, "When do you think that will be ?" and the answer I got was "At my convenience." I said, "Well, I am informed the case is very urgent and I should be glad if you would attend to it as soon as possible." Then in a way that was not pleasant, at any rate to me, he told me again, "I shall do it at my convenience; I shall be going down there sometime and I shall attend to it then." We got rather unfriendly, as men will do sometimes, with the result that I have not troubled the Factory Office much since then. I know that is a bit unfair to Mr. Dodgson perhaps.

12237. You are aware that the junior factory inspectors work under the authority of the inspector in charge of the district ?—Yes. I got a note afterwards to say that the matter had been inquired into and they could not find any offence. That is all I heard, which was of course all right.

12238. Is your statement, then based on that single instance ?—It is based on that single instance.

12239. On that single instance of your experience of one junior inspector ?—Yes.

12240. Have you mentioned the matter to Mr. Dodgson ?—No, I never saw Mr. Dodgson about it.

12241. Is it not rather unfair to the inspector in charge of the district that you should make a statement like this in your evidence when the matter is not even brought to his notice by yourself ?—No; I say that it did not apply to Mr. Dodgson.

12242. But Mr. Dodgson is responsible for the work of the district ?—Yes.

12243. And for the conduct of the factory inspection of the district ?—He is. But it came out in reply to the question, had I approached the Factory Office in regard to this matter, and I said no.

12244. How many years have you occupied your present position, may I ask ?—About sixteen years.

12245. And you have had constant relations with Commander Smith ?—Yes.

12246. Did you ever bring the matter to his notice ?—No, never the Truck Act notice.

12247. May I ask when this occurrence happened which you describe ?—I cannot fix the date, but it was perhaps three years ago; it is within the last three years, I know.

12248. Since that happened you have made no complaint and given no help to Mr. Dodgson ?—I am not sure whether it was before then or after then that I did give a case of some grinding wheel, but I think it was before then. I do not think I have been in the office since except when I have been invited to meet perhaps some officials.

12249. I should like to ask you one question about the relationship of the worker and the employer. You say, I think, that there is no written contract between the two ?—Yes.

12250. Whatever contract there is is either verbal or implied ?—Yes.

12251. Would you call it an ordinary contract of hire, or is it rather in the nature of a tenancy between the worker and the owner of the hull ?—No, it is an

agreement to do certain work, and in the case of a man working in the first kind of factory then it also implies that the man works in the factory.

12252. Taking first the case of the private wheel, is it clearly the case of an agreement on the part of the worker to do the employer's work ?—Yes.

12253. Or to get it quite clear, is it rather a tenancy or hire of a trough in the owner's wheel on the payment of a certain rent and doing such work as the owner of the hull may get him to do ?—No, it comes in the first—that the man agrees to do the work, and the becoming a tenant follows. The work is the first consideration in the private wheel case.

12254. The man binds himself to do the employer's work ?—Yes.

12255. And he can be dismissed like any other worker ?—Yes, by an ordinary notice, which may be a week or a month, just as the custom of the firm is.

12256. The rent terminating at the moment of dismissal?—Yes, because he would leave the firm.

12257. Can the employer dismiss a man for misconduct ?—Yes.

12258. At a moment's notice ?—He would not do it at a moment's notice. He would give a week or a month's notice, according to the custom of the firm.

12259. Has a man a right to be there as long as his tenancy runs. Does the employer agree to let him have a trough by the week or by the month ?—Generally troughs are let by the week, but the man is only there as long as he remains an employee of the firm. The moment he ceases to be a workman then his tenancy will expire. He will get a notice to terminate his employment at the same time as the termination of his tenancy.

12260. In the second class of wheel, where the man may do either the employer's work or an outsider's work, what do you say ?—You would have very much the same custom there. Generally the employer will reserve a certain amount of space for his workmen, and if he ceases to employ a particular man that man will probably leave the premises.

12261. In the second class of case may he be working solely for the employer ?—No, the workmen may work for others. I thought I had made that quite clear. But generally in the second case the employer engages for a monopoly of the time of the workman, and it is only a small proportion of the time that is engaged by other employers.

By Mr. Maddison.

12262. He has the first claim on him ?—He has the first claim on him entirely.

By Mr. Delevingne.

12263. But his own men may take work from outsiders if he is not full ?—Yes.

12264. In that case it is rather a tenement. He hires the trough and uses it not merely for his master's work but also for other person's work ?—Yes, but the employer will speak of him as "my workman."

12265. Because he gives him work to do ?—Yes, but probably if he ceases to be a workman for that particuler employer his tenancy of the trough will expire at the same time.

By Mr. Maddison.

12266. Is he subject to the week or month's notice ?—Yes.

By Mr. Delevingne.

12267. Would the same remark apply as in the case of the private wheel, that the employer could dismiss him at a moment's notice for misconduct ?—Yes, he could dismiss him.

12268. And his rent would expire at the same time ?—He would probably give him some kind of notice to terminate the engagement and tenancy.

12269. Then in the third class of case the man is a tenant ?—Yes, a tenant and nothing else.

12270. In the second class of case, where the workman may be working for outside employers as well as for his own master, the question of sweeping away the system of rents and deductions is very much complicated ?—Yes, I quite see that.

12271. Really your remarks apply to the first case ?—More particularly so. It is very simple there.

12272. Or they chiefly apply to that ?—Yes.

12273. Do you or do you not see very great difficulties in bringing your suggestions into force in the second class of case ?—In the third class it is impossible.

12274. And in the second class difficult ?—There are difficulties in the way, but I think they could be surmounted.

12275. Did you make it quite clear to the Committee how they could be surmounted ?—The owner of the factory generally employs the greater part of the man's time and probably if he had to find the room, as he employs more than one man, he would employ one man less and employ the other men full time, and so get over the difficulty in that way.

By Mr. Maddison.

12276. Driving more into the third class ?—Driving more into the third class.

By Mr. Delevingne.

12277. I think you say that there is a growing tendency on the part of employers to bring their men into the factory ?—Yes.

12278. And there is a tendency for the first class of case to increase ?—Yes, that is so.

12279. If your system were brought into force, would it hinder that tendency ?—No, I do not think so. The employer, finding his men required work, would not lose anything, because there would have to be some rearrangement of prices to meet it. I do not say he should sacrifice anything.

12280. Your suggestion amounts to a revolution in the present Sheffield practice ?—Yes.

12281. But the employers would be able to avoid complying with the system you suggest simply by reverting to the second or third class of case ?—Yes, but I do not think they would do that, because there are so many conveniences to an employer in having his men under his roof.

12282. Will you say what are the grounds on which the employers are bringing their men into the factories ?—Apart from the statement I made about it being a monetary advantage to them, there is the great advantage of having all your men grouped under one roof. By that means you can facilitate the execution of your work. If you have one man working here and another man working at Charing Cross and another man working at the other end of Fleet Street, it is very much more difficult to get your work done than it would be if you had them all in this place.

12283. When the work is given out, do the men come for it ?—They come for it and carry it away to a place which may be twenty mintes' walk from the warehouse.

12284. How much time do they give ?—It depends on the work. There is no specified time.

12285. What size of blocks are given ?—A shilling's worth or 10s. worth it may be.

12286. Is it a day's work usually ?—Half a day's work or three-quarters perhaps.

12287. Do the employers in the first class of case get a better class of man under their system ?—I do not think so. You cannot draw any line there. We have men in the tenement factories who have worked there for two or three generations. In my case my father worked at a tenement factory and I followed him, and we have worked there for over forty years between us. The men work there for year after year—steady, hard working men.

12288. You speak for a comparatively small number of workers, do you not ?—I speak practically, I think, for the sentiment of all cutlery workers.

Mr. R. Holmshaw.

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12289. The number of cutlery workers whom you represent is 1,500, I think?—From the Cutlery Council.

12290. How are those divided up, how many in private wheels, and how many in the second class and how many in the third?—Nowadays I should think the majority of them are in the first and second class.

12291. Of course the cutlers form only a small proportion of the total tenement workers in Sheffield?—The tenement factories are largely confined to the cutlery trade.

12292. How about the electro-plate trade?—The electro-plate worker does not work much in tenements, I think. They are in very large works.

12293. How about the heavy grinders?—Many of these work in the first or second class of case and a good many are working in the third. They are pretty fairly distributed over the different classes.

By Mr. Yarrow.

12294. I think you say that you are of opinion that the present system might be very much improved?—Yes.

12295. Do you think the masters would have any objection if it were brought before them in an official way?—I have only spoken to one large employer, and he quite agrees that the present system is not a good one.

12296. Would that not be a very good way of approaching the subject, to have a conference with them and see whether it would not be wise to make some change in the interest of everybody?—Yes, that is in my mind. We met the employers only a few weeks ago for the first time on the question of merchandise marks, and I am hoping we shall meet them again on subjects similar to these. I have no doubt good would be the result.

12297. I think you stated there was a case of someone being away and when he returned he had to pay seventeen weeks' rent?—Yes; it was a side.

12298. During that seventeen weeks would the owner of that side have been at liberty to use it for somebody else? Yes, he would be at liberty to do that.

By the Chairman.

12299. Should a conference of the kind which Mr. Yarrow refers to take place, as it is not likely we shall be able to report for some considerable time, we should be much obliged if you would send us a report of that conference and the results you arrive at?—I shall be very pleased to do so. There is a case here which is a decision under the Factory Act. I do not know whether you have that, but I suppose it will have been sent up to you. It is rather an interesting case in Sheffield and the County Court Judge gave his decision there. It is the case of a man who had a stoppage made for rent.

12300. We have that case. I want now to ask you about the Moseley Commission. You were a member of that Commission, I understand?—Yes, I represented the cutlery trade.

12301. Can you tell us is there any part of the Moseley Commission Report which is devoted to any contrast of the conditions of the cutlery trade in this country and those obtaining in America?—If you will permit me I will send you a copy of that particular section of my own report.

12302. Yes, I should be glad if you would do that?—I will send it to you.

12303. And kindly mark any passages which you think bear upon the subject of our enquiry?—Yes, I will.

Mr. W. F. WARDLEY, called; and Examined.

Mr. W. F. Wardley.

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By the Chairman.

12304. First, what is your position: whom do you represent?—I have been asked by Mr. Bettany to come, but I have the authority of the Cutlery Council that Mr. Holmshaw is secretary of. I am a member of that society, representing my own trade.

12305. Have you heard Mr. Holmshaw's evidence?—I have.

12306. Do you agree with it?—Yes. So far as we are concerned there is not much in common between us. Mr. Holmshaw represents the grinders.

12307. And you represent whom?—The forging trade. Of course I have a fairly good knowledge of the trades all round, because I go into so many firms myself, and for that reason I have a general knowledge of the conditions under which the men in most trades work.

12308. This proof of yours seems to contain your views. Will you just read it, and let me ask questions upon it. Begin at the second paragraph?—"The earlier Acts were grossly ignored for years for the same reasons that the present Acts are all ignored in many places, viz., that employers impose illegal conditions on workmen who are not members of a trade society, and cannot defend themselves, or, secondly, the Acts are not known to the workmen, and I am of opinion that either copies of the Acts, or extracts (say Sec. 1 of 1896 Act) should be placed in a conspicuous place in each firm, and it should be an instruction to factory inspectors to see that this is done, so that each workman would know the legality or otherwise of all conditions imposed."

12309. Let me ask you this question on that. What is the class of workmen that you are referring to when you speak of those who are not members of a trade society and cannot defend themselves?—I mean all classes of men that I come in contact with, both forgers and grinders and cutlers. I have made some inquiries recently, and that has very much fortified my own opinion that the men generally do not know that there are such things as Truck Acts, and that it is, according to the Act of Parliament compulsory on the part of the employers to give a man notice.

12310. I gather from this passage in your evidence that employers impose illegal conditions on workmen not members of trade societies, and all you mean by that is that when there is a trade society then there is an organised union and better knowledge?—Yes, and the men who are members of trade societies do not take to these deductions without acquainting the officials of their union, and they defend them and prevent that. Employers do not attack the trade union members so far as deductions are concerned, as they do the other men, and for that reason.

12311. Now the next thing I want to ask is, what are the illegal conditions that are so imposed upon non-trade society people?—Supposing a man takes in some work which the manager, or master, says is defective, and he says: "Now that is not up to the mark; I shall not pay you for this," he may do that, and the man has then to consider as to whether he can fight his employer single-handed or whether he will submit to these deductions.

12312. I think we understand that statement of the general possibility, but what I was wanting to know was what case are you testifying to just now?—What particular case?

12313. Yes?—The first case that comes to my mind is one that my attention was called to a few weeks ago. A man in my own particular trade made some blades, and they were spoiled in an after process, that is, in the grinding. The employer, when the man went on Saturday for his wages (in the meantime the blades having been ground and spoiled), refused to pay him, and he said distinctly that he should not pay him. He had no idea that this man had any connection with the union, but, of course, I was made acquainted with that case, and the first thing I did was, as I always do, to go and see the employer. That was the first intimation he had that the man was in the union.

12314. But observe that is a case of a master not paying wages?—Exactly.

12315. But we have nothing to do with that?—But he was making a deduction.

12316. That is not what you state, I think. But what was the deduction that he was making?—The whole of it—he was refusing to pay.

12317. But that is a case of non-payment of wages?—But it is called a deduction.

12318. I would not trouble about these cases. That is just a case of an outrage upon the law which would have

to be attended to. What we are investigating is illegal fines or deductions from wages. Now what I want is the illegal conditions that are imposed upon workmen that you refer to in this passage. Give me another sample of what you are testifying of from personal knowledge ?—This is exactly the sort of thing that I am referring to here.

12319. Then come to your next paragraph, please. You say that there is inferior raw material supplied, as you say, from which it is impossible to make a sound article ?—Yes.

12320. Then there is a refusal to pay for the labour ?——That is so.

12321. That is a refusal to pay, but that is not a deduction, or is it ?—It occurs in this way sometimes. At times they would refuse to pay for these articles in such a case as this. Suppose a man makes a dozen articles, whether they be table knife blades, or spring knife blades, or scissors, or anything of that sort, then there will be so many of what he calls wasters, or imperfect articles, and the employer will say : "I shall not pay you for that, you must make them over again for nothing." He refuses to pay him for so many as there are defective, and the man has to make them over again for nothing. That is a deduction.

12322. Now you speak there from your experience ?—From my own experience, notwithstanding the fact which I should like to tell you, that taking the case of the scissor forgers and the spring knife blade forgers, very, very many years ago, long before my time, the arrangement was made that they should make fourteen to the dozen, and that the extra two above the dozen should compensate the employers for all wasters that there might be from any cause whatever. By degrees they have taken advantage one after another of the weak men, and now in some cases they make them make over again, those that are wasters, notwithstanding the fact that they get fourteen to the dozen. But that only obtains in some firms, but they are deductions which, I think, ought to be taken notice of.

12323. When these deductions are made, is there any contract for making the deductions ?—No, and that is the evil of it. They simply take it off, and the man is done with. If the man is in a union and his union takes it up, then we hear nothing further about it.

12324. Are you able to say that system prevails to a considerable extent in Sheffield ?—Yes, in some firms.

12325. Can you name the firms please ?—They are all over. If you want the list of the firms and the persons, that is quite easy to get, only I am not provided with them now. But there is no difficulty in getting them.

12326. Can you send us in, please, a list of the names of the firms, not for publication, but for our own use ?—I will endeavour to do that.

12327. Firms in which this illegal system of deductions without notice or contract in writing, prevails ?—Yes.

12328. The next point you refer to is the breaking of any articles which are being wrought upon by silversmiths ?—Yes, I have a letter in my pocket from the secretary of the Silversmiths making this Statement, and you will notice here that there is a peculiarity.

12329. Just read the Statement now ?—"The silversmiths at certain firms "—I want to lay emphasis on the words "certain firms," because there are only certain firms that do this—"have their wages stopped after they have made an article of several parts when the article is broken, or faulty (through no fault of the workman) in some part with which they have been supplied and not made by them, but forms part of the whole, for which the employer holds them responsible."

12330. Have you got any notion of how many firms do the like of that ?—No, but it is only a few, I am glad to say. The secretary tells me there are only a few firms who do it.

12331. In this case, or in the previous case you refer to about the deductions, can you tell me why there was no report made to any inspector about it ?—I say that there are very few men that know even of the existence of the Truck Acts, and if you will excuse me saying so I could not understand what was being said round this table about Mr. Dodgson.

12332. Why ?—In reference to making the Truck Acts public, I think there is no man in Sheffield that goes into as many firms as I do, and I must confess that I have never seen a copy of the Truck Act, or any extract from it, and I did not know that it was the custom even to mention the Truck Act. The Factory Acts are not displayed, in my judgment, as they ought to be. I am not saying that as a reflection on Mr. Dodgson, because I have nothing to do with his work, and the Factory Acts do not apply to my men, and therefore I am not concerned, only I think that it is necessary that the extracts from the Truck Act should be made as public and brought within the view of the men as much as the Factory Acts. *Mr. W. F. Wardley.* 29 May 1907.

12333. Then I gather that your view is that if the Truck Act provisions had been known, these things which you are now disclosing to us would practically have been well known at headquarters long ago ?—I do think so.

12334. Then to come to your next paragraph, you speak of the spring-knife cutlers ?—"The spring-knife cutlers pay 1s. shop rent per week, and complain that they are compelled to pay this for holidays when the firms are closed, and also when the firms are set down for repairs of machinery. One large firm compel the men to pay one penny per week for the factory yard sweeping."

12335. Can you give us the name of the firm ?—Yes, Z 4, one of the largest spring-knife makers in the world, I should think. Then I say: "The same firm also refuse to pay for defective work, as they say they sell the imperfect knives to 'Jew dealers' for less than the usual price, and whatever they do sell them for the employers keep for the materials used in them—these they call 'Jew knives.'" It is a common thing to hear a man talk of a defective knife and to say : "that is a Jew knife." That means you will get nothing for it, and when they are finished the men get nothing for them.

12336. Has that kind of arrangement ever been reduced into writing, or is there any contract in respect of deductions of that kind ever made ?—No, not that I am aware of. I have this on the authority of the secretary of the spring-knife cutlers, who is the man of all others who ought to know.

12337. Then will you read the next paragraph?—"Another firm close their firm to the workmen each year during stock-taking, which sometimes takes weeks, but give each workman a legal notice to leave their employ, which notice expires on the Saturday previous to stock-taking commencing, so that the firm have no legal liabilities while the men are waiting for the stock being taken ; but when the stock-taking is over and the men are re-engaged and return to work, the firm charge them shop rent for all the time the firm has been closed against them."

12338. Can you tell us the name of that firm ?—Yes, if it is necessary. It is A 5.

12339. Can you give us any explanation why that charge has never been brought before the public, and why it has been acquiesced in ?—I suppose it is because the men are weak, and they have had to decide betwixt losing their situation and making a bother about it. We have some men working there, I may say, in our union, but they pay no shop rent. If they did the matter would have been settled long ago. I think possibly we are responsible for this system of giving the men notice before stock-taking, because one of our men recovered some wages for the time that he lost during that stock-taking. They had a prolonged holiday. Trade was not very brisk at the time ; and it was advantageous, I suppose, to the firm when the machinery was down to go through various repairs and cleaning, and they did not set the firm in motion again till everything was right. Every man they kept out so many weeks without wages, and one of our men would not stand it, and sued them.

By Sir Frederick Cawley.

12340. The men have notice to cease work and their notice expires before stocktaking ?—That is so.

12341. Then they are re-engaged after stocktaking, and surely they cannot be charged rent for that ?—But

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they are, and I say that is illegal. If they charged any to our men I should take it up.

By the Chairman.

12342. But again our Committee has limits. We are not engaged in an inquiry as to the relations of master and workman. Our limits are as to deductions from wages. That is what we are confined to ?—Illegal deductions of any kind.

By Sir Frederick Cawley.

12343. Those are cases that you as a trade union would take up and fight in the Courts, but your evidence is that those men are not in a trade union and they are not strong enough to take up these cases and fight them ? —Yes.

12344. There is nothing else in it ?—No, there is not. The individual is not strong enough.

12345. That is a case of hardship occasioned by not being in a trade union ?—Those to whom it applies particularly are not in unions, or one branch is a very poor union, or very weak.

By Mr. Maddison.

12346. Do I understand from you, then, that the men in your union do not submit to deductions for light, for standing room, for power, and so on ?—That is it.

12347. Then in your union you have no deductions of any kind ?—No, except that occasionally when there is a waster blade, which they think is through the fault of the man, they will say you must make this over again. On some occasions the man will submit, but really we do not acknowledge it as a principle. The relations betwixt our employers and us are very, very amicable.

12348. So that the practice, so far as your union is concerned, is to have a net wage ?—It is.

12349. But so far as you know the practice otherwise you are very much against it ?—Yes, except that there is this difference: we have outworkers, that is men who have tools of their own, and they work for masters not on the firm where they work. They have a shop somewhere else, a tenement shop, that is, and they have 6d. on the top of every 4s. they earn—4s. 6d. gross, that is, for the use of their own tools, that is. If they bring in other work they get 4s. for working with their masters finding everything. When they work out and find their own tools and shop they have 4s. 6d.

12350. But these are really tenement factories ?—Yes.

12351. They come under the third head ?—Yes.

12352. Then just one word about your statement that you had never seen the Truck Act displayed in any factory. By that you mean in any factory where there is grinding or anything of that kind done ?—Yes, that is so in Sheffield.

12353. You are not confining it now to your own union shops ?—No.

12354. In the whole of Sheffield you feel quite certain you are correct in saying you have never seen a Truck Act notice ?—Absolutely certain. I did not know there had to be any notice as to the Truck Acts placed on the Factory Act till yesterday.

By Mr. Delevingne.

12355. You suggest that a notice as to the Truck Acts or extracts ought to be placed in conspicuous places in the factory ?—Yes, I do.

12356. In the same way as the abstract of the Factory Act is posted in a factory ?—Yes.

12357. Are you not aware that the abstract of the Factory Act contains a fairly long notice of the provisions of the Truck Act ?—No, not till yesterday. I must confess that whilst the Factory Act takes a good deal of reading the employer, if it was posted in a conspicuous place, would not be to blame at all if the workpeople did not read it; but my complaint, if you will take it as a complaint, is that they are not in a conspicuous place. These Factory Acts surely ought to be seen in a conspicuous place, and I do think that the abstracts from the Truck Acts, which are applicable to all our men, should be displayed conspicuously. The Factory Acts do not apply, but the Truck Acts do apply very materially, and if it is so important to our men, I think they ought to be in very conspicuous places.

12358. But you are aware, you admit, that the Abstract of the Factory Act does contain a summary of the provisions of the Truck Act ?—I only knew that yesterday. I went to the inspector's office to ask that question.

12359. But you knew it before coming to this Committee to give your evidence ?—Only yesterday.

12360. But I do not understand the object of your suggestion that that should be done which is already done ?—I only know it now. I have never seen it, and I say most emphatically that it is absolutely necessary if these deductions are to be stayed, or the men are to know what power they have under the Truck Act, that notice of that should be put in a conspicuous place. If you will send somebody quietly down to Sheffield among the workmen there, I guarantee not one in a dozen knows of the Truck Acts and his power under them.

12361. The reason of that is that the workman does not take the trouble to look at the Abstract and see what the provisions are ?—He does not know of the Abstract.

12362. Do you know the statutory provision as to the posting of the Abstract of the Factory Act ?—No, I do not.

12363. It is Section 128 of the Act, and it says : " There shall be affixed at the entrance of every factory and workshop and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop —(*a*) The prescribed Abstract of this Act." Is it your statement that that provision is not complied with ?—It is.

12364. Have you ever brought a case to the notice of the factory inspector ?—No. I say that men in my particular trade are not particularly affected by the Factory Act or the Truck Act. We do that ourselves and the relations between our employers and ourselves are very amicable. We have no complaints.

12365. You are giving evidence on behalf of a great number of workers and you know these complaints ?—Yes.

12366. Have you ever brought these complaints, which are rather serious, to the notice of the district inspector in Sheffield ?—No.

12367. One question on your evidence about the silversmiths. You have said that workmen have deductions made from their wages for some fault in a certain part of an article which has not been made by themselves ?—Yes. I was just going to give you an illustration of that. Suppose this ink-pot here is simply a glass ink-pot now from the hands of the glass-bottle maker. That would be the nature of his work, but you want it silver-mounted. That is another man's job. Now supposing this is only one bottle in a cruet that shall contain perhaps three or four, or half a dozen different kinds of bottles for different purposes. These want mounting. The man who makes the frame for these is responsible for the whole. But this is only the glass part that is given to the workman. Supposing it is snipped in the process of making up the whole, of which this forms a small part, or any accident happened to that, then the secretary of the Silversmiths' Society tells me they do occasionally stop wages for that. But very, very few firms stop wages for that. They will deduct so much for that damage.

12368. Because there is a fault in the bottle with which the workman has had nothing to do ?—If it gets snipped out while it is in his hands that is one case, but supposing that is snipped already and he mends it, thinking that the mounting will cover it, the manager will say, " That is not right, and he ought not to have mounted it, and I shall deduct so much from the wages on account of that."

12369. It is possible the man may have been in fault in trying to mend that defective bottle ?—Yes, but the Truck Acts say he shall not have any deduction for that. The Truck Act distinctly says that they shall not make deductions except by agreement, and that agreement must be in writing.

12370. But we are not on that point. We are on the point which is made by you that deductions were made

for defects which were not due to the fault of the workmen ?—Yes.

12371. In the case you have mentioned, so far as I can gather, the defect might have been due to the fault of the workmen. I want to get a case from you where the man had a deduction made from his wages because a part of an article which came to him in the course of manufacture which had been made by somebody else had been made defectively ?—Would the authority of the secretary who gives it be sufficient for you ?

12372. If you say there are such cases I do not want to go into details. By the description you gave of the particular case it did not appear to be such a case ?—I heard from the secretary of the Sheffield Silversmiths Trade Protection Society and h re is his letter : "Dear Wardley. In the conversation I had with you this morning *re* certain conditions believed to be a violation of the Truck Acts, I think it would assist you by sending you the following statement. Cases are known in our industry where workmen have been compelled by their employer or manager to make fresh (or new) articles without payment, when such have been defective through bad material and work, and no fault of the workman. Also charging workmen for accidental breakages not the fault of the workmen. These cases are not common so far as I know, but do occasionally occur, chiefly through the ignorance and weakness of the workmen concerned." That is, that they do not bring them before their union, but they do occur.

12373. You are not in a position to give detailed evidence of those cases, are you ?—No, I am not.

12374. When the parts are given to the workmen to be made up into the completed article, do they come to him from the preceding workman, or do they come to him from the employer's agent or foremen ?—In some case from the preceding workman if it is on the same firm.

12375. Take the case of a composite article, each part being made by different workmen in succession, do the various parts go from workman to workman, or are they handed in by each workman to the employer's foreman and then handed out to the next man by the foreman ?—In some cases the manager will give the man an order to make certain articles; and supposing they are teapots, in some cases when he has given him the order the manager has done with it ; but in other cases he gives him all the parts together, which is the best way. But in some places they give them the order, say, for a dozen teapots of a certain stamp or pattern ; then he has to go to the stampers for a dozen spouts of a certain pattern and to another man for a dozen handles of a certain pattern. He has the order with him, and they all know the description. The handle stamper will be stamping the handles and another stamper will be stamping the spouts and so forth.

Mr. W. F. Wardley.

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12376. He gets the parts from the worker and not from the employer ?—Yes, that is so. Then, if you do not mind, I should like to say I have a case here from the labourers. The labourers have to constantly submit to illegal deduction from their wages. A little while ago, perhaps six months ago, there was a certain colliery near to Sheffield, which was charging their men so much and putting a heavy fine on because the machinery had broken, and they said that they were to some extent responsible for it.

12377. A colliery ?—Yes. They made deductions from their wages, and they did not know that these men were in the union, but the men were in the Labourer's Union and they took it up and the county court judge of course gave the men their money back

By the Chairman.

12378. Of course this Committee is very anxious to get any direct evidence that you can testify to, and the complaint that you apparently can testify to is based on the ground that you have personally visited these factories ?—Yes.

12379. In visiting those factories are you able to say that there was not in any of them the Abstract of the Factories Acts put up ?—No ; because I have seen them.

12380. Was there in any of them a failure to put up the abstract of the Factories Act ?—I have seen them.

12381. Then they were put up ?—In some places.

12382. They were put up ?—In some factories. They may be in all, but I have not seen them in all.

12383. If they were put up, and if, as you now have learned since yesterday, they contain an abstract of the Truck Act, everything seems right ?—No, I do not think they are made known enough.

12384. Your point now is not that they are not put up, but that they are not conspicuous enough ?—That is so.

Mr. Holmshaw.

12385. May I say that in what I have said about the factory office I have not the slightest intention of casting any reflection upon Mr. Dodgson. I should be very sorry to cast any reflection upon him.

By the Chairman.

12386. I think we understand that.

FORTY-FIFTH DAY.

Thursday, 30th May, 1907.

PRESENT :

Sir F. Cawley, Bart., M.P. (*In the Chair.*)
Malcolm Delevingne, Esq.
Mrs. H. J. Tennant.
Stephen Walsh, Esq., M.P.

T. E. Bettany, Esq. (*Secretary*).

Mr. ALBERT JOHN HOBSON, called ; and Examined.

By Sir Frederick Cawley.

12387. Will you kindly tell us on behalf of whom you are giving evidence ?—I am giving evidence on behalf of the Sheffield Cutlery Manufacturers' Association, of which I am one of the hon. secretaries.

12388. That is a master's association ?—Yes, and I think I may just say that I have had a long experience of the cutlery trade ; I was brought up to it ; and I have served the office of Master Cutler of Sheffield, which means that one must be a master manufacturer in the cutlery trade ; it is not like the London guilds, in which a man may be a member without any practical connection with the trade. I am Vice-President of the Chamber of Commerce of Sheffield. I have a pretty wide experience of the engineering and steel trades as a director of Richard Hornsby & Son, and William Jessop & Son—a large steel making concern—and as chairman of J. J. Saville & Co. I am familiar, therefore, with the conditions as to wages and so on in other trades outside the cutlery trade.

Mr. A. J. Hobson.

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12389. I understand you will give evidence as to the origin of the deductions for rent, for power, and charges for gas ?—Yes.

Mr. A. J. Hobson.

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12390. That is, I understand, in the case of inworkers?—Yes. Outworkers are usually not subject to any deductions. Upon the question of the history of deductions it hould be remembered that the cutlery trade was a handicraft trade originally. It was originally practised by the workmen at their own houses or in separate workshops, and not in factories. The factory system has grown up gradually at a later date. As the factory conditions have grown up it has been found necessary to make adjustments in their wages as to the men who were found accommodation and the men who found their own accommodation; the trade union price has been arrived at by the haggling of the market as to both classes of workers, and the deduction represents the adjustment of the accommodation found to the inworker.

12391. Then all these deductions have been a matter of negotiation between the trade union and the masters?—Well I should rather put it that they were originally a matter of negotiation between the workman and the master. I think they date back prior to trade unions. I should think when trade unions were first formed or were in their very early infancy these deductions existed and were customs of the trade. I do not recollect, myself, that there has ever been much question between trade unions and the masters about these deductions; there may have been in cases where trade unions had reason to think that the deductions were excessive, but taking it all round I do not find any great variation of practice between the leading manufacturers, and I do not think—for a reason I can give you—that it would pay a manufacturer to try to exact excessive deductions. Shall I give you the reason now?

12392. Yes, I think you might?—The point being that the effort is to get the best and steadiest workman as inworker in the factory; and if the deduction were unreasonable and the men went to other factories that object would be defeated; consequently, if a man is charged more side room or more for gas than would be charged by other firms, the master will find it act against his interest in getting the best men.

12393. Practically all firms employed in the cutlery trade employ both inworkers and outworkers?—Yes; if there were any exceptions it would be that there were a few firms who employ only outworkers, rather than the other way.

12394. Outworkers usually have their wages paid without any deductions whatever, but usually, you say, they get a lower rate of pay?—Yes. I should like to explain that. When I say the outworkers usually get a lower rate of pay, that is hardly the correct way to put it. They are often paid on the same piece work scale, but they get a less result, because of having to pay the cost of their own accommodation, for troughs, sideroom and so on. In some cases where they have been paid the same amount they have found that in consequence of these charges the net wage has been less.

12395. You say that outworkers are employed at will, being found work as long as it is convenient to the masters to give it out to them; but that, speaking generally, the outworker is less well off than the inworker?—As a rule that is correct. There are a few specialists in the trade; there are some special operations where no one firm can find the men enough of their particular class of work, and there the outworkers are as well off as the inworkers, for the reason that they are specialists; but unless a man has specialised to be supremely good in some special direction the ordinary outworker is less well off than the inworker.

12396. The inworkers either give or take a month's notice?—Yes; that is a well established custom of the trade.

12397. And outworkers are employed at will?—Yes; if there is work for them they have it; if not, there is no obligation to give them notice.

12398. Do they come to the factory to see whether there is work?—Yes, that is so; if there is work they are given it.

12399. But the inworker comes regularly every morning?—Well, he should do; but a pieceworker does as he likes, and he often keeps "Saint Mondays," and comes at very irregular hours.

12400. There is no time kept?—No; the engines run for certain hours, but those hours afford a wide margin, as a rule, above the amount of time that the men will work.

12401. Then really there is no discipline, in the ordinary sense of the word, applied to inworkers?—Very little. If you find a man is giving you trouble by dint of stopping his process, you send for him and remonstrate with him; the answers you get are sometimes very saucy and sometimes rather interesting. Recently I had a man up before me, and remonstrated with him, and I asked him how he would get on in old age if he did not make better use of his present employment; his answer was: "Well, measter, there's always t'workhouse."

12402. Then if you were very busy at the factory and the workman did not turn up for an hour after the usual time you would take no notice of it?—That is so. The manager of the department with decent workmen (who are, of course, the majority) would tell a man if he particularly wished him to bustle on with his work and a decent man would try to oblige his manager; but there is no disciplinary control over them. As a general rule you do not say much if a man is late, because the more they know that there is a large amount of work available the less regular their attendance becomes; they come best when they are afraid of other people getting their job.

12403. With regard to deductions we have had evidence that the inworkers would really prefer to receive a net wage and be subject to the usual factory discipline that exists in other trades?—I can understand their saying that they would prefer to receive a net wage, because I think that behind the effort to get off some of these deductions is an effort to throw them on the masters, and although in some trades, grinding particularly, they know that that cannot wholly be done, still the net wage would be an effort to make a practically increased wage. But as for the statement that they are in favour of discipline as in other trades, I am surprised to hear it, and I cannot say that I believe it.

12404. They have deductions for gas for instance?—I will put before you a schedule of the general deductions. This is made up from Returns forwarded to me as Secretary of the Cutlery Association for seven of the leading firms. You will notice that the practice is not uniform, but we have given you the range of the practice. In some cases the differences are due to the accommodation being better than in other cases; they vary in the same factory for that reason. (*The Witness put in the following Table.*)

Deductions from Wages on Account of Rent.

Table Blade Grinders.—From 8s. to 6s. 6d. per trough per week.

Pocket Knife Grinders, Razor Grinders, Scissor Grinders.—From 4s. to 3s. 6d. per trough per week.

Table Knife Cutlers.—From 1s. 3d. to 1s. per man per week for "side" room, and power.

Pocket Knife Cutlers.—From 1s. to 6d. per man per week for "side" room, and power.

Razor Setters in.—From 1s. to 6d. per man per week for "side" room, and power.

Scissor Putters in.—From 1s. to 6d. per man per week for "side" room, and power.

(An extra charge of 4d. per light is made for gas during the winter six months—September 25th to March 25th.)

Forgers.—The general rule in the case of all kinds of forgers is that no rent is charged, and that hearth room, coke, and tools, are found free. As in the case of grinders and cutlers, gas is charged for in the winter.

Deductions from Wages on Account of Tools, etc.

Grinders of all kinds find their own tools, and working materials, except in one or two instances for table knife grinders, and when a firm finds these a deduction of 33⅓ per cent. is made from wage earned.

Cutlers.—It is the general practice for the employer to find all tools, and working materials, with one or two small exceptions, such as wire for riveting, and tin for razor setters in.

Outworkers.

Outworkers of all kinds find their own tools and working materials, and, except in the case of forgers, do not receive any more for work done.

12405. Do you think it is correct to say that the men would rather have an entirely different system—a system by which they were paid a net wage and have to conform to the usual discipline of a factory?—As to the net wage

I agree, but I do not agree as to the discipline of the factory. We have several times considered at my own place trying to bring our men into the engineering discipline. For two years in one of my departments some of the cutlers agreed to be paid for fifty-four hours a week, and not to be paid for full time if they did not put in the fifty-four hours. At the end of the two years the men complained very much at the results of that arrangement, and instead of fixed wages, plus a bonus to the contractor, they pressed me to revert to the piece-work system as before. That is an instance in my own factory of the converse of what you have been told. The men would like the net wage possibly, but they would not like the discipline.

12406. We have been told that there is some injustice in regard to these charges—that when men are away sick, although they are receiving no wages, they are still charged for their trough ?—That is true, but it must be recollected that the engine is running all the same for them, and that the trough is reserved for them, acting as a warehouse for their tools. The men in the cutlery grinding trade usually own their own tools, and consequently you have to look at the system as a whole. I may say that it is not unknown in the cutlery trade for the men to receive a net wage as grinders, in which case the masters deduct 33⅓ per cent. of the total wage for the trough and for finding tools. Then, of course, if the man is away ill, he does not pay anything nor receive anything. If these deductions are in any way rendered illegal there is no doubt, in my mind, that the compromise that is justified by precedent in the trade would be for the masters with the working grinders to fall back on the system of deducting 33⅓ per cent. of the whole wage, and saying that is the correct deduction. I should like to point out to you how that traditional and correct deduction justified by precedent would work. When a man is a steady man, and the employment is good, he would pay considerably more than on the system of paying rent for his trough and finding his own working material. When work is scarce, and the employment is not good, the 33⅓ per cent. deduction would naturally be a smaller sum, and therefore the master would lose on it. But in a factory where there is fairly steady employment for inworkers, I have very little doubt myself that—granted always one point, which I will mention in a moment—the system of 33⅓ per cent. deduction would, on the whole, pay the masters better than the present system. The point is as to the fact that there would be very considerably more waste of stones and working material, and more expenditure on tools where the masters find their own instead of the men providing them, and that waste would tend to sweat away the profit that would otherwise have accrued to the masters on the net-wage system.

12407. Do not you think it is rather hard that when a man is away ill for, say, a fortnight, he should be charged this rent and not be drawing any wages ?—Well, it is part of the conditions of his being an inworker, subject to a month's notice. If he could obtain a place—I do not say he could on a less notice—he could give notice for his trough, but giving notice for his trough would be requesting the master to fill up his place, not merely for the trough, but for work as well; therefore he hangs on to the trough as being practical evidence of the place being kept open for him to return to. These deductions for trough do not pay the cost of providing the room for power and accommodation to these men, and consequently any deduction for illness, such as you speak of, would have to be made up by an increased charge while he was well.

12408. You consider, therefore, that the workman ought to pay the standing expenses of the business, or nearly the standing expenses of the business. They pay for their trough, and I understand they pay for gas as well ?—Yes, they pay for gas.

12409. So that they practically pay a great part of the standing expenses of the factory; is it your contention that that is fair ?—That contention is raised in sheer ignorance, and is absolutely wrong. I think I can demonstrate that to you. We have always kept departmental accounts at our works; we have a grinding-wheel department, and a separate account for the department. That account is not charged with any part of the standing expenses of the firm, not even with any share of the clerical salaries or rent-collecting, or anything whatever for management. I can give you the result for our grinding-wheel department for the last six years. The accounts include an apportioned charge for the grinding wheel as a rent, and for the keeping in repair of that portion of the premises. In addition to that, we have charged 5 per cent. interest on money for the machinery and plant employed therein. The result of that departmental return is that in 1906 there was a profit of £138 17s. 10d., after charging 5 per cent. interest; in 1905 there was a loss of £184 5s. 9d., after charging 5 per cent.; in 1904 there was a loss of £247 6s. 6d.; in 1903 a profit of £136 7s.; in 1902 a loss of £171 4s. 1d.; in 1901 a profit of £74 8s. 5d. You will perceive that during the last six years the losses have exceeded the profit, and the consequence is that that share, as a power-providing department of my business, has not paid even 5 per cent. interest on capital.

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12410. In other words, what you call loss is the failure of the charge to the workmen being sufficient to quite meet the standing expenses of the firm ?—Not the standing expenses of the firm; that is an entirely different thing altogether.

12411. The standing expenses of the firm are usually rent, light, heat and other things that you name, but your contention, I take it, is that these men who are really employed should pay the part of the standing expenses which is included in rent, light and use of machines ?—Exactly, because the charge that is made is in substitution for the fact that they are paid a wage out of which they have to pay the rent, light and use of machine if they go and hire a trough outside. What I wish to show is that these deductions made from inworkers do not provide the full cost of the charge that would be made if those men go and hire the power from co-operative factories, or what are called wheels, in the town where they would hire the power not under their own master. This deduction does not pretend to represent the standing charges of the firm; it represents the accommodation which the man would otherwise have to pay for if he did not get it from you; and the point that we make no profit on providing that proves, I think, that the charge is reasonable, as compared with what it would be outside. Let me put it in another way. There have been very few grinding wheels built in Sheffield in the last twenty years; I can only recollect two cases; Harrison Bros. & Howson, who built a new factory in the last five or six years—an entirely up-to-date factory with electrical driving and the most modern machinery— and some additional workshops put up by Joseph Rodgers & Sons. I saw Mr. Howson, the senior partner of Harrison Bros. & Howson, on Monday, and asked him if I might lay before this Committee what I knew would be the result of the building of that new factory, and he authorised me to give you the information. He said that there was not only no profit, but there was a distinct loss on having built that new factory, that if he had employed outworkers and built no workshops he would have been better off than with the factory. The only inducement to build it was the convenience of having the men on the spot and having the first call on their services.

12412. In other words, the deductions made from the workmen will not pay the interest on the money spent in building that factory ?—It would not pay 5 per cent. on providing the accommodation that the workmen would have to pay for outside.

12413. The list you have put in, I understand, is a correct list of the deductions made from the inworkers ?—That is a correct list, based on the returns given me by seven firms. I should like to refer to gas, if I may do so; I do not know whether there has been any question about that, but I think I have heard that there has been some discussion, curiously enough, on the part of the men about the gas charge, which is a smaller one than the power charge. With reference to gas, there is no doubt the price of gas has come down, and the traditional charge of 4d. per light either shows a profit now, or showed a loss formerly; I think that is evident. I asked my assistant-cashier whether we made any profit out of the gas charge. He tells me he is satisfied that we do not; because we keep the fittings in repair and put in new burners, and generally look after it, and there is very considerable waste by the men. In consequence, I do not think we do make

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any profit on the 4d. per light. I may say that my night watchman, who is in charge of the factory at the end of the day's work, and sends in weekly reports, reports frequently, sometimes twice a week, a number of shops where the men have left the gas in full blaze because it is my gas and not theirs. Another element of waste is this: the burner gets out of order, and a man, being a lazy fellow, instead of having the burner repaired, knocks the burner out and leaves the gas in a great flare a foot high, causing, of course, very great waste of gas. As to the question of the gas charge, even if there is a small margin on that, the general charge for the room found is so below cost that an adjustment of the gas charge would undoubtedly lead to the raising of the general rent charge. Consequently I do not see that there would be very much advantage in disturbing an arrangement that means peace by putting both those two charges into the melting pot again.

12414. You mean that you charge too little for the rent, and you make it up on the gas?—I mean that if there is any trifling sum coming in on the gas, there is, on the other side, less than cost charged for rent, but that, on the whole, the charges are not unreasonable.

12415. We will take that as your evidence, but we had it from a witness yesterday that the charge of 4d. per light was excessive, and that some of the men have made experiments in some way, and had found that what you charged them 4d. for they could get certainly for half that money?—Well, they have left out in those experiments, in all probability, any question of excessive waste and carelessness, and any question of the provision of fittings which are very roughly and recklessly used in many instances.

12416. I think they said that it came out at 2½d. instead of 4d.?—Therefore they were possibly 1½d. a week out; the inworker would pay, I cannot say quite how much, but as a grinder I should say quite 1s. a week more, besides the inconvenience of carrying his work backwards and forwards, if he took a trough outside; and the cutler would very often pay quite 6d. a week more for his side room including power, if he has to do his work outside. If the inworker wants his 1½d. on gas, there would be an immediate set off by the master on the ground that the cost of providing power has gone up of recent years.

12417. Now I think we understand that this system in Sheffield is a different system to that which prevails in any other part of the country?—I believe that is so.

12418. Are these inworkers mostly members of trade unions?—It would be very difficult to say; in some branches I think the majority are, but there are other branches in which I believe not 10 per cent. are in a trade union. In one branch which includes 1,200 employees not 10 per cent. are in the union.

12419. Have you had any remonstrance about this system from any trade union?—Never in my life.

12420. Except, I suppose, in regard to these gas charges?—I have had no remonstrance in regard to the gas charges.

12421. Then, really, there has been no complaint, in any shape or form, from the trade union leaders in regard to this system, or any particular part of this system?—No. I may say that at the time of the very high prices for coal that reigned about 1889—that was before I took over the management of the Suffolk works; I bought the business in 1893 when I retired from being a director of Joseph Rodgers & Sons, Ltd.—in 1889, the charges for power were put up about 15 per cent. owing to the high cost of coal and other things. These were reduced again to the old level by negotiations with our own men. When I say that I have never had any complaints, I mean that since 1893 I have never had any question about the charges for the power; but just occasionally the men will raise the question as to whether any allowance should be made owing to the fact that through slackness of employment the charges became onerous. When that question has been raised, it has never been raised by the union; we have always settled it with our own men, and if employment has been bad, where the man has had two troughs, and has not been able to employ them, we have charged a trough and a half, or charged him only five days rent instead of six. We have always been able to arrive at an amicable settlement with our own workmen. These inworkers are valuable men to the firms who employ them, and they are quite well able to look after themselves.

12422. Is the system of employing inworkers increasing?—I should doubt that. I know it is said to be increasing, but there is a rather strong feeling amongst employers that on the whole the provision of factories does not pay and that it is better to depend on employing outworkers, if you can get them. You have no responsibility to find them employment during bad times, and generally the system is increasing in Sheffield that instead of keeping a stock and running it up in bad times in order to keep your workers together, you only employ men when it pays you to employ them.

12423. You think the system of inworkers is very much better for the men than the system of outworkers?—I am satisfied that it is. It is not merely a question of notice, but there is an obligation on the part of the master to find the workmen a living wage during bad times of trade, and that is a great advantage to the workman. I should say that the inworker will go and apply for permission, if he is debarred from taking outside work, to obtain work elsewhere when times are quiet. That puts a little pressure on the master to try and find the man enough work without his going outside, if it can be done, because most of us dislike other people's work being brought into our factories. It is not so much a question of trade jealousy as the fact that in effect it is probable that our tools and our accommodation will be used to produce a trade rival's article to his advantage and to our disadvantage.

12424. What would be the effect if the legislature said that this system was a bad system and must be abolished, and that you must carry on the same as other trades, the men being subject to discipline and working so many hours a week and no deductions being made from their wages; would it not be feasible?—As for the discipline, I should be very pleased indeed to learn that it was feasible, or that the workmen of Sheffield would agree to it, but from my own experience already mentioned I do not believe that there is the slightest truth in the evidence you have had that the men would be willing to have it. They might be willing to consent to the net wage, but the fact of the legislature requiring the trade to come into line with all other trades would be to put the whole peace of the cutlery trade of Sheffield into the melting pot. At the present time we have got an agreement which has the sanction of many years' custom. If we had to alter it we should have to make a new bargain with the men. The whole rate of wages would have to be fought out, and the probability would be that the strikes or the disputes arising from the necessity of a new settlement forced on us by the legislature would do a great deal of harm. The scissor trade has never recovered from the nine months' strike of 1874; that strike handed over a large portion of the trade to the Germans, who have kept it permanently. The whole industry at present is in such an unsatisfactory and critical state that it would be very deplorable to provoke a conflict between masters and men at the present time.

12425. I do not think that the question of foreign competition, and whether the Sheffield trade is good or bad, is exactly germane to our inquiry?—Perhaps not, but surely the question as to whether the industry is so buoyant that extra charges forced upon it by the legislature are wise in the interest of master and man, is germane to your inquiry.

12426. It is a very big question; I do not think it is quite germane, because if we are going into the question of foreign competition and how it affects a particular industry, it opens out a field that does not come within the terms of our reference?—May I just put it in this way. Without referring to foreign competition, the question of the cutlery trade is largely one of the slow transference of a handicraft trade on to machinery. I believe that the salvation of the trade is dependent on its getting on to machinery. When you get men working on machinery you will get a net wage and consequently all these arrangements will die a natural death. The Sheffield trade is getting on to machinery more and more, but if you interfere with it in the meanwhile it is likely to produce injury rather than good. I think I may say that much.

12427. Now, will you go to this paragraph in your *précis*: "Another objection to the net wage book, with no deductions, and the master finding all tools and materials would be that the master finding these tools and materials would object to that workman working for anybody else, because he would be unable to prevent his tools and materials being used for the benefit of somebody else" ?—That is so. It is very difficult indeed, if you are finding a man tools and materials and he is taking out work, to check what he is doing. Unless you have him stopped at the gate to disclose what parts he has brought away from another firm and count them yourself, you are dependent on his return and on his honesty to tell you how many he has made, in respect of which he is to pay you hearth room if he is a forger, or for the use of your tools if he is a cutler, and so forth. As a grinder, it does not matter so much, because he finds his own tools and pays his own rent.

12428. Does not that rather point to the advisability of the business being carried on in the same way as other businesses in which the master finds everything, tools as well ?—If so, the man would be absolutely dependent as an inworker on his own firm. If the firm find everything they will allow no outside work to be brought in. The elasticity of the arrangement that permits the bringing in of other people's work is greatly to the benefit of the men and not to the benefit of the masters at all; you only charge the man for what he has used of yours; you do not charge any profit; you do not tax his wage.

12429. Do you not think that the men finding part of the standing expenses of the establishment is rather a reason for the master not being quite so anxious to keep his factory going full time ?—No, I do not. I object altogether to your saying that they pay part of the standing expenses. I may have failed to make myself clear, but I do not think that the men do pay any part of the standing expenses.

12430. That is rather a difference of opinion ?—I must say that I cannot see that the men do pay any part.

12431. If a man pays for the gas used in the factory I think he is paying part of the expenses of the factory; anyhow, we will not argue that question. My point is rather whether it would not be better for the trade if you reorganised the whole system, and arranged that if the master has himself to find the whole of what I call the standing expenses—that is the gas and the rent, and the interest on the cost of building—because, after all, these people do pay some of that—whether it would not be better for the trade generally for the master to take care that his place is going full time ?—I cannot say I see that it is. At present if you wish to get your rent, and not to have to charge five days a week instead of six, you do your best to keep the men employed, because if there is a loss on your power and on your wheels that loss is increased if you do not get your full rent. I do not see that having to provide that and the men having no responsibility about it is going to help you to fill your factory and work full time; I should rather think the contrary.

12432. It comes back to what I said before. At present the workman does pay something whether he is working or not. In other trades all the expenses, or a part of the expenses, that the workman now pays are paid by the master. Do not you think it is rather a dilatory way of doing business that the master should be able to rely on the workman not only not getting his wages but also having to pay part of the expenses of the factory when the factory is not running ?—No, I cannot see that. It depends entirely upon the fact that you have these men entirely on piecework wages, those piecework wages being common to both the inside and the outside of the factory, and consequently the piecework wage would have to be reduced to the extent that these charges were taken over by the master. Consequently, it becomes purely a question as to what the deduction from the wages would amount to and whether it would be of advantage to the men. There is no question that the price would have to be adjusted, and that price would probably have to be adjusted by way of discount because the statements are very complicated, they very often go down to very small fractions of a penny—down below farthings per article—and consequently to adjust them in actual coinage for each operation would present an insuperable difficulty; they can be roughly adjusted by way of discount.

By Mrs. Tennant.

12433. I think you said it would be to the advantage of the trade if the present system under which these deductions are charged should die a natural death ?—If it would be replaced by machinery, yes, I agree that it could be better, but I should like to explain the difficulty. I am afraid I shall have to refer to German competition again. Machinery is more employed in Germany than in Sheffield. They have made very much commoner goods to begin with. It is easier to work up from common goods than to work down from the best Sheffield goods. The consequence is that this process of introducing machinery is one that must necessarily be very slow in the Sheffield trade. I believe it will be a benefit when we all get on to machinery, but if you were to force us at present it would tend very largely to decrease the number of inworkers, because they would only be employed when we had machines for them. I think if you threw men out of sanitary factories into insanitary factories, or back to their own homes, you would set back the tendency that has existed for the men to go into factories. That would be the result of interference at the present moment.

12434. Do not you think that a consideration of the question would lead employers to the end, which you believe would be the good end, of getting on to machinery ?—I do not think you can hurry the question. We are all very anxious to get on to machinery, but it is a very very difficult problem to solve; it will not be solved in five years, or in ten years, or perhaps in twenty years for many branches, but it is making more rapid progress in the last three or four years than in any time that I can recollect.

12435. I gather from your replies to the Chairman it is your opinion that any readjustment of wages must lead to conflict with the men ?—Well, I think so; any broad re-adjustments of wages must lead to conflict with the men. If these charges are to be ruled out by the legislature we shall suggest, as masters, certain deductions; the men may accept them or not. If the deductions by way of discount from the wage price list amount to as much as the present deductions, so far as the men are concerned, they will be likely to object to the settlement that will be offered. That is sure to lead to a strong difference of opinion, and whether that difference will be adjusted equitably depends upon the state of trade. If the state of trade is in favour of the masters or in favour of the men the margin will sway to the one side or the other.

12436. In one of the matters you referred to, in the matter of gas, I gather that the present price allows for considerable waste. The Chairman put it to you that in the evidence yesterday it was said that the charge should be 2½d. instead of 4d. per light; I understood you to say that that would be accurate if there were no waste ?—And if the fittings had not to be repaired by the master and provided by him.

12437. As a matter of fact, in your reply you dealt only with the question of waste, I think ?—Waste and the charge for fittings. I cannot accept the 2½d. as being a correct estimate unless I know on what it is based. If it is purely for gas used it does not include the element of the cost which the master provides. In some factories the men pay on the meter for the gas and then they would have to provide their own fittings. To abolish this charge for gas, or to say that it is unreasonable, means that the masters would simply remove their fittings, and say to the men, "Very well, find your own fittings and pay for your own gas and your own repairs."

12438. Can you say what there is that is peculiar in Sheffield which makes it desirable to have a charge for gas there ?—Simply that the price which was paid for the work was fixed when the man found his own light; the substitution for that of the system by which the master found the light and charged for it was an advantage to the men because they got a very much better light during the winter months.

12439. Surely that is not peculiar to Sheffield; that existed in other places and has been abandoned ?—It may have been because, as a matter of fact, most other industries have tended to get on to the engineering system of providing machinery, and where a machine is provided these other deductions become so small in amount that the price put for the machine includes the provision of everything else that is subsidiary to the machine.

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12440. There is nothing peculiar about the light of Sheffield which makes it more desirable that the workman should pay for it than the employer ?—No, but I think you are on the wrong tack in saying that the workman pays for it. He is paid an inclusive price which enables him to provide these things, and consequently the master is paying him a covering price to cover the expenses of gas and all other charges. If the price were reduced to the extent of the gas how much better off would the man be ?

12441. He would prefer to have, as I think you say yourself, the net wage ?—He would prefer it if in the haggling of the market he could get something better out of the fixing of the net wage.

12442. Not necessarily something better. The point is that if he is receiving say, £1 a week, and has to pay 2s. for gas (I am putting fancy prices) he would prefer to receive 18s. per week and pay nothing for gas ?—Well I am a little surprised to hear it ; I have never heard a Sheffield workman—who is a shrewd Yorkshireman—trouble his brains about getting the same result by another process. I venture to differ altogether ; I say that the Sheffield workman does not care twopence how it is arrived at so long as he gets it.

12443. We have had evidence that he would prefer the other system ?—Then all I can say is that that evidence is put before you to obtain your assistance to make trouble about these deductions, with a view to throwing them on the masters. I do not believe, for an instant, that the workman cares twopence about any alteration, if it will only bring him the same wage.

12444. The evidence we have had here has not merely reference to Sheffield ; it is generally that the workman would prefer a net wage ?—I cannot speak as to other portions of the country, but there are so many forms of deductions for rent, as well as for gas, in Sheffield that the whole question becomes one in which the workman knows there will have to be a general readjustment if there is any difficulty made about one element in the question.

12445. The workman is prepared to meet that, but I gather that you would prefer not to meet it ?—All I regret is that anything should be forced upon us that would be likely to lead to dispute. We have industrial peace at the present time, industrial peace dependent upon a very long-standing custom, going back fifty or a hundred years, with regard to these deductions, and I say that anything the Legislature may do to disturb that peace must be detrimental all round.

12446. It cannot be said that we have industrial contentment if we receive. in the course of the evidence taken here, requests that the system should be altered ?—The question of industrial contentment is more dependent on the fact that the cutlery trade has been dull for the last three years owing largely to the foreign competition which the Chairman does not wish me to go into. Had the wages been good and employment constant you would have heard very little about these deductions.

12447. Of course, one of the contributory causes of discontent is the fact that the workmen have, for instance, to pay for troughs when they are not in use ?—In many firms—my own is not the only one—some allowance is made in the case of a trough that is not in full use.

12448. Then it is a matter of wages. In your reply to the Chairman you said that when a workman is using one trough, and has previously been using two, he is only paying for one trough and a half ; that still leaves him paying for half a trough that he is not using ?—No. I say that if the man has two troughs and there is not full work it is not uncustomary for the man and his apprentice or two men working together to be charged a trough and a half.

12449. It is a compromise ; the workman is to contribute towards the master's burden of depression in trade ?—Well, I am not quite clear as to that, because you must recollect that if the workman hires a trough outside at the Soho Wheel or the Union Wheel he will get no such allowance whatever.

12450. We will leave the outside wheels. In the inside factory he is actually paying in some measure—not in full measure—for a trough he is not using ?—He is getting some allowance which he would not be so likely to get in the outside factory. You cannot leave the outside factory out of the equation, because the tendency of raising any difficulty about the inworkers' deductions would be for us to be more inclined to throw the men on to the outside factory. The outside factory is dirtier and less sanitary and dearer for the men.

12451. Let us confine ourselves to the inside factory. Is it not the fact that in the inside factory the workman has in some measure to pay for a trough which he is not using ?—No ; he is being paid a larger wage which includes his trough ; if he were getting a net wage you would take one-third off that in order to stand the risk of good and bad trade yourself. He is getting one shilling and deducting something out of that for trough rent, and the custom of the trade is that if he does not make that deduction he would only be paid 8d.

12452. Are not the real facts these ? He has been in full use of two troughs ?—Yes.

12453. He is no longer in full use of two troughs ; he is perhaps using a trough and a half ; by way of compromise he pays for a trough and three-quarters or a trough and three-fifths ?—But you assume that the compromise is necessarily in the masters' interests and not in the interests of the men. It may be that the man has used a trough and five-eighths and only been charged for a trough and a half. These men are men that you wish to keep, and men who are quite capable of making bargains for themselves. I should say that, as a general rule, when you arrange for a deduction the deduction is one that is quite as much in their interests as in the interests of the masters. If you look upon us as equal powers negotiating with each other, and without looking upon the workmen as being in any way downtrodden by the employer, you will see that the bargain the workman strikes is one that is quite likely to be fair and equitable.

12454. We can only take what we have had given in evidence before us here, namely, that the workman is not able to secure what he would like to secure ?—Well, no workman is ever likely to be able to secure what he would like to secure. A competence for employers has been defined as £300 a year more than they have got! I should be very much surprised if the result of the workman trying to secure these conditions would be to make him any better off. I think, in the long run, he will not thank any forced alteration of this system, because it will result to the detriment of the industrious and steady workman and slightly to the advantage of the idler and the less steady man. That is another point that I should like you to realise. A steady deduction, by way of reduction of wages, always tells against the people who earn most money ; therefore it would become again a question of the industrious workman carrying the idle workman.

12455. You say in your Statement : "There is an unwritten compulsion on the part of the master to find the inworker a living wage during times of bad trade, whereas there is no such responsibility with regard to the outworker." Can you say how the master discharges that responsibility ?—He will put goods on to his shelves for stock during times of bad trade ; he will also attempt to do work at a price that otherwise would not tempt him—a price that does not in many cases cover his standing charges—simply for the purpose of keeping his men together.

12456. Have you agreed upon a standard living wage ?—No, but it is not at all unusual in Sheffield to practically carry that into agreement ; because there is a very strong custom in the cutlery trade in bad times of fixing what is called a stint ; a stint is a living wage in effect.

12457. That is how much ?—It depends on the branch of trade. Every firm fixes its own stint—it fixes what it will undertake to provide as a living wage for certain work ; it will be more in the case of a grinder and forger and less in the case of a cutler.

12458. Can you give the Committee an example ?—I can give you examples from my own experience, where I have fixed stints in the past. I recollect fixing a stint for the forgers, when I was manufacturing for Joseph Rodgers & Son ; I fixed a stint at 25s. a week for the forgers, and 27s. for the grinders, and 23s. for the cutlers.

12459. May we understand that the masters look upon it as their responsibility to provide this sum weekly, even though they have not got work in their shops ?—To a certain extent. When you say that they look upon it as an obligation, if I were to say that it was looked upon as an absolute moral obligation that would hardly be correct.

12460. I am only taking the words from your own Statement ?—It is an unwritten obligation, and therefore it is one that some firms practise more than others. I cannot say what the custom of other firms is upon that, other than that I know that it is not unusual—in fact, it is a common practice—for men to say that they are on stint ; that means that they are only to be provided with so much work as will give a living wage, and if that stint goes too low and they think they can better themselves by moving to another place they leave. The mere fact that " stint " is a common expression, and well understood in Sheffield, shows that there is a custom of fixing what is in effect a living wage.

12461. To keep the in-workers who are the valuable workers ?—That is so.

12462. You said in reply to the Chairman that you had heard no remonstrance on the subject of deductions, but I understood you at an earlier period to say that you chose gas as an illustration because you said that you had heard more comment upon that than upon any other subject ?—I have not heard any comment from my own men or from the trade unions with reference to our practice at the Suffolk Works, but I have seen comment in the papers. I should have some difficulty in saying whether it was in statements at trade union meetings or with reference to evidence before this Committee, but I have seen comments upon the subject.

By Mr. Walsh.

12463. You say here : " In the case of the grinders care of the use of the grinding-stone would make it go much further if furnished by the men than if found free by the master " ?—Yes. Immediately following that statement in the *précis* of my evidence you will find instances where a net wage has been arrived at, but you must recollect that the difference there has been adjusted between the out-workers and the in-workers. For instance, I have here particulars of deductions that would be usual in the cutlery trade : " Table-knife hand-forgers working in, no deduction made for hearth room and cokes ; tools are found free, but a deduction of 4d. is made for gas in the winter. Out-workers are paid 6d. per day work more for their forging to allow them to pay for hearth-room, cokes, and tools." I may mention that a day's work is an old way of counting with regard to different patterns of table-knives, and so many dozen are supposed to make a day's work, but as a matter of fact owing to the better conditions of steel rolling and so on a man can generally do two or three days' work in one day and consequently the charge of 6d. per day's work is more than the charge of 6d. per actual day. In that case exactly what the Committee wish to arrive at has been done, but the in-worker in making an allowance of 6d. per day's work off the price of his wage although he is subject to no deduction is practically meeting the question in the way I say it will have to be met if you force the same things with regard to other branches of the trade.

12464. You put it that there were really initial arrangements made that have taken from the workmen in fact what would have been taken from him by a process of deduction if such arrangements had not been made ?—Exactly. There is a different price-list for in-workers and out-workers. Take the case of table-knife forgers. Mr. Wardl y, who I think was before you yesterday, has his table-knife forgers better organised than any other branch of the trade. I believe there are only something like 100 workers of that kind in Sheffield ; there are very few hand-forgers left. The article forged is put into ivory handles for best knives ; that is rather a fancy article for which a good price can be got. It is a little sectional trade which has been well-organised by Councillor Wardley, but which is really becoming unimportant so far as the whole industry is concerned.

12465. With whom was that bargain made—with the collective body or with individual workmen ?—It was made with the collective body. I cannot say how old that statement is, but I should say it goes back as far as 1874 or earlier than that ; it is an old statement.*

12466. It was made with an organised body, and the arrangement has continued to this day ?—That is so. In the same way as to razor forgers ; there are no deductions from inworkers except for gas ; for outworkers 1d. per dozen more is paid to allow for hearth room, coke, and tools. May I ask where the hardship comes in if a man is paid 13d. as an outworker and 12d. as an inworker, and his neighbour in some other branch of the industry is paid 13d. in both cases but in this other branch the in-worker pays instead of that 1d. for his hearth room, coke, and tools something which will come within the 1d. in every instance ?

12467. So that really your arrangement is an arrangement that, so far as your memory serves you, goes back about thirty-three years ?—In many cases longer. We are working on 1847 statements in some cases.

12468. I am speaking of the arrangement with the forgers. When these deductions are made is there any signing by your present operatives for these deductions at all ?—No, there is no signing, and no notice put up except the schedule required by the Factory Acts, with its references at the end to the Truck Act.

12469. Is there any agreement that these people at present in your employ have to enter into with you ?—As a rule, no. The deductions are so well understood that, though the notices are posted up, neither the master nor the men pay any attention to them, and if our men are workmen and not contractors we go on breaking the Truck Act altogether. And I tell you frankly that, unless trouble is made under your new Act, we shall ignore it just the same in all probability.

12470. We are not here to make a new Act ?—Well, that is the case. We have no written agreements with the men ; we proceed on old custom, of which the memory of man runneth not back to the contrary.

12471. Every man who comes into your employment accepts the conditions ?—He takes it or leaves it. He is told when he comes what his hearth rent and trough rent will be ; it is part of the conditions of employment, and there is an end of the matter. The eagerness is to get with good firms as inworkers and to pay these deductions ; you must not forget that. When you wish to increase your staff of men you employ some outworkers because you have more work than you can manage in your factory. You select the best of those men and say, " If you like you can come in, and we will find you as constant employment as we can ; " in most cases the outworker is eager to change his position, because he knows he is going to be better off.

12472. When Sir Frederick suggested to you that it might be more businesslike, I do not think he intended for one moment to suggest interfering with your business, but he suggested that it would be more businesslike to make the men's wages net wages from which no deductions of this character should be made, and you suggested that if that were done the adjustment might cause trouble ?—Yes.

12473. Did it cause trouble in the case of the forgers ?—I think it is quite probable it did, but if so the deduction was arrived at before I was in the business and consequently I have no actual knowledge of the subject.

12474. Has it caused any trouble at all in your time ?—In my time there has not been any alteration of custom. We have never had the question raised of altering the custom of these deductions at all, and consequently I fear the disturbance of them, because evidently it will lead to a fresh bargain being struck. I should like to emphasise one little point about that. When Sir Frederick says we should alter the system, you must recollect that in many other cases a large amount of working material as well as trough rent is found by the men ; and there may be a loss of at least 50 per cent. on the working material if the masters have to look after it rather than the men. Somebody has to bear that, and if the industry has to bear it, with the competition there is, I suggest that in the long run the men will have to bear it.

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* The date of this statement (agreement as to wages) is 1st April, 1846, for table knife forgers and 1859 for table knife grinders.

Mr. A. J. Hobson.

30 May 1907.

By Sir Frederick Cawley.

12475. I do not say that I want to alter your system; I merely suggested that it might be done?—The waste of materials is one difficulty. There is no precedent in the engineering trade for the men finding any part of the working materials; here they find a very serious part of the working materials. A grinder not only pays his trough rent but he finds his own grindstone, and the actual tools used will come to a very substantial portion of his wage, quite as much as the rent that you are objecting to. He has to find his tools and his grindstone in most instances.

By Mr. Walsh.

12476. You say that your trade is certainly working under conditions which are dissimilar to the conditions of most employments in the country?—Yes, do you want to know what the reason is for that?

12477. I was going to ask you if there was any special reason why these deductions should be allowable in your case while they are not allowable practically in other trades in the rest of the country?—There is a special reason. The reason is that the Sheffield trade remains a handicraft trade, and it is in that respect unique in the whole country. I know no trade in which the same thing applies.

12478. But you say it is rapidly changing into machinery?—No, it is changing very slowly. The change this last three or four years has been more rapid than I previously recollect it, but that is only relative; it is not rapid; it is, on the contrary, very slow, but there has been more alteration in the last three years than there had been previously. I may mention two instances. Scissor-forging is almost dying out; stamped blanks are coming in, not only Sheffield made, but scores of thousands of German-made blanks are being imported. The same thing applies to a certain extent to both hydraulic pressed and stamped razor blanks and machine-ground razors. The increase of machinery in both those trades applies more to the last three or four years than previously. It is really the handicraft nature of the trade that raises this difficulty, as to what you are going to do with an old established handicraft and its customs. I should say myself that the Sheffield trade is the most difficult problem you have in framing any Truck Act scheme; you know best, because you have had evidence as to other trades; but that is what I imagine from what I know of the engineering and other trades.

By Mr. Delevingne.

12479. Do I understand you correctly that no notices are placed up under the Truck Act of 1896 in the Sheffield factories?—I inquired before I came up at my own place. We have a summary of the Factory Act, and at the bottom corner there are five or six little references that notice of any deduction or fine under the Truck Acts must be posted up. The notices on those boards are the only notices with reference to the Truck Act posted in my factory, and I think I may say the same of any other Sheffield cutlery factory, and they are largely ignored. As a matter of fact, Joseph Rodgers & Son recently had a dispute as to making an "unreasonable" charge for two troughs when a man was only supplied with one. A case was brought under the Truck Act by the union, and Messrs. Joseph Rodgers & Sons lost their case. Since then they are proposing to have, I believe, written agreements with all the men, in accordance with the Truck Act, in consequence of which their position will be in order, and they will be able to insist upon and make the charge, if they desire to do so, that they failed to substantiate in court the other day.

12480. I am not referring to the abstract of the Factory Act, which includes a summary of the provisions of the Truck Act; I am referring to the notices under Sec. 1, 2, and 3 of the Act of 1896, which the employer is required to post up in his factory if he makes any fines or deductions for material, unless he makes a written contract with each workmen?—You must recollect that fines are almost unknown in the cutlery trade. Materials the man usually finds himself; there are a few exceptions. Waste has been in a very few instances charged to the men. If the word deductions included deductions for rent or gas, if you regard gas as material, then such notices should be posted. As far as my knowledge and experience go, they are not posted. The Act is ignored.

12481. May I ask why it is ignored?—Simply because these things are so well-known to masters and men that no question has ever been raised by either as to the legality or the policy of the deductions.

12482. But quite apart from the question of policy, the Act requires a notice to be posted?—All I can say is that there is no doubt from a legal point of view that we are out of order in not posting notices; and I may say that a good many of us, since Messrs. Joseph Rodgers & Sons lost their case recently, have rather come to the conclusion that we must put our house in order in that direction.

12483. On the question of rent, are you aware that by Sec. 3 of the Act of 1896 if an employer makes any deduction for standing room he must also have a contract or agreement?—I have been made aware of that by the action against Messrs. Joseph Rodgers & Sons, and I was to some extent aware of it as a general matter of principle earlier; but, notwithstanding the fact that those things are required to be done, they have not been done. When I took the factory of Thomas Turner & Co. in 1893, I found the custom prevailed there of sending round on the Monday to collect the rent due on the previous Saturday, in order to comply with the Truck Act to a certain extent. That led to so much trouble with the men that I was informed it was the desire of the men that the rent should be taken off the wages, and that they should not handle it, lest they should spend it and not have it on the Monday morning; and as a matter of general convenience the rent has been deducted from that time from the wages, rather than comply with the system I found in force, the inconvenience of which I think I need hardly enlarge upon.

12484. What is the nature of your agreement with your workmen?—Do you mean as to engagement?

12485. Yes?—When they come in as inworkers they are informed that in accordance with the custom of the trade we expect to give or take a month's notice.

12486. They are taken on by you as ordinary workmen?—As ordinary workmen; we do not have written agreements with them; they are so informed always, by my instructions, but it is well established that inworkers should have a month's notice. I may mention that I sued a man, as a matter of discipline, for leaving my works without notice, and it nearly led to his being sent to prison. I will explain how that came about. He had been paid for work which was not done and which he represented had been done. Proceedings were taken, for, practically, fraud, in having represented work to be done which was not done, and judgment was obtained against the man; he did not pay, because he was advised by a small police court attorney not to pay; he resisted and I had to make him pay; an order for his committal to Wakefield was made out by the stipendiary magistrate, under pressure of which he paid the amount due. Although there was no agreement, the custom was enforced by the county court judge to that extent.

12487. You are not making any suggestion, then, that the workers are contractors?—I rather think they are contractors in most cases. One reason that there has always been a little doubt in our minds whether the Truck Act applied was whether these people were not separate contractors. I think the grinders undoubtedly are contractors. I do not know about the men who pay for a side room or a vice. I should like to mention that the word "vice" or "power" in these deductions is generally a short word for "vice and side room" or "power and side room"; it includes both.

12488. Why do you say you think the grinders are contractors?—They occupy a distinct portion of our premises as tenants subject to a month's notice, and the tenancy is of more serious moment and is more regarded than the question of the men who are working on the side rooms, where the rent is lighter.

12489. What sort of agreement have you with the grinders?—Simply a parole agreement.

12490. Have the grinders the ordinary privileges of tenants?—In what way?

12491. Are they free to do what they like?—They are free to come and go as they like; so are the ordinary piece workers.

12492. Are they free to make what use they like of their tenement ?—The grinder is more free for bringing in work from outside than any other worker, because he is providing his own material. If the other man is working on your tools he is not so free, without permission, to bring in work from outside. There is a distinct difference there. We provide tools in several other departments, but we do not provide tools for the grinding wheels.

12493. You said something on the question of waste of materials ; I did not quite gather what class of workers you were there referring to ?—I had in my mind rather the grinders. There is room for great waste in the grindstone ; and there is another objection to the employer finding the material. We have always felt that if a man bought his own grindstone he took not only the moral responsibility but the actual responsibility of buying stones that it was safe for him to work. If we bought the grindstones it would lead to difficulties in several respects ; there would be more likely to be objection taken to them than if the man selects his own.

12494. Just keeping to the question of waste, you say that if the employer supplied materials it would be very difficult for him to keep any check on waste by the worker ? —That is so.

12495. But take other branches of the trade where you do supply materials—take the cutlers ?—The material is not anything like so serious a matter for cutlers as it is for grinders.

12496. What steps do you take in the case of cutlers to keep a check on waste ?—A certain amount of material is found by the men themselves that they would waste. Oil is generally found by the men themselves ; files, which they could throw aside, are found by the men themselves. In the case of cutlers we keep the buffs or glaziers in order for them ; we re-cover them with leather and emery and glue. I think, perhaps, we are acting more generously than is customary in the trade. Although it costs about £70 to keep them in repair, on the whole we get better work, that is the reason for our having that custom. I believe there are some other factories where the glazers are similarly headed and prepared at the expense of the firm ; but I do not believe that it is general in Sheffield ; I should rather think the custom is to leave the man to do his own in most cases.

12497. Do not you think it would be possible in the case of the grinders to prevent waste by some effective mode of supervision ?—I am afraid not. The question of a grindstone is much more complex. In the one case we know the end of it, but in the question of the grindstone there are two or three points. Is a man to throw out a stone as to which he has some doubt of its having a soft place and being liable to break ? When it comes to a question of a man's life being at stake, it is a very awkward question between master and man ; if the man buys the stone himself he has taken his own risk. Again, there is the question how much a grindstone can be run down ; Mr. Beckett will be able to give you evidence as to that ; a man will run a stone much lower down if it is his own stone than if it is his master's.

12498. It may be a very much better thing that he should not do that ; it may not be safe ?—I do not think there is much in that, because when a stone is run down it is perfectly safe ; it is only a question of convenience and selection. If a man runs his stone to 32 inches, instead of to 36 inches, the other 4 inches, even if he has a larger pulley, may not let him do his work so quickly. If he is providing the stone he will find the point at which it pays to throw out the stone ; if you find the stone he is likely to throw it out, at your expense, before it is finished with.

12499. It would rest with the employer to remedy that ?—It would lead to—what shall I say—it would mean another question to settle with the men which at present settles itself.

12500. But they represent to us in their evidence that in one branch of the trade—I think the cutlery trade—under an old custom the men made fourteen knives to the dozen ; are you aware of that custom ?—Yes. Fourteen is not the universal count ; it varies : thirteen in the files ; thirteen and a half in table knives ; fourteen in scissors ; in pocket knives, sometimes twelve, sometimes fourteen, according to bargain. There is nothing in that. The reason for the overcounts, I believe, originally was that it was very much more the custom, and it is still largely the custom, to mark customers' names ; if you had to make a dozen, and one was broken, to make up a complete dozen the whole process had to be done over again, just for that one ; consequently it paid better to make an over count, to insure the full count when you were going to deliver the order. That was one reason. Another reason was originally to cover the wasters, which were much more frequent then than they are to-day ; and consequently the custom of covering wasters and the custom of covering marked knives led to these over counts. The price is always adjusted in relation to the over counts, and consequently I do not see that there is any point in it ; because if you were to say that the count was to be twelve for a dozen, you would pay less than you do now for fourteen for a dozen.

12501. It was represented to us that the men made fourteen to the dozen in order to allow for waste, and that now that there is less waste it is unfair that they should be called upon for the same price still to make the additional two ?—Against that is the set off of the very many more facilities that are provided. My memory (taking as well my father's experience) goes back to the time when if a man had to forge a small pair of scissors he used to split his steel ; now he has his rolling done for him ; similarly he has emery wheels found him, which have relieved him of a great deal of filing ; the price has not been lowered, but they have these extra facilities ; you must set the one off against the other.

12502. Then you do admit that there is something in what the men say ?—No, because the price for fourteens is an adequate price for doing fourteens.

By Sir Frederick Cawley.

12503. I stopped you about foreign competition, but I should like to know under what system the Germans work, the Germans being, I take it, your heaviest competitors ?—I am sorry that my knowledge is not so complete as it should be. I could send you Mr. Walter Tyzack, who knows much more than I do ; but so far as I am aware, their system is generally somewhat the same as ours, except that there are very many more companies in Germany who work at providing parts, much on the principle of, in England, the B.S.A. Company providing parts for many bicycle factories. In Germany there are stamping companies providing stampings for the whole trade, say, in Solingen. That is an advance that enables machinery to be used where, in Sheffield, we cannot now use it. But when the parts are actually handed to the worker he is a pieceworker on very much the same system as in Sheffield. Whether he pays any deductions for rent or troughs, I cannot tell you.

12504. It is done in a much more specialised form than in England ; certain factories make certain parts in enormous quantities for the whole trade, and they are put together afterwards in the various factories ?—That is so.

12505. That, I take it, is a much more economical mode of manufacture than you have ?—Yes ; there are some points in which the German machinery, on medium class goods, is ahead of the practice of the Sheffield trade, and I am satisfied that we shall have to come to it in the long run.

12506. The result of that working is that they can produce at a lower price and beat you in the market ; is that it ?—Yes. There are several reasons for that. The extraordinary conservatism both of masters and men in Sheffield is one of the reasons. The German worker does not, as a rule, produce such a good cutting blade either in scissors or knives or razors ; but they are steadily approximating to us ; their common goods are practically as good as our common goods ; that is partly the result of using cheaper labour in the finishing processes, and I believe that that will have to come in Sheffield.

Mr. JOSEPH BRADBURY, called ; and Examined.

Mr. J. Bradbury.

30 May 1907.

By Sir Frederick Cawley.

12507. Will you state in what capacity you are here ?—I am here representing the manufacturing silversmiths of Sheffield.

12508. What is your connection with them ?—I am the honorary secretary of the master's association.

12509. Will you just take the *précis* of your evidence and read it out ?—"Most of the manufacturing silversmiths make deductions from the wages (in some departments) of those of their employees who are piece workers, but all do not make deductions for the same class of work, because there is no standard list of prices in the trade, but the prices are about the same in each factory. Deductions are made for the following reasons. (1) Artificial light, rent, steam power. (2) For increased facilities or improved machinery provided by the masters, which enable the men to do their work better and more quickly than when the prices were originally fixed, and at more profit to themselves. (3) For materials supplied which the men would have to provide for themselves if they were out-workers. (4) Concessions made by the workmen in consideration of work coming in larger quantities than when the price of the articles was first arranged, or to enable the manufacturer to meet competition and prevent work going elsewhere."

12510. That is deductions that are made for those purposes, is that so ?—Yes.

12511. In other cases if you want to take an order, do I understand you ask the men to take a less price ?—Sometimes if there is a very close competition for an order and it is known that a close price is required the master will call his men together and put the facts before them and say, "If you are prepared to meet me to a certain extent it will enable me to quote a price which will secure the order and provide you with work." I think that that hardly comes within the scope of your inquiry. "Burnishers and polishers may be charged 2d. per week during the winter months for artificial light. These as a rule are females. Stampers: the prices for stamping when done by piece work were arranged when the stamps had to be worked by hand. Recently most firms have supplied steam power, and instead of reducing the prices a discount is deducted from them. By the new method the men earn considerably more than formerly, and the work is far easier."

12512. The discount is for providing steam ?—Yes.

12513. Do you charge for steam power as well as make a deduction for the extra work turned out ?—Only one deduction is made and that is to cover the cost of providing steam power and materials. In the case of buffers, when working in the factories the master supplies steam power, sand, oil, leather, etc., for the use of the men, and a deduction of 10 per cent. to 15 per cent. is made from the money earned. If these men had to find their own materials they would be paid without discount being deducted, but they prefer to have the materials supplied, as they find those supplied by the masters to be better than they could procure (buying them in small quantities as they would have to do), and have a regular supply to use instead of wasting their own time in purchasing what they require. Polishers are also supplied with steam power and materials, for instance, lime and cloth, which otherwise they would have to provide for themselves. All these deductions are thoroughly well understood and agreed to by the workpeople, and in the event of these deductions being abolished the prices paid would be reduced by the amount of the discount now deducted, and net prices would be paid for the work, or more outworkers would be employed. If the workmen had to supply their own materials it might be inconvenient for them to find ready money to pay for these, and work would be suspended and time lost in consequence, and they would probably be unable to obtain credit. In conclusion I wish to point out to the Committee that in 1899 under Captain Hamilton Smith, the late chief factory inspector for the Sheffield district, this subject was most exhaustively gone into, and deductions made from wages in the silver trade were carefully examined. As a result the following letter was received from the Home Office. "Whitehall, July 4th, 1899. Sir,—Your letter of April 29th last has been forwarded to the Home Office by Commander Smith, His Majesty Inspector of Factories for the Sheffield district, and in reply I am directed by the Secretary of State to say that the facts disclosed in your communication do not seem to establish conclusively that the practices mentioned therein are breaches of the 'Truck Acts,' and in the absence of any proof of hardship or dissatisfaction on the part of the workmen he does not propose taking any proceedings in respect of them." If they come within the Acts a very strong case would have to be made out, and be supported by the workmen as well as the employers, before he would feel justified in even contemplating the making of an exemption order.—I am, Sir, your obedient servant, HENRY CUNYNGHAME. J. Bradbury, Esq., Honorary Secretary to the Master Silversmiths' Association, Sheffield.

12514. Now, these silver polishers who are your employees, are they in a trade union ?—That I cannot tell you ; we never make any inquiries. I may say there are seven different unions in the Sheffield silver manufacturing trade ; each has its own organising secretary, and in addition they are, as they call it, affiliated, and in engaging our workmen we never make inquiries as to whether a man is in a union or not.

12515. We had it in evidence yesterday with regard to this trade that deductions are made sometimes for breakages which are almost unavoidable ; that when tops are put on glass inkpots and by some mishap the glass is broken, we were told that you always make a deduction in such cases ?—That is entirely untrue. I have never heard anything of the kind, and I have been in the trade all my life ; this is the first time that anything of this kind has come under my notice. I never heard it suggested.

12516. We have not the report before us of the evidence taken yesterday, but speaking from memory I think that was the statement that was made. Then it was said "the silversmiths at certain firms have their wages stopped after they have made an article of several parts when the article is broken or faulty (through no fault of the workman) in some part with which they have been supplied and not made by them, but forms part of the whole, for which the employer holds them responsible ?"—I never heard anything of the kind.

12517. Then there was also evidence to this effect: "It is no uncommon thing for men to be supplied with inferior raw material from which it is impossible to make a sound article" ?—Well, I need not answer that question, I am sure.

12518. And when men have done their best with the material supplied to them and the article does not turn out sound the employer refuses to pay them for their labour ?—Well, that is so obviously silly on the face of it.

12519. We are here to inquire into these statements ; is that so ?—Would any manufacturer supply raw material of an inferior quality which he knew could not possibly be made up into a satisfactory article ? It would only be running his factory and paying wages, rates, and taxes to produce wasters.

12520. You say that is not the fact ?—I certainly say it is not the fact.

12521. We were told that this occurs in the railway spring making, knife blade and other forging trades ?—We are speaking about the silver trade.

12522. I know, but perhaps you could tell me whether it is so or not in the railway spring making, knife blade and other forging trades ?—I can only answer questions that refer to my own business.

12523. All these deductions which you make and which are mentioned in your evidence are practically well known to the men you engage ?—Oh yes, perfectly well known.

By Mrs. Tennant.

12524. I see your charge for light is 2d. a week ?—That is so ; but I may say that that is not at all generally enforced by the manufacturers. In my own factory we make no charge of that kind.

12525. But the charge where it is made is 2d. ?—Yes.

12526. Is it the same kind of gas burner and the same kind of gas that is charged for at 4d. in the cutlery trade ?—I really cannot say anything about any other business but my own.

12527. What is the source of the gas supply in Sheffield ?—It is the same, but in many firms they supply

electric light; I supply all my burnishers and polishers with electric light.

12528. The charge, where it is a charge, for gas is 2d. ?—I believe that is so.

12529. Then may we assume that it is the same gas ?—Certainly; but probably if there is a difference in the charges made it would be that the burnishers and polishers do not use the gas so long as the cutlers. By the Act of Parliament our burnishers, who are all females, are not allowed to work after eight o'clock at night.

12530. I understand from the evidence that a great many of the men do not work as long as that ?—I can only tell you how long our women burnishers and polishers work; they do not work after eight o'clock.

12531. But that would hardly be the explanation, if in a good many cases the men do not work as long as the women. It ought to operate the other way, it ought to make the charge for men's gas smaller than the charge for women's gas ?—Really, I cannot tell you anything about the men, but with regard to burnishers and polishers our custom is to charge 2d. wherever a charge is made.

12532. You have no suggestion to explain the fact that in your trade it is 2d. and in the cutlery trade it is 4d. ?—No, I have no suggestion to make.

12533. I notice in your proof you give as the second reason why deductions are made the fact that under the system on which you work now the work can be done by the workman more quickly and better and at much more profit to himself. If it is at more profit to himself it is also at more profit to the master ?—Certainly.

12534. Then is that any reason why deductions should be made from the men ?—Well, the master has to go to the expense of providing the machinery, and in many cases that is a very considerable item.

12535. If I may take your proof, you give as a reason that it is better, quicker, and more profit to the workman, and you say that that is why the workman should lose so much. I say if it is more profit to himself it is also more profit to the master ?—Certainly. If I may enlarge a little upon your question I will give you a case which will perhaps illustrate my meaning. Take the stamping. Formerly the stamps were worked by a rope passing over the pulley which was fixed to a block in the ceiling; the man pulled one end and the hammer was at the other end; he had to pull by main force this great hammer over the pulley and then let it drop on to the die to stamp out the work. It was a very heavy piece of work indeed, and in many cases it took two men to pull up this great hammer. Now we have revolving pulleys over which the ropes pass and as soon as the weight of the hammer head is put on them by the man pulling at the rope it lifts the hammer up almost automatically and he only has to leave hold and the stamp drops down and the work is done.

12536. That is a very full illustration of your statement and it seems to me also to go to prove that the employer, instead of having to pay two men to secure this result has to pay one man ?—Well, it was piece work; he did not pay one more than the other; when these increased facilities came in a deduction was agreed to, both master and man, to cover the cost of those facilities.

12537. But you said there were two men in the old days ?—I said in cases where a very big stamp is used it might take two men to pull up the rope.

12538. And in these cases now, there not being that stamp used, it only goes to prove that the employer has to pay for one man less ?—The same stamp is used, but the increased facilities allow one man to regulate it.

12539. Therefore, it is one man instead of two who is to be paid ?—No, it was always one man paid; he provided the other man if he wanted him to pull up the rope, but he was paid a certain price for stamping certain articles.

12540. But the employer had only to bear the burden of one man instead of two men ?—I do not follow that at all. The wages were the same, but when the machinery was provided to enable the men to do it more quickly they made an allowance of 10 or 20 or 15 per cent. as the case might be.

12541. I think that establishes the proposition that where there were two men there is now only one man ?—Then the workman got an advantage, because the man was paid the same price, and if he could do the work without the assistance so much the better for him. The master's advantage is limited to the 10 per cent. deduction for providing the power.

12542. In the former case the workman provided the other workman ?—Exactly.

12543. You made some allowance in your wages surely for the fact that the man had to find his help ?—It was allowed for in the price arranged to be paid for the work.

12544. Then you make presumably a corresponding allowance when that is not the case ?—Certainly not. Suppose for the sake of argument this is a stamped article——

12545–6. I do not think it is worth while to pursue the question further ?—I think you are slightly under a wrong impression. The price was arranged for the work to be done by hand; it did not matter whether ten men did it; the price was arranged. But when the work could be done by one man there was no deduction made, because it would not be fair to pay the one man all that money and the price had to come down. Therefore deduction was made of perhaps 15 per cent. If for doing the work one man got 30s., if two men did it they got 30s. between them; but when one man did it he got perhaps 25s.—a 10 per cent. reduction.

12547. You point out that in 1899 Captain Hamilton Smith, the late Inspector of Factories for the Sheffield district, went into the subject of deductions very exhaustively and you have put in the letter you received from Mr. Cunynghame on the part of the Home Office saying that, "the facts disclosed in your communication do not seem to establish conclusively that the practices mentioned therein are breaches of the Truck Acts, and in the absence of any proof of hardship or dissatisfaction on the part of the workmen he does not propose taking any proceedings in respect of them." Did you take that to mean that therefore no other provisions of the Truck Acts need be carried out; did you take this letter as being a sanction to you to abandon all the requirements of the Truck Acts ?—We took it as being a sanction for us to continue in exactly the same way that we have done ever since the trade has been worked in Sheffield and that the customs that had obtained were no breach of the Truck Acts.

12548. I have difficulty in putting my question to you as your statement here does not disclose what were the practices that you submitted to the Home Office ?—I presume that you have the letter in the Home Office.

12549. Would you be good enough to say what were the practices referred to; were they the fact of these deductions or were they the fact that you had exhibited no notices ?—They were both; the fact that we exhibited no notices from the beginning and that we were making these deductions.

12550. Then the impression left upon you by Mr. Cunynghame's letter was that it was not a breach of the Truck Acts to exhibit no notices ?—Certainly. The matter arose in this way. Commander Hamilton Smith discovered that there were certain deductions being made from wages in Sheffield and that there were no notices placed in the factory to say that these were being made. He said that we ought to exhibit such notices and that he thought it would be very much better if, instead of making deductions from wages, we could arrange to pay our workmen net prices for the work they did. We went very thoroughly into the matter with him and he visited the various factories in the town. We pointed out to him the impossibility of making a net price, for instance you could not make a net price in the case of buffing, where the price might be 1½d. for a gross; to take off 10 per cent. from that would be altogether unworkable. The whole thing was gone into and after a very exhaustive inquiry he came to the conclusion that there was no hardship on the workmen; that the deductions were thoroughly well understood by both masters and men and that there was no reason why any alteration should be made. He did approach the subject originally in a very different frame of mind, because he said he thought at first we were really going very much against the Truck Acts, but he came to the conclusion, after thoroughly investigating the matter, that there was no hardship either way; and the result was a letter which he sent to the Home Office, resulting in the letter from the Home Office to us which I have read.

Mr. J. Bradbury.

30 May 1907.

12551. It is rather difficult for us to judge without a copy of the letter that you sent to the Home Office ?—I presumed the Home Office would have that letter, because you have had a *précis* of this evidence for some weeks, and I imagined the letter would have been produced here.

12552. I cannot say anything about that, but we are in a difficulty at the moment in understanding what practices are referred to ?—The practices that I have described in my evidence, the deductions from wages.

12553. If it is deductions from wages it is clear, but your suggestion is that the practices not only covered deductions from wages but failure to exhibit notices ?—Commander Hamilton Smith told me personally, and I think you will find it embodied in his letter, that there was no need for these notices, because they did not in his opinion come under the Truck Acts.

By Mr. Walsh.

12554. In the case of the workers who are supplied with steam power, do the rates for the different classes of work vary considerably ?—You are speaking now of stampers ?

12555. Yes. You say, "The prices of stamping when done by piecework were arranged when the stamps had to be worked by hand. Recently most firms have supplied steam power, and instead of reducing the prices a discount is deducted from them." Do these prices in the various classes of stamping work vary considerably ?—Do you mean the articles themselves ?

12556. Does the rate paid to the workmen—the weekly or daily wage—vary ?—They come to about the same in each factory.

12557. But dividing the workers into the various classes of work they perform, does the wage at the week-end differ very much in the various classes ?—No, I do not think it does.

12558. Do you charge a uniform discount upon the wages whatever may be the wages earned ?—Yes.

12559. A uniform discount of 10 per cent ?—Yes.

12560. Can you tell us how that was arrived at ?—By negotiation with the men.

12561. I suppose it represented the cost, so to speak, of the installation, did it ?—No, I do not think it did really, because it is difficult to get at what that cost would be ; it was always arrived at by negotiation with the men.

12562. But did it roughly in the mind of the employer meet the cost ?—Roughly, yes ; that was the intention of the employer.

12563. So that while it may be a little over or a little short of meeting the cost, it did roughly in the employers' mind meet the new installation ?—That is so, and I may say that on the whole the stampers' wages are higher now than they ever were.

12564. I do not know at the moment that that affects us. Would not that, therefore, be a capital charge in the carrying on of the industry ? New machinery was supplied ; is not that a capital charge on the industry itself ?—Well, I suppose it is.

12565. Do you know of any industries where the capital amount is charged upon the workmen ?—This is merely another instance of the introduction of machinery into what was a handicraft.

12566. I only ask you as to whether this is not a capital charge which in other industries is borne by the employers themselves, by the shareholders, or whatever they may be in the firm ?—I cannot tell about other industries ; I can only answer your questions as to what customs prevail in the silver trade in Sheffield.

12567. But as a man of the world you possess a general knowledge, I should think ; you know what is a capital charge and what is not ?—The change in stamping from hand to machinery has taken place in my time ; I can remember quite well when I first went into the business seeing the great difficulties the men had to haul these heavy stamps ; in fact they had a kind of stirrup arranged to the left foot and a slipper nailed to the floor for their right foot to help them to pull down the stamp.

12568. In this case again there is no written agreement with the operatives ?—No, there is none.

By Mr. Delevingne.

12569. You have given us a long list of deductions which are made in your trade for various materials. Could you say how those deductions are made ?—By a discount.

12570. What from ?—From the weekly wages.

12571. Let me take one instance—the buffers. You say : "When working in the factories, the masters supply stamp-power, sand, oil, leather, etc., for the use of the men, and a deduction is made from the money earned." Is a deduction made for each separate item ?—No, there is a deduction of so much at the end of the week from the wages earned.

12572. Can you say what it is ?—I think I stated in my evidence that it varies in different factories, but in each case the deduction is the result of negotiation with the workmen.

12573. What was the date of that negotiation ?—It would be different in each factory.

12574. Can you say what the deduction is in your case ? —I think in our case the buffer deduction is 10 per cent.

12575. 10 per cent. from the gross wages earned in the week ?—10 per cent. from the gross wages earned in the week by the buffers. I have a letter from one of the large firms in Sheffield in which they say that from their buffers' wages they deduct 25 per cent.

12576. Can you account for the difference between the deductions in the two factories ?—Yes, the gross prices will be different.

12577. Then the discount covers something more than the mere cost of materials ?—No, it is not supposed to, but really the net prices are very much the same in all factories.

12578. My point is this. You make a deduction in the case of your buffers of 10 per cent., and this other firm makes a deduction of 25 per cent. for the same thing ; that is a discrepancy which seems rather extraordinary ? —They may be working on a very old list of prices.

12579. But the cost of materials to the employer must be roughly the same ?—They work down to the same net prices.

12580. It is something more than a discount for materials supplied, it is a discount apparently for adjusting prices as well ?—Yes, I suppose that is so. The firm who write to me about this 25 per cent. say that they deduct it for rent, gas and requisites, power, lathes, and belts.

12581. And what do you make your discount for ?—I make my deduction for oil, pumice stone, sponges, leather, sand, oil and steam power.

12582. Really your system then is a system of a fixed discount for all workers irrespective of the amount of materials supplied—a fixed discount from their weekly wages earned which vary in different factories ?—Yes.

12583. Is that the system that you put before Commander Hamilton Smith ?—Yes, he investigated it very fully.

12584. Did you put it before him, not only as a discount for materials but also as a system of arriving at a rate of wages ?—He went round to the different factories and took evidence both from the masters and from the workmen, and, after discussing the thing generally, the result is indicated in that letter.

12585. My point is that the letter refers to something else than deductions for material supplied ; the letter does not give any sanction as far as I can make out for your making deductions for materials without complying with the requirements of the Truck Act. However, we will leave that point. Now in the first paragraph of your *précis*, you say : "All the employers do not make deduction for the same class of work." What exactly does that mean ? Do you mean that some employers make deductions for materials, and others do not in the same class of work ?—Some employers do not make any deductions at all ; they pay their men a net price ; that is what I mean.

12586. What would be the difficulty then in all employers doing the same thing ?—It would lead to a greatly increased cost of clerical work.

12587. I should have thought that a net price would have reduced the clerical work ?—I do not know. There

are a thousand and one little articles to be dealt with; I gave you an instance of 1¾d. a dozen for some things; it would be a most difficult thing to arrive at what was the net equivalent of that.

12588. But some employers seem to have done so?—Well, I only know two cases, and they are quite small employers who have done it.

12589. How long have they done it?—When Commander Smith raised this question, two or three of us were anxious to comply with his requirements and to try if we could reduce our prices to net prices, and we found it was really so much trouble that we could not do it, but one or two of the small people did it, and they have adhered to it ever since.

12590. And have they found it give rise to any difficulty?—I have not heard that they have done.

12591. Suppose Parliament made all these deductions illegal, would it be a very serious matter for your trade?—It would not be very serious, but it would be rather a tedious business to arrive at the wages every week.

Mr. J. Bradbury.

30 May 1907.

By Sir Frederick Cawley.

12592. Does not this diversity of system make it possible for one employer who wishes to get work done at a low price to get it done more cheaply than a trade rival?—The men know throughout the trade what the net price of the work should be, and, as a rule, the manufacturers pay the same prices all round.

12593. Then what you state is really that the net price received by the workmen practically does not vary at different factories?—That is so.

12594. And that if a master wished, through this complicated system of yours, to get his work done at a lower price than his competitor, he would not be able to do so?—He would not.

Mr. WILLIAM BECKETT, called; and Examined.

By Sir Frederick Cawley.

12595. You have come here on behalf of the Sheffield Chamber of Commerce and Manufactures, I understand?—Yes, and also in the interests of the file, saw, and edge tool trades.

12596. You are a member of the firm of Alfred Beckett & Sons, of Brooklyn Works, Green Lane, Sheffield, who are manufacturers of steel saws, files, machine knives, hammers, and shears?—Yes.

12597. You have been engaged in the manufacture of the above-mentioned articles for the last forty-seven years?—Yes.

12598. You wish to give the deductions and the payments that the employees make. Will you kindly read them out?—Will you allow me just to refer to a little matter beforehand. I do not know whether you gentlemen are clear with regard to the Sheffield trade. The Sheffield trade is an entirely distinct trade from any other in the country.

12599. I think we are absolutely clear upon that because we have had other evidence before yours, not only from the Factory Inspectors, but from the men themselves?—I have not heard it this morning.

12600. But we are quite clear about it?—The Sheffield trade started originally by piecework simply because we had no steam power; we had water power——

12601. I think I will not take you over that again because we have had all that before—practically in those very words?—You have not had it this morning.

12602. No, but we have had other witnesses before you. Now will you go to the payments for lighting and so forth; will you read them out?—Saw-makers pay 6d. a week for gas; file forgers the same; filegrinders the same; edge tool forgers the same; file cutters pay 3d. or 4d. per week for gas.

12603. You say that sawmakers pay 6d. a week for gas. Is that not rather excessive? Is it not a great deal more than it costs the employer?—We do not take that into consideration; he always has paid 6d. and he is satisfied to pay 6d.

12604. The question whether it is more or less does not enter into your calculations?—I will tell you why. Suppose he goes to a cricket match on Monday—which he always does if there is one—or suppose he goes to a football match; he is off at daylight, and then he wants to burn my gas at night; therefore he pays 6d. a week for it.

12605. We understand that that 6d. is a great deal more than the cost to you of the gas actually burnt, but the extra is for contingencies?—Exactly, and the workmen do not consider it.

12606. Then with regard to payments for coke?—File forgers at one time used to work in pairs and a pair used to pay 1s. per week for coke; but now double-hand has all been taken over by machinery, and the file forger always works single-handed, and he pays 6d. a week for coke.

12607. Is that a little more than it costs?—No, I should think it is less, but I really do not know.

12608. Then the ordinary edge-tool forger?—An ordinary edge-tool forger pays 6d. per week for coke. An edge-tool forger who makes augers pays 9d. per week for coke; a plane-iron worker pays 1s. a week for coke.

Mr. W. Beckett.

12609. You consider those charges are approximately what it costs you; is that so, or are they more than it costs you?—It is not a deduction in the case of the edge-tool man, because it is provided for in his statement.

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12610. I understand that it is part of his bargain?—No. In the case of the file forger it is part of his bargain in the case of the edge tool forger it is in his price list it is not a deduction at all.

12611. In both cases it is really a little more than it costs, I suppose?—No. Here is a workman's price list. It says: "Rates for coke for the week; cast steel, tools up to one inch, 6d; above one inch, 9d.; auger-making, 9d.," and so on. So that, you see, the charge is provided for in the men's own state-ment; there is no deduction from the men's wages.

12612. It is a bargain between you and them?—No; the other is a bargain between us.

12613. But that is a bargain in so far that you put before them what it is—it is in their own list?—It is in their own list, but with the file-making and saw-makers it is not in their list.

12614. Now, will you go on to payments for the use of tools supplied by the master?—Men who use their employer's tools pay one-third of their gross earnings for this privilege. If the workman supplies his own tools then he, of course, makes no payment for the hire of such tools. Edge-tool forgers do not supply their own tools, but always use those supplied by the master.

12615. Then as to the method of calculating the workman's remuneration?—All the workmen of the above-mentioned trades are paid "by the piece" or in other words in accordance with the amount of work which they do.

12616. Then you wish to speak as to the file trade?—In the file trade all the workmen who are engaged at any particular works are working solely for the proprietor of those works and are not engaged on the work of other employers. In the file trade there are a great number of out-workers, many of whom cut files in shops of their own. Very often these small file-cutting shops are out in the country. In cases of this kind the workers are paid for the work which they actually do, and, of course, have not to make any payments for light or coke or use of tools. Then there is this general observation: The above-mentioned payments by workmen have been in force in Sheffield from time immemorial, and I have been acquainted with this system for the last forty-seven years, and the system is well understood by the workmen, and I have never had any complaint regarding it.

12617. Can you tell us what the system is in America?—Well, I have been through American file factories.

12618. Does it vary entirely from yours?—Yes.

12619. They work in factories in the ordinary way?—Yes, they do not work under half as good conditions as our men do.

12620. But there are no out-workers, I presume?—No.

12621. And there are no deductions and arrangements such as you have with your workers, but the hands are

Mr. W. Beckett.

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really working in a factory in the ordinary way?—Yes, they are part of a machine—they are not men; they are part of a machine.

12622. Then in regard to Germany, is their system the same as yours?—That I do not know, I have never been to Germany. I can only say that a short time ago I had a German file manufacturer in my own works, and he said: "Is not that man working 12-inch files?" I said: "Yes." He said: "When we make 5-inch, we have two strikers to them, and that man is doing it single-handed." "Yes," I said, "and that he has been doing for the last thirty-eight years." That man was doing as much as three of this German's men would have been doing.

12623. In three times the time?—Oh, he would not be any longer.

12624. I do not know that I have anything particular to ask you about this. The system of working appears to differ from almost any other trade?—That is so.

12625. Do the workmen all know of all these deductions?—Yes. I have twenty-four members of one family working for us—to the fourth generation.

12626. Have you had any remonstrance from them about these deductions?—Never.

12627. Are the people in any trade unions?—We never ask them; they can either buy shoes for their children or ale for themselves or anything when they get their money.

By Mrs. Tennant.

12628. May I take it on the cricket match basis of your explanation that saw makers are better patrons of the matches than any other workers?—In the case of all Sheffield men who have always worked by the piece their time is at their own disposal and you have to have all sorts of little tricks to keep them up to the mark.

12629. Then the fact or the assumption that the saw maker is a better patron of football matches will not explain the difference between the gas charge of 6d. which he pays and the charge of 3d. which the file cutter pays?—No; the gas is of no moment at all.

12630. It is of some moment to the workman whether he pays 3d. or 6d.?—Not the slightest.

By Mr. Walsh.

12631. You say here that the file forgers at one time used to work in pairs and the pair paid 1s. a week for the coke?—Yes, that is a maker and a striker.

12632. How long ago is that?—Well it gradually died out.

12633. But could you give us an idea as to the latest dates?—Oh, there may be one or two pairs now somewhere.

12634. Broadly speaking, when did the custom die out?—It began to die out thirty years ago, and I should think it has been dead about twenty years.

12635. Broadly speaking, the custom has been dead twenty years?—Yes. There is certain work now that could not be done under a steam hammer.

12636. They paid twenty years ago 1s. for a pair and they pay 6d. now single handed?—Yes.

12637. Has not the price of coke fallen very considerably in that time?—6d. a week is not anything to a man that is getting 50s. a week.

12638. I am asking you because the men are only supposed to pay the real and true value of the article supplied. Did the real and true value, do you think, twenty years ago represent a charge of 1s. for the two men?—I do not know. Anybody who has a business has to manage it in the best way he can for the comfort and happiness and pleasure of everybody.

12639. In accordance with the law, I suppose?—Yes—well, you know what Bumble said about the law!

12640. You cannot quite say what the value of coke is compared with what it was twenty years ago?—We do not charge any more; if it goes down we take no notice.

12641. Then it is not material to go into your calculations as to whether that figure really meets the charge or not?—No.

12642. Whether it is over or above?—No.

By Mr. Delevingne.

12643. I take it that you have no truck notices exhibited under the Act of 1896?—I think, as Mr. Hobson said the notice is up but there is nothing to truck; we do not truck.

12644. I am not referring to the Abstract; I am referring to the truck notices under the Act of 1896?—The notice is put in the timehouse certainly; if the Government have sent us one we have put it up; I cannot say personally whether it is there.

Mr. Hobson.

12645. It would be the Factory Act Schedule notice with the Truck Act Summary at the end that is put up and it gets dirty and no one takes any notice of it.

By Sir Frederick Cawley.

12646. Do you consider your system of working economically as sound as the American or German system?—Far better.

12647. Better for whom?—For the workmen; in twenty years at the rate we are going on and legislating for workman and so on, no one will know what a good tool is.

12648. But can you produce as cheaply?—We do not want to produce cheaply; we want to produce good quality.

12649. Do you think that under your system you can produce as good an article for as little money as they can in other places?—Yes.

12650. Would you take it that you can produce an article as cheaply, such an article as is wanted in low class cutlery?—We cannot produce a low class article as cheaply.

12651. Why not?—Because our labour is more; we pay more money for it.

12652. That is if the labour does not turn out as much work for as much money; is that it?—Yes, for low class stuff. In high class stuff we cannot be touched, because it will stand the money and we have the skilled men who can do it who are worth the money.

12653. Yours is not a specialised way of production?—No, I do not know that it is.

12654. It is rather what I may call a rule of thumb way?—Yes.

Mr. Hobson.

12655. There are just two words I should like to add to my own evidence. One point is with regard to trade unions; there I should like to say the same thing as these two gentlemen have said; that our factory is a free factory, where we never ask whether a man is a unionist or not; I should like to have that on record. Another little interesting fact that I should like to put before you is this; it bears on this question of legal interference with Sheffield trade customs. The last Factory Act has made the building of a grinding wheel in Sheffield 26 per cent. more expensive and no better for the workman or the master. If the interference with these deductions further accentuates the difficulty of building new grinding wheels I submit that it will worsen the conditions for the men. The difficulty of building a new wheel in competition with old ones is sufficiently great now, and the trade has to be in a very buoyant state for anyone to be willing to undertake to put up a new grinding wheel. I give that evidence of 26 per cent. as the result of a valuation which is before me which was made when my works were scheduled recently under the Midland Railway Act. The valuation was made by Mr. E. M. Gibbs, the first architect in Sheffield. That is an authentic valuation; it is an architect's estimate of the increased cost.

By Sir Frederick Cawley.

12656. I think it is not germane to our inquiry.

Mr. Hobson.

12657. What I mean is, you may make our conditions dearer if you interfere with these customs.

By Sir Frederick Cawley.

12658. Factory legislation has always been supposed by employers to enhance the cost, and in many cases it has, but we are not now going into the question whether to put the cutlery trade on the basis of any other trade will or will not enhance the cost of erecting a grinding wheel.

FORTY-SIXTH DAY.

Wednesday, 5th June, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir F. CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

Mr. H. JOHNSTONE, called; and Examined.

Mr. H. Johnstone.
5 June 1907.

By the Chairman.

12659. You are one of the Inspectors of Mines, and I understand you are located in the Stafford district?—That is so.

12660. How long have you been an Inspector of Mines?—For twenty years altogether. I do not mean that I have been an inspector in Staffordshire for twenty years, but for twenty years altogether I have been an inspector.

12661. How long have you been in the Stafford district?—Since July last.

12662. You come here to give us evidence with regard to the practice of the employers making allowances of beer to their workmen?—Yes.

12663. I believe you have been unable to obtain any definite information as to its origin?—I have been unable to obtain any definite information as to the origin of this practice, from either employers or workmen. It appears, however, to have prevailed for at least 150 years. Men now between seventy and eighty years of age, who began to work in the mines when eight years of age, state that it was then recognised as an old-established custom, and their fathers told them it had existed long before their day.

12664. You have talked to those men yourself?—I have, both employers and workmen.

12665. Then about the reasons for the introduction of the practice?—The reasons for its introduction are equally obscure, but are probably to be found, (1) in the physical conditions under which the work was carried on; and (2) in the terms or conditions of the employment.

12666. I want to ask you about the first head of that; that is to say, as to the physical conditions under which the work was carried on. What do you particularly refer to there?—So far as I can trace it, it has always been associated chiefly with the working of the Thick coal in Staffordshire. Thick coal is quite unlike any other working in Britain; it is a seam which really consists of several seams which have run together, and in South Stafford these seams are separated only by very thin partings of dirt.

12667. How thick?—Varying from practically nothing, simply a parting, to 2 or 3 feet. As they get away from what is known as the Thick coal district, these partings thicken considerably, and then the coal is known by the names of different seams. The Thick coal proper varies from about 24 to 42 feet in thickness. Originally the attempt was made to take out as much as possible of this seam in the first working. The consequence was that in the openings the working places were very large in sectional area, and the ventilating current was necessarily of a very low velocity on account of the very large area; consequently its cooling effect was diminished to the utmost possible extent.

12668. Before you go into that let me ask you this. In the very early times did they have the system of open shafts?—I have no historical knowledge of it, but I believe that in the very early times this coal was worked open cast. In some parts of Staffordshire the coal lay immediately under the surface, and it was got by simply digging off the grass as it were, and quarrying it out; the coal being simply taken out as sandstone might be taken from a quarry; when they got further down of course they would sink shafts.

12669. Have you any portions of that coal-measure in which there was the intermittent stage of running shafts—not vertical, but running shafts?—I think not, for the reason that the inclination of this seam of coal is very flat; in some places it is steep, but there are no day mines now driven in from the surface. There may have been in those steeper portions at one time, but they have all vanished now.

12670. Having the vertical shafts in the ordinary way, what is the point that you referred to with regard to the large area; I did not quite follow that?—I referred to the large area of the working on account of the thick coal. I refer now to the area of the working places. The coal being perhaps 10 yards thick, the sectional area of the working place was so large that the air current moved through it at a very low velocity, and consequently it had a minimum of cooling effect and the workings tended to get very hot.

12671. Is that thick area still largely unexcavated? Is that within your experience?—Oh, yes, they are still working some of it.

12672. How would they do with the bratticing in a case like that?—There is no bratticing whatever, there is simply a huge chamber as wide as this room, and higher, and as long as it will stand open; that is what I mean by the sectional area of the working place.

12673. But I was wondering whether that would not be just a matter of increasing the height of the bratticing?—They have no bratticing whatever. One reason for that is this; from the nature of the coal it has always been liable to spontaneous combustion. The coal being so thick, originally the pillars left in the first working were so very small that they were quite unable to carry the weight of the superincumbent strata; the consequence was that these pillars crushed, and the small coal together with the crushed coal exposed such an enormous surface to the action of the air that oxidation took place rapidly. The consequence was that gob fires were of constant occurrence. There is scarcely a single Thick coal mine in South Staffordshire where they have not had more or less gob fires going on. To this day in some cases, they have gob fires going on constantly in that seam.

12674. Before the stage of combustion is reached and while the men are supposed to be working, is the heat excessive?—Yes, and it constantly increases until the stage of combustion actually takes place; but without the active state of combustion they are frequently working in a temperature of perhaps 82 to 84 degrees.

12675. Under that system that you have described you say there were quantities of small coal left in the mine?—That is so.

12676. There being no market at that time?—At that time there were no means of disposing of it, and all the small coal was left in; only the round coal was filled and sent out.

12677. The oxidation after crushing resulted in the production of carbonic acid gas?—That is so.

12678. These being the physical conditions, there was an impression, I think you suggest, among the mining engineers and managers that the only way to minimise that was to have no more air in circulation than was absolutely necessary to enable the miners to work?—

Mr. H. Johnstone.

5 June 1907.

That is so; it was feared then that the circulation of large quantities of air would fan the slumbering fire and develop it—in other words that what was incipient combustion would become active combustion.

12679. And so underground fires would be constantly occurring?—Yes.

12680. Those ideas are exploded now?—To a large extent. Some of the older men in the older mines still keep the ventilation curtailed as far as possible, but in most of the mines they approve now of passing a much larger quantity of air through the mines, and thereby keeping down the temperature.

12681. The length of shift was twelve hours, you say?—Twelve hours nominally. In many cases in the old days it was considerably longer. The coal then was mostly sent away by canal, and it frequently occurred that, in order to get a canal boat loaded up, the men were kept late, working a quarter of a shift or even half a shift extra.

12682. Those are the conditions inducing the perspiration and thirst which you think caused the introduction of this beer allowance system?—Yes, in one aspect of it. The heat and the dust of the working induced the perspiration, and induced a violent thirst; and then, I think, the method of employing the men in itself suggested the supplying of beer to meet that thirst.

12683. What about the pit water?—The pit water is unpalatable; in point of fact, in most cases it is undrinkable; then, of course, it gets heated in the mine to the temperature of the strata, and it is practically useless for thirst quenching.

12684. Now, you have given us a very clear and very vivid description of the state of matters. At about what period would you say that this would be altered?—Well, the evolution has been going on gradually, but I should say—of course, I am speaking simply from acquired knowledge—up to the last thirty or forty years that state of matters existed generally through South Staffordshire; say, up to between 1870 and 1880.

12685. The improvement was assisted by legislation?—I do not know as to that. Probably it was in respect that the Act of 1872 would enable the inspectors to exercise a very much greater power in requiring more ample ventilation.

12686. Then the allowance of drink system came into vogue, and it lasted apparently for generations, as you have described?—That is so.

12687. Then there is what you call a charter-master system. Will you explain that?—This system is now, I think, confined entirely to the Black Country. By the Black Country I mean part of South Staffordshire and Worcestershire. In other words it is confined pretty well to the district over which this Thick Coal is found and worked at the present day. The charter-master system, which is still so prevalent in the Black Country, was then almost universal. Under this system the working of the coal is let to a charter master or butty—a contractor—who employs all labour, supplies all prop wood and other furnishings, and contracts to deliver the coal in trucks or boats on pit banks at a fixed price per ton. Prior to the passing of the Truck Acts these contractors were almost invariably owners of licensed stores, from which the workmen were practically compelled to supply themselves with food, liquor, cloths, etc. Many of the workmen were taken as lads from the workhouse, and apprenticed to miners, receiving food and clothes from the butty in return for their labour. The men worked "stint work" (which prevails to this day) that is, they received a fixed wage per day for doing a measured amount of work. They were frequently required to work overtime, for which they received no extra wages, but were allowed a certain quantity of beer.

12688. By a measured amount of work, do you mean cubic measurement or a measurement of coal?—It is rather a superficial measurement. It depends on the actual nature of the work they do. The pike men, as they are called (they are elsewhere called hewers), are paid for hewing the coal or undercutting the coal over a certain area a given number of feet in breadth, by a given number of feet in length; that constitutes the day's work; if they do not do it they do not get the day's pay, and if they do it they can leave off when they like. In point of fact, it is simply payment by piece.

12689. The paymaster being the butty?—That is so.

12690. Were they frequently required to work overtime?—They were frequently required to work overtime, for which they received no extra wages, but were allowed a certain quantity of beer. The apprentices were compelled to work on "play days," receiving a certain quantity of beer as recompense. Most of the butties brewed their own beer, and it is said that any beer spoiled in the brewing was set aside for use in the pits.

12691. Now, as to the beer allowance?—The beer allowance, which was probably a free gift to induce the miners to work regularly under most unfavourable conditions, soon became a right, and was recognised throughout the whole district as a condition of employment. The men who worked the Thick Coal were allowed two quarts per day; those who worked in the thin seams, which were less hot and dusty, were allowed one quart per day; and all the boys received half allowances.

12692. So far as you have been able to trace it, that is the history of the origin of the practice?—That is so.

12693. Now, will you come to the present day?—The practice is still maintained in the great majority of collieries in the Black Country; what is elsewhere called the meal hour—"bread time," or "corning" in Scotland; "bait time" in the North of England, or "snapping" in North Staffordshire—is here known as "drink time." I mention that because it accentuates the fact that drinking is the principal object.

12694. You mean that that is the phrase employed by the workmen?—Yes, it is regularly spoken of as the drink time. The beer is sent into the mine in small casks at fixed hours; a signal is given before it is sent down, and the men in each district of the mine gather at a central spot and the beer is divided. The allowance per man remains nominally as before, but actually a considerably less quantity is given. Owing to the shortening of the day from twelve hours to about nine, in many cases only one drink per day is given instead of two, as formerly, and a small minority of the men do not take it at all.

12695. Just pause at that. With regard to the conditions. You have referred to these conditions as twofold, namely, the physical conditions of the work and the conditions as to hours of labour. That has now been, of course, very largely changed?—The physical conditions have been very much improved indeed.

12696. Is the ventilation better?—Very much better.

12697. How is it conducted now?—The workings have been more systematised now. The coal is worked more on a system. Formerly it was worked in a very haphazard way. An enormous proportion of the seam was left in, which led to oxidation and heating of the air. Now they have a market for the small coal, and the practice is to take it out, so far as it can be recovered. Of course, a considerable quantity is still left in of necessity. Where it is considered that it would not pay to separate that small coal it is left in, the round coal only being picked out, filled, and sent out of the mine. A considerable quantity is still left in, but nothing like so much as used to be left in formerly; consequently the oxidation that takes place is not so great, and the heat is not so great. On the other hand, the workings being carried on upon something like a regular system, the air current is forced through them, and the workings are consequently kept cooler.

12698. Have you powerful fanning operations?—Not as a rule in the Black Country. The more modern mines have powerful fans; others again have furnaces placed in the upcast shaft; the workings are as a rule very fairly ventilated.

12699. Then what is the change with regard to the hours of employment?—The twelve hours' shift has entirely vanished, and now the regulation hours are something like nine and a half hours from bank to bank. In many of the small pits they still work overtime, to some extent, as the exigencies of the trade require.

12700. Now, about this practice. Before you come to your own opinion, will you tell us about the owners?

—The owners generally appear to be averse—when I say "the owners" I do not refer to the charter-masters; I refer to the owners of the mine.

12701. You are not referring to the butty?—I am not referring to the butty. I am referring to the person who employs the butty—the coal owner. The owners generally appear to be averse to the custom, and would be glad to see it discontinued, if this could be done without any stoppage of work. A few have stopped it, taking advantage of the opportunity offered by some change in the terms of employment, such as the substitution of payment by weight for payment by measure, or by day work.

12702. I wish you would amplify that, because we are anxious to know what were the occasions on which it was found possible to stop it?—On one occasion, for instance, in 1884, there was a considerable strike at one colliery; in fact, throughout the county generally. At one colliery the new manager appointed then took advantage of the opportunity offered by the resumption of labour to alter the conditions of work altogether. He dropped the stint-work, and paid the men by ton. The impression among the men at the time was that their beer allowance was then commuted into a money payment and included in the price p.r ton, but the manager, who has now left the place altogether, was under the impression that in fixing the rate per ton he did not take into cognisance the men's beer allowance at all.

12703. In the case you refer to was the butty system kept up?—It was not. Taking advantage of the opportunity offered by this strike in re-opening the pit, the manager started paying the men directly himself per ton.

12704. Otherwise you say the employer has compounded?—In some few cases the employers have compounded by giving a money payment instead of beer.

12705. And that payment, you say, was usually 2d. a day?—Yes. There was no recognised allowance. The trade union in the district at the time I speak of, in 1884, when there was some commotion about it, tried to get a payment of something like 6d. a day, thinking that that was the equivalent to the allowance of beer given. The owners refused to give that, and in some cases an arrangement was come to by which the men got 2d. per day.

12706. All that appears to assume that there would be more wages if there was no beer?—I think that that may be taken as so.

12707. How would that work with regard to the butty system?—I do not quite understand your question.

12708. What I mean is, suppose there was more paid to the butty for the excavation of the coal, that would not necessarily affect the relations of the butty with the workman?—Not necessarily, except so far as this. There might be considerable difficulty in arranging exactly how much additional pay should be given in lieu of the beer.

12709. But do you think it could be a stipulation that even though the butty system is continued the butty must work on a non-beer process?—The butty himself would much prefer to continue under present conditions. Several of them have stated to me that they find that the men will do more extra work upon an allowance of beer than they will do for a money payment. For an extra quart of beer, for instance, which costs them less than 1d., the men will do more work than they will do for a quarter of a shift, which means something like 1s. 6d.

12710. Then as to the workmen themselves, they are in favour of the continuance of the practice?—That is so.

12711. Strongly in favour of it?—Yes, I should say strongly. The consensus of opinion amongst the workmen appears to be strongly in favour of the continuance of the practice. They maintain that liquid of some kind is a necessity; that they prefer beer to anything else; that the beer supplied to them is non-intoxicating; and that the owners, buying it in large quantities, can obtain it better in quality and cheaper in price than they could do if supplying it for themselves. The General Miners' Secretary for the district writes to me under date, May 28th. I may say that this opinion was obtained at a meeting of the Executive Committee. The General Secretary called the Executive together for the purpose of eliciting an opinion from them.

12712. Will you give me the name of the union?—It is the South Staffordshire Miners Union. This is the General Secretary's letter:—"The general opinion is that the custom has been with us from time immemorial, and that a breach of the custom would create the greatest friction that has prevailed in the Black Country for some years. Although we assume that it is a part of wages we have not been able to sustain that when the beer has been taken away." He refers there to the fact that in some cases the beer allowance was dropped and no money payments given. "Our coal-field cannot be compared with others. Our pits, especially Thick Coal, are not so well ventilated, consequently the temperature is higher. It necessarily follows that there is a great thirst created among the men engaged therein. Our pits are very much subject to spontaneous combustion, and gob fires in our broken mine pits are practically universal. Hence, we claim that the nature of our work is such as renders it necessary that the custom of allowance of beer should be sustained as heretofore, and we pray that the Government, in framing their Bill, will give special consideration to our peculiar coalfield."

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12713. Now, do you think that that fairly represents the view of the miners engaged in South Staffordshire?—I think it does.

12714. Have there been any attempts to substitute money payments for the beer allowance?—Yes. When attempts have been made to substitute a payment in money for the beer allowance friction has arisen between employers and employed, owing to the different values placed upon the beer. The workmen have claimed from 2d. to 6d. per day for it, while the employers claim that the present cost is considerably less than 1d. The actual price of the beer supplied is 13s. 6d. per cask of 54 gallons, or 3d. per gallon.

12715. That works out at much less than 1d. per day?—Yes, allowing 2 quarts a day it would be 1½d. per day; but very few of them now get the full allowance. On account of the shortening of the day the full allowance of 2 quarts is not often given. The number of persons employed under ground in the Black Country during 1906 was 6,831, and probably something like 5,000 of these are receiving beer allowance at present. Of course, that is purely an estimate.

12716. So I gather, but that does leave nearly a couple of thousand not receiving beer at all?—That is so.

12717. Do they work in the Thick pits?—They do—not all of them, but many of them.

12718. How have they come to be emancipated from the practice?—In one case I have already told you, the other cases have been much in the same way—simply that in starting the pits they have never given a beer allowance from the first.

12719. Now have you any views upon this practice?—Do you mean as an individual or as an inspector?

12720. In both capacities?—Well, I am a teetotaller of forty years standing, and I am strongly of opinion that beer is not a good thing, but as an inspector I cannot say that I have seen any reason to object to it further than this. It appears to me that it is a contravention of the existing Truck Acts, and the practice being allowed to go on for so long year after year tends, I think, to bring those Truck Acts into disrepute. The men are very apt to conceive the idea that if the Act can be ridden through in one particular it may be in others.

12721. Then finally I will ask you this: suppose the Committee came to share your view generally as to the expediency of abolishing the practice, have you any suggestion to offer as to what would be the best method of getting this practice uprooted?—I do not know, further than circularising the owners to the effect that the provisions of the Truck Act were being contravened and must be enforced.

12722. Just assume that step taken, what would happen then?—What would happen then would be, either the discontinuance of the practice on the one hand, or its continuance on the other. If it was continued it would follow that the person supplying the beer would be guilty of contravening the Truck Act, and would require to be prosecuted.

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12723. Assuming steps to go so far as that it must be discontinued; do you think that the work could be carried on as efficiently without it ?—I think it could. Many men now—when I say many men I do not mean the majority by any means, but in the pits where the beer is not allowed, the men there carry substitutes, cold tea, coffee, oatmeal and water, and so forth. At the same time I frankly admit that the very men who use these substitutes tell me that they would prefer the beer; they think beer is more palatable.

12724. Are you speaking of men in the pits where beer is not allowed ?—That is so. Liquid of some kind is absolutely essential because the men perspire so freely.

12725. You would not approve of a system under which they took beer with them to the pits ?—I think that would be worse than the present system, because the men would not get the beer so cheaply, and they would probably take stronger beer, and anything bordering on intoxication would be a source of infinite danger in these thick seams.

12726. You think that this beer is practically non-intoxicant ?—At the price of 3d. a gallon it cannot be very intoxicating. One of the owners suggested that it was not beer at all, but just water coloured with a hop stirred in it; all the same the men tell me that they find it more palatable than any other substitute that they can have.

12727. Would the practice of making boys half allowance of beer induce them to take to liquor, or is it not strong enough for that ?—I do not know that I can answer that question.

By Mrs. Tennant.

12728. You say that in some cases the owners have compounded by substituting a payment in money, which you have taken at 2d. a day ?—That is so.

12729. Are the men satisfied with that sum ?—Well, I do not know. The men would have preferred more, but after a good deal of argument and some little agitation it was settled upon that 2d. was a fair valuation for their beer allowance. As I explained to the Chairman, it is not in every case given, in some cases they have given nothing whatever, and in new collieries which are now being started or in some of them, they are not giving any beer allowance, either in money or beer; they are simply suppressing it. At the colliery which I referred to a little while ago, where the practice was stopped in 1884, the owners admit to me that the recognised wage there to-day is 2d. per day less than it is in the adjoining collieries, simply because, as they say, in the adjoining collieries 2d. is allowed for beer, and it is not in their case, and therefore their wage is 2d. a day less than that of the adjoining collieries.

12730. Where you say a small minority of the men do not take beer at all, is that of their own free will in collieries where beer is allowed ?—There may be some, but the cases I have actually met are in collieries where beer is not allowed. In collieries where beer is allowed there may be some men who do not take it, but I cannot say that I have met any of them.

12731. In the cases where the men bring their own substitutes they never attempt to bring beer, do they ?—I do not know that. The men to whom I spoke brought substitutes in the way of tea, coffee, oatmeal and water, and so on, but there may be some now taking beer in; I do not know.

12732. Where there has been this compounding and they are in receipt of 2d. a day do they then supply themselves in those cases with beer, do you know ?—I do not know. The men take their food and their liquor into the pit; the liquor, of course, is in bottles, and the bottles may contain anything. I do not think there is any attempt made on the part of the owners or on the part of the butties to examine those bottles; the men are allowed to take in anything they like. Of course if they took anything intoxicating it would make itself apparent by and by, and it would be stopped.

12733. So far as you know there has been no complaint of intoxication in the collieries in which the giving of beer has been discontinued ?—No, not in the mines.

By Mr. Walsh.

12734. You say here "When attempts have been made to substitute a payment in money for the beer allowance friction has arisen." Have those attempts been made by the workmen ?—No, so far as I know they have all emanated from the employer.

12735. So that he has been willing in many cases to give a money allowance instead of beer ?—In some cases he has done so.

12736. But you speak of friction arising between the employer and the employed. In many cases where he has been willing to give a money payment friction has arisen ?—I am informed that in some cases where the owner wished to abolish the beer drinking custom the men demanded a money payment in lieu of it, and the owner did not meet their views, with the result that after some agitation the matter was dropped and the former practice continued.

12737. It was creating real friction when the employer thought that good might result from abolishing it ?—Just so.

12738. You say that there are about 1,800 men who do not receive a beer allowance; of course this particular figure is quite in the air, but you say that out of 6,831, 5,000 are receiving beer allowances at present, so that there are about 1,800 men who do not receive a beer allowance ?—That is simply, as I said, an estimate—quite an estimate.

12739. Are you aware whether these workmen who are not receiving an allowance are employed directly by the contractors or are employed by the owners ?—I think there are some employed by the butties, but most of this minority will be employed direct by the owners.

12740. I suppose the dust is really the cause of the great thirst ?—The dust and the high temperature.

12741. But so far as temperature is concerned, is that very much higher than in any other districts of which you have knowledge ?—There are districts in the north of England—not districts of the country but districts of certain pits, portions of certain pits—which are quite as high in temperature as any that I have been in in Staffordshire.

12742. I think you spoke about 80 degrees ?—82 to 84 degrees.

12743. You are aware probably that in Lancashire in many of our mines we have temperatures of 90 degrees, and even as high as 95 degrees ?—I am not at all conversant with the Lancashire mines. In the Durham mines the temperature in certain portions reaches up to 84 degrees.

12744. It is the South Staffordshire Miners' Association that you refer to ?—Yes.

12745. Are you inspector for North Staffordshire ?—Both North and South Staffordshire.

12746. Is there anything of this kind prevalent in North Staffordshire ?—No, it is entirely unknown there.

12747. Have you any thick coal there ?—No, it does not exist there. There are some workings which are practically as hot where they are working under considerable difficulties otherwise, what are called the "rearers" in North Staffordshire, where the coal is tilted up practically vertically; the working is carried on under considerable disadvantage and the temperature rises sometimes as high as in South Staffordshire; yet there is no beer-drinking there.

12748. In the Statement here from the general secretary he says: "Our pits are not so well ventilated; consequently the temperature is higher." Of course it is difficult to submit a question to you by implication from another person's letter, but it almost seems as though the system of ventilation is just a little behind the times if it is entirely furnace ?—It is not entirely furnace.

12749. Almost entirely ?—A very considerable number of the Thick coal pits now are very small pits. The coal having originally been worked, I do not know how many years ago, perhaps 50 per cent. of the seam has been taken out, and the pit has been afterwards abandoned on account of fires; the roads being all closed on account of the pressure from the superincumbent strata. These pits are now being reopened and in some cases the pits are being worked over again for the fifth time. On

account of the shallowness of the pits it is found cheaper to sink a number of pits rather than maintain roads.

12750. Do you think that the feeling in favour of the abolition of this beer allowance, either on the part of the workmen or on the part of the employers, is growing ?—I think among the owners it is growing, from the fact that in the newer collieries they are trying to discontinue it. Amongst the miners, so far as my information goes, they prefer it still.

12751. Are the younger miners still being supplied with their half allowance ?—I think so.

By Mr. Maddison.

12752. Why do you think the employers generally object to the system ?—Because several of them have spoken to me about it, and said they want to discontinue it.

12753. But I mean what is their reason for objecting to it ?—I do not know, further than this, that they feel just now that they are acting in contravention of the law, and they are afraid that at any time they may be come down upon. When I began to ask questions about this to begin with, I could see quite well the fear was in their minds that I contemplated reporting them to the Home Office and having proceedings taken against them for contravention of the Truck Acts.

12754. Then you think that the fear of prosecution is really at the bottom of their objection, nothing further ?—The fear of prosecution, and further I may say the knowledge that upon this point they stand entirely by themselves. In no other district in Britain does the practice exist.

12755. How do the men in South Staffordshire compare in sobriety with the other districts that you have been in in England ?—I do not know that I can give an opinion upon that point worth having ; I have been such a short time there that I have not had an opportunity of comparing them.

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12756. Now, having regard to the equal heat in parts of the pits in Durham, and the difficulties in other ways that you mention, is it your opinion that this system of beer giving is really a necessity ?—I do not know that I quite follow your question ?

12757. You tell us that there is a temperature of 84 degrees in parts of certain Durham pits, and you mentioned other difficulties about the coal being nearly vertical. Having regard to the similar conditions in Durham—where there is no beer given—do you think that there is anything sufficiently exceptional in the South Staffordshire case to warrant the continuance of this practice ?—No, I do not. I think the work could be carried on quite as efficiently without beer, judging from my experience in other districts.

12758. But I gather that you do not think that this beer can be regarded as a free gift on the part of the owners, otherwise it would not be a breach of the Truck Act, would it ?—It is a free gift which has been continued for such a long period that it has now become a right, and the fact that the free gift cannot be stopped without risk of very serious friction is I think evidence that the owners recognise it as a right, and in that respect I think it is a contravention of the Truck Act.

By Mr. Delevingne.

12759. Would you put it in this way, that the beer is really given to the men to enable them to do their work ?—I do not know that I would go quite that length. The beer is given to the men I should say rather because liquid refreshment of some kind is essential to them, and because the water in the pit, or water taken into the pit, becomes unpalatable, and the owners, or rather the charter masters, find an advantage in giving the men this beer. The men they think do more work with the beer, or for the beer, than they would do without it.

12760. Do you think the practice would disappear if the Butty system disappeared ?—To a very large extent it would.

Mr. W. F. HAMILTON, K.C., called ; and Examined.

By the Chairman.

12761. Before you give your evidence, may I explain how we stand on this Committee. There are quite a number of Parliamentary Committees and Inquiries going on at present. Our remit is to inquire with reference to truck—with reference to fines and deductions from wages. A large part of this most interesting statement of yours hardly seems to bear upon that, but speaking personally, I should regret if some of those Committees do not have your statement before them, because it gives a picture of the whole of the operations of your organisation ; for instance there is the Sweating Committee and there is the Poor Law Commission. I do think that the Poor Law Commission ought to be favoured with your evidence ?—I think the Poor Law Commission has sent a request to Mr. Wilson Carlile either to give evidence or to make a statement to them generally on the work of the Church Army. May I say at once that these notes were merely sent so that you might examine me from them upon anything that you thought material.

12762. But I think this paper is so very valuable that if you will allow me I will ask Mr. Bettany, our secretary, to communicate with the secretary of the Poor Law Commission and send him your *précis* ?—Certainly, I shall be much obliged.

12763. Now I will take a few particulars from you. Will you explain the nature and object of the Church Army ?—The Church Army is an incorporated society, the object of the social work of which is described in Paragraph 3, Sec. C. of the Memorandum of Association, "To establish, take over, conduct, and carry on at such place or places in England or elsewhere as the committee may from time to time determine, Labour Homes, Night Shelters, and other refuges for the poor, similar to those at present carried on by the said unincorporated society, and generally to promote the welfare of the poor, and the relief of distress by combined social and spiritual agencies." The incorporated company was incorporated in 1890 ; the unincorporated association was formed in 1884.

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12764. How was it incorporated, by charter ?—As a company limited by guarantee under the Companies Acts, and with a license from the Board of Trade to dispense with the word "limited," as it was a company not formed for profit.

12765. Then I think the points with which our Committee is concerned are most clearly dealt with under the section of your operations called "Labour Homes, Receiving Homes, and King's Labour Tents" ?—Yes.

12766. The various functions of those are set out in the pamphlet which you have sent to us ?—Yes.

12767. Every man on entering the home signs an agreement, and you have been good enough to furnish us with a copy of the agreement. The agreement stipulates that he will endeavour to live a good life, be a total abstainer, abstain from disobedience, idleness, insubordination and so on, and then at the last, "I undertake to do my best after the first month to obtain work for myself independently of all help from the Church Army." Will you explain how that comes in ?—It means this. Our object of course is to try to find employment for these men. Many of these men are wastrels. We want if we can to put them to permanent employment, and after a month a man is free to go out to try and get work for himself, and he undertakes to do that.

12768. But then the next sentence is what strikes me—"during the third month to be satisfied with half-pay" ?—I am told that "half-pay" is half the surplus pay ; it is the difference between 6s. and 9s. That rule is practically a dead letter. I was honorary secretary of the Emigration Department, and I know from experience of that department that this rule is a dead letter ; it is not acted upon. The men get the difference between what they earn and 6s. per week, which is charged for board and lodging. Of course we do not want to keep these men.

12769. That is the first thing I want put on the evidence, that while they are called labour homes, they are really

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situations in which the men are planted in order to equip them for labouring at large, as part of the workmen of the country?—Not quite that. They are intended to give the men work pending the time that they are able to procure work elsewhere. We do not really train them for wood-choppers. We do wood-chopping work because that is the most economical form of carrying on the homes; but we try to plant them out in different ways. With regard to emigration, we have been sending a number of the best men who have come into our labour homes to Canada, and we make it a stipulation that a man shall find out of the reserve fund which is mentioned a sum of £2—£1 for landing money when he gets to Canada, and £1 for outfit; and the emigration department of the Church Army provides the rest. We insist upon that because if a man earns a couple of pounds it means that he has been at the home working well between three or four months and has shown that he really is desirous of doing work if he can get it. That also makes me feel quite sure that this agreement which is signed about half-pay during the third month and no pay during the fourth month is not carried out.

12770. Now in order to put a premium upon industry the men are paid at piecework rates, and 6s. a week is charged to each man for his board and lodging and washing?—Yes.

12771. This sum is deducted from the man's wages weekly?—Yes.

12772. Then of the balance he is allowed to draw 1s. a week pocket money, the remainder being reserved for him until he leaves the home?—Yes.

12773. Have you any views as to whether this arrangement or series of arrangements truly falls within the Truck Acts or not?—Of course I am a lawyer, but the Truck Acts are not administered in the Chancery Courts, as you know, and it is in the Chancery Courts that I practise; but before I came here I read the statutes and the principal decisions upon them, and I may say that I really feel doubtful as to whether this is a contract of service, having regard to the extraordinary nature of the contract. Of course if it is a contract of service there is a section, as you know, in the principal Act—I think it is Section 23—which makes certain exceptions.

12774. I think you are referring to the definition of "workman?"—No. The definition of "workman" is given in the 1887 Act, in the way that is customary in Acts of Parliament, by reference to another Act, namely the Employers and Workmen Act of 1875; I was not referring to that, I was referring to Section 23 of the Act of 1831.

12775. Section 25 is: "That in the meaning and for the purposes of this Act all workmen, labourers, and other persons in any manner engaged in the performance of any work, employment, or operation, of what nature soever, in or about the several trades and occupations, aforesaid, shall be and be deemed 'artificers,' and that within the meaning and for the purposes aforesaid, all masters, bailiffs, foremen, managers, clerks and other persons engaged in the hiring, employment or superintendence of the labour of any such artificers, shall be and be deemed to be 'employers' and that within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered or given as a recompense, reward or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and taken to be the 'wages' of such labour." That is the definition. The section you mean to refer to is Section 23, which says: "Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer from supplying or contracting to supply to any such artificer any medicine or medical attendance or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation, nor from demising to any artificer, workman, or labourer employed in any of the trades or occupations enumerated in this Act the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such, nor from making or contracting to make any stoppage or deduction from the wages of any such artificer for or in respect of any such rent," and so on?—The rest is immaterial for my purpose.

12776. I may say that I agree with you. You think that the combined transaction falls within these things separately expressed, rent, supply of victuals and so on; in short it is board and lodging?—Yes. Really we charge the man nothing for rent. Of course it would be quite possible to alter the frame of this agreement so as to charge him for board only. We only charge 6s. a week and I think it probably comes within that section. I cannot speak of my own knowledge, but I am told by Mr. Lloyd Jones, who has been connected with the Army for a great number of years, that summonses have been taken out by some men for the purpose of recovering reserved pay which they had forfeited by misconduct.

12777. I am coming to that as a separate point, but I was rather anxious to get your view as to the relation of your operations to this statute?—May I put it shortly? Shortly, I have doubts as to whether this is a contract of service, having regard to the extraordinary nature of the agreement; but assuming that it is a contract of service and that the Church Army is an employer within the meaning of the Act, and that these men who come into our labour homes are workmen within the meaning of the Act, I still think that we are exempted by Section 23. I think I may say this. So far as I know, I think no proceeding has ever been taken against the Church Army under the Act, except, as I say, by workmen to recover reserve pay which has been forfeited for misconduct.

12778. Now I would like to put another view of it before you in order to make that luminous. You say, "the work done in the homes consists almost entirely of wood-chopping. The sales of the produce of the men's labour for the nine months realised £36,327; the receipts from board and lodging came to £12,228. The cost of materials, working expenses and maintenance of men came to £55,432 resulting in a loss of £6,877." My question to you is, how is that £6,877 raised, how do you square your accounts?—The Church Army had an income from voluntary contributions, donations, legacies, collections at churches and so on for nine months ending September 30th, 1906, of nearly £48,000 and part of that is appropriated. I have the accounts here.

12779. Suppose we start from that point, that this is an absolutely and steadily non-paying concern—that the keystone of the arch is charity?—That is so.

12780. Does any view occur to you, as a skilled lawyer as we know you are, with reference to this: whether an Act governing the relations between employer and employed can apply to a series of transactions of that kind?—May I put my view in this way. Personally I should be very glad indeed to see the legislature establish compulsory labour colonies where men who are able to work and will not work should be compelled to work; but, pending that time, we have to deal with men of that class, and what we try to do is to reform them. May I put it in this way; of course it is only my view—indeed I think I may put it as the view of my society—that if you were to amend the Truck Acts so as to bring the labour homes within the scope of the Truck Acts, in our view the reformatory part of our work in those labour homes would be crippled, if not destroyed. My reasons for saying so are these: If the wages are paid in cash only, to wastrels, then the temptation at the end of the first week when you put 9s. into a man's hands would be to spend the money in drink or dissipation, instead of paying for his board and lodging 6s. and starting a reserve fund; it would be almost irresistible.

12781. I was rather anxious to get your view upon the other point which I present, namely, whether employer and workman in the relation treated by the legislature can be a denomination applicable to a charitable transaction of this kind?—I do not think it is. May I quote—if you are familiar with it I will not go into it at length; but I should like to quote Lord Herschell's view of the object of the Truck Act. You will find it in the report of the case of *Hewlett* v. *Allen* in 1894 Appeal cases: "The object of this enactment"—he was talking of the Truck Act of 1831—"was to strike at the practice

which had grown up of employers making their payment in part by the supply of goods in the sale of which they were interested, which it was thought would place the person employed at an unfair disadvantage, and which it was thought was calculated to result in the persons employed obtaining something less than the agreed remuneration for services." Now, assuming that Lord Herschell was right, it is certain that what we are doing is not within the mischief of the Act. We are not employers in the ordinary sense; we are not employers who are making a profit; we may be technically employers for the purpose of these Acts, but we are not interested in the sale of the goods, and there is no unfair disadvantage at which the man is placed by what we are doing.

12782. You quite follow this; that there may be matters of controversy emerge between you and other ordinary and regular employers or organisations?—I quite agree, and, if I may say so, I will be prepared to deal with that presently.

12783. But the point I am upon is to see whether your legal position does not arise before you get to a construction of the Truck Acts; because you have, so to speak, disestablished the relation of employer and workmen in the ordinary sense?—Yes. I do not think we are in the relation of employer and workmen in the ordinary sense. I very much doubt, as I said before, whether the contract made between the Church Army and the men who come into this home can be properly described as a contract of service.

12784. Do you know the case of the *Poplar Guardians* v. *Martin*?—No, I am not familiar with that, although I have read many reports of Truck Act cases.

12785. We have had the advantage here of having them collated and presented to us in a convenient form in the earlier portion of our inquiry. Just let me read you the rubric of the Poplar case: "The magistrate held that there was a violation of the Truck Acts?"—What were the facts of that case, may I ask?

12786. Incidentally a question was raised in this case as to whether the terms offered to a man in the Salvation Army Labour Colony at Hadleigh were or were not an infringement of the Truck Acts. The report of the case which I have before me states as follows: "The magistrate decided against the contention on the ground that the respondent could not legally be required to work for anyone on the terms offered, which, as to the money, wages were for a time no wages at all, and as to the food, etc., a violation of the Truck Acts. He was of opinion that the words of the section above referred to ought to be construed with reasonable limitations and reasonable regard to the class of work to which the person charged had been accustomed, and also to the rate of wages ordinarily to be earned by persons engaged in similar employment; and he therefore held that the respondent had not been proved to be a person able, wholly or in part, to maintain himself." Then Lord Alverstone, Mr. Justice Phillimore, and Mr. Justice Kennedy dealt with other questions; this particular question only came in incidentally. This is how the incident was dealt with by Mr. Justice Phillimore. He said: "Finally I should like to say (we have only heard the case out upon one side) that I have been utterly unable to see for myself how the terms offered to the respondent in this case could be said to be a violation of the Truck Act"?—I remember that case; it was a case which really decided another point.

12787. That is so, but so far as it went it seems to confirm the view you have been good enough to express to us. Now we have got from you the fact that there was nearly £7,000 to be made up by charity. There is a much more important question now with regard to the reserve pay, and I want you to explain it to us. How do you manage the system of reserve pay?—The man pays 6s. and he gets 1s. for pocket-money.

12788. What does he make substantially at the end of the week?—He makes 11s. 9d. a week.

12789. You reserve the balance?—Yes.

12790. Your reason for that you have explained to us is that you get a hold over him and leave him *pro tempore* not a free agent?—It is compulsory thrift; and also he is saved from temptation; when he has not got the money in his pocket he is not tempted to spend it.

12791. That point I understand, but it is the other point, namely, as to the forfeiture of reserve pay, that I want you to explain to me?—Having that reserve pay and knowing that it may be forfeited for certain conduct, that is a great inducement to him to behave properly while he is in the home.

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12792. Now you are getting dangerously near the system of fines there, are you not?—Well, we cannot trust these wastrels with money.

12793. It is quite intelligible and quite fair to have it fully stated in that way?—Then, of course, some of the money is used; sometimes it is sent to the wives and families, sometimes it is supplied for clothes. Mr. Lloyd Jones reminds me that the total sum forfeited in that nine months was less than £30.

12794. Out of a wage of £20,000?—Yes.

12795. There is a phrase you use here "the money so forfeited is devoted towards the emigration of deserving labour home inmates." Will you explain that?—It would be sent up to the emigration department, but I must say that I do not remember getting this £30 and as I am honorary secretary of the emigration department, I shall remember that and see that the social department hand me over that £30.

12796. At all events so far as regards the individual who has incurred the forfeiture it is (at least often) a real loss to him?—Where the forfeiture takes place it is a loss to him; there is no doubt about that.

12797. But there are many cases of actual forfeiture without the money so forfeited being applied indirectly to the labourer by way of being sent to his wife or family?—Mr. Lloyd Jones tells me that in the nine months less than £30 was actually forfeited.

12798. Now you employ these men on wood-chopping?—Yes.

12799. Why is that?—Because experience has taught us that we lose less on wood-chopping than on any other form of industry that we have tried. We have tried others; we have tried basket making at the Southampton home; that was a great loss; we have two farms; of course there is a very great loss on farming.

12800. But wood-chopping is in its way a skilled employment as it turns out?—Well, if you can call it a skilled employment——

12801. What I mean is the skilled wood-choppers would put through their hands far more than those people that you are endeavouring to reclaim?—Yes. We calculate that a skilled wood-chopper would do 6,000 bundles where one of our wood-choppers would only do 5,000. Mr. Lloyd Jones tells me that a skilled wood chopper, a man whose regular avocation it is, would earn 4s. a day. Our men only earn something less than 2s. It is 11s. 9d. a week and they work six days a week, so that is a little less than 2s. a day.

12802. I want before we part with you to have your view upon this. Assuming that it were determined that the relation of employer and workman did exist in the statutory sense, and assuming that Section 23 of the Act of 1831 did not cover the case, and that therefore you were to be treated in all points as an ordinary case of an employer who made deductions which were discountenanced by law, what do you say to that case—I mean with regard to the effect that it would have upon your charitable organisation?—I think it would have this effect, we could still keep on the Labour Homes for honest respectable men who from no fault of their own are out of employment and who can be trusted with money, but these Labour Homes so far as the reformatory part is concerned, would be absolutely useless.

12803. And the same result in your judgment would follow from legislation to clear up the matter in that sense if recommended by this Committee?—Certainly. I should only devoutly hope that if this Committee should recommend and Parliament in its wisdom thought fit to so amend these Truck Acts as to include the Church Army work, it would at the same time pass some Act to establish compulsory labour colonies and do the work by the State which we in our feeble way are trying to do.

12804. Even supposing that we did recommend what you fear, you would approve our reporting in favour of some method by which the work you describe should be

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exempted from that category?—I should be deeply indebted to the Committee—speaking for those interested in this philanthropic work—if the Committee could see their way to say that so far as the Church Army Labour Homes are concerned—and not only the Church Army Homes but similar organisations—they should be exempted from the operation of the Truck Acts, on the ground really that they do not come within the mischief of the principal statute, and if Lord Herschell is correct, and there is no doubt he was, if one reads the history of what was happening at the time that Truck Act was passed, it is quite clear that the practice had sprung up of employers starting shops at which the workmen were compelled to buy their goods at excessive prices and the amounts charged were deducted from the wages earned by the workmen, so that they did not receive the full value of their earnings.

FORTY-SEVENTH DAY.

Wednesday, 12th June, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir F. CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. FREDERICK MASON, called; and Examined.

Mr. F. Mason.

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By the Chairman.

12805. I understand you are Secretary of the Peterborough Traders' Association?—I am.

12806. What are these traders?—They comprise all branches of trade; there are about 140 members, I suppose.

12807. Are they workers?—No; they are tradesmen.

12808. What branches of business are they in?—Practically all branches.

12809. What is the nature of the association; is it a trade union?—Oh no; they are master employers; they are the tradesmen of the town who are combined together for the promotion of their mutual interests; it is not an association of employees; it is employers practically.

12810. That is what I was asking you; they are employers, are they?—Yes, grocers, drapers, butchers, and so on.

12811. Have you had any meeting of the association before coming here to give your evidence?—We had a committee meeting last week.

12812. Just tell us what passed with reference to our proceedings to-day?—The evidence which I shall submit to you was considered by the committee, and I was deputed to come up here to give it.

12813. Now will you tell us your own story in your own way?—We have two classes of members who object to the trading of which I am speaking to day. One is the class who are in the same business, and who consider that the competition is unfair. Then we have another class of members who do credit business with the employees of these different companies, and they complain that when a man has a short week the instalments which are due to the managers are always stopped, and the consequence is that our members, the ordinary traders, have to go short in their receipts; their payments are postponed; the men always make the excuse for not paying what is due that they have had a short week, and that their managers have made certain stoppages.

12814. Just tell me about the system of fines and deductions from wages, and truck?—The system is this; I can give you the names, if you wish it, of the men actually engaged in it. The managers of these concerns——

12815. The managers of what?—Managers of brick works, and the manager of a mustard factory. They sell to the employees, the workers, such articles as furniture, coal, and bicycles, and they also lend money; the payments that they have to make are deducted in instalments from their weekly wages. The managers practically have the control of these companies; the real owners all live away, and the managers practically have the control. Consequently, although the wages are really paid by the owners, yet the managers are able to recover the balance, which is stopped—I suppose—after the wages are paid. I have some wage tickets here. These are tickets from one of the brick-making firms, B 5. Here is one showing the weekly wage of a gang of men consisting of four. The total amount earned by the four men was £5 3s. 7d.; there is 2s. deducted for coals; 6d. each is taken off.

12816. That left a sum of £5 1s. 7d.?—Yes. Then from the ganger there is deducted 4s. 9d. for rent and 2s. for coal; in that case the rent would go to the company, because they owned the house, but the coal would go to the manager.

12817. That constitutes a sum of 6s. 9d., leaving a balance of £4 14s. 10d. which is paid to the men in cash?—Yes.

12818. The item of coal is the one that you object to?—Yes.

12819. That is a charge made against the ganger by the manager?—Yes. Here is another sheet. There you see the charge for coal is 3s.; here is another where the charge is 2s.; that the man would not pay.

12820. "Clubs" and "rent" you do not object to; the "coal" item is the one that you call attention to in these tickets?—Yes.

12821. Now, how is this contract for the coal made?—It is simply an ordinary private contract, I presume. I cannot tell you in detail how the contract is made, but the price is evidently 1s. a cwt. for the coal.

12822. Is there any suggestion that it is an illegally made contract?—No; there is no suggestion that it is illegal; simply that it seems to be coming very near the spirit of the Truck Acts, being deducted from wages, does it not?

12823. What I want to get at is this. Is there any suggestion made that the coal has not been made the subject of a written contract for deduction?—Oh, it would not be a written contract; I do not suppose that for a moment; it would be a verbal contract.

12824. You do not know?—I do not know.

12825. Who can tell us how that stands; you are only giving us rumour, is not that so?—I do not suppose for a moment that there is a written contract; it is very seldom that a written contract takes places between employer and employed, and I do not suppose it does in this case.

12826. Does the manager of B 5 sell the coal on his own account?—He sells it on his own account.

12827. Are you sure of that ?—Yes, quite.

12828. Has he a coal shed ?—He does a business in it ; he has trucks coming into the yard ; he has the privilege given him by the company itself.

12829. Who can tell us how this is done ; I suppose it would be the manager ; what is his name ?—You mean the man who does the business ?

12830. Yes ?—C 5 is his name.

12831. He is at present manager for B 5 at Peterborough ?—Yes.

12832. Then do you say that he sells also furniture to the men ?—Yes.

12833. Have you any instances of that that you can cite ?—The information I can give you is this. I know a furniture dealer from whom he used to buy his furniture, and who used to deliver it on his account to the houses of the various men.

12834. But what was the relation that he stood in ; did he deduct from the wages the money due for the furniture ?—Yes, I presume he did, but it is a very difficult point to get evidence upon ; if we went to the man himself he would not tell us, and the employees do not like to say anything about it ; but from the hearsay that we get from the wives, and so on, we know that the money is deducted.

12835. In the case of the tickets that you have shown to us there is a net sum brought out after the deductions for rent and coal. Do I understand that that net sum is paid to the worker ?—Yes.

12836. In the case of the deductions which you think are made, is the full wages paid to the workman, and then he pays his account for furniture to the manager ?—No. I say it is deducted first of all, as you will see there.

12837. I do not see it ; can you point out anything about furniture here ?—There is nothing about furniture there, I admit ; those are simply two tickets that we got from a man who had had coal.

12838. But your impression is that furniture is deducted for in the same way, and only the net sum is given to the workman ?—That is my impression.

12839. What leads you to that impression ?—We have one of our members, for instance, who is a grocer ; he supplies these employees with their groceries on a weekly credit system. When they have a short week he goes round for his money on the Saturday ; the wife will give as an explanation why she cannot pay that the husband has had a short week, that the full instalment for coal or furniture or whatever it may be has been deducted, and that consequently he had only a small balance to take, and therefore she cannot pay.

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12840. It is quite clear that we must get this at first hand instead of at second hand. Now, you refer to another manager of B 5 who sells bicycles ?—Yes.

12841. How does he get paid for his bicycles ?—I should imagine he is paid direct.

12842. Then we have nothing to do with that. Then you say there is a foreman of a mustard factory who sells boots to the employees ?—Yes.

12843. In that case he is paid direct too, I presume ?—Yes, he would be paid direct by the employee.

12844. Then we have nothing to do with that either. Then you say there was a railway foreman who ran a watch club among his subordinates. Was he paid direct ?—Yes, he was paid direct.

12845. So there would be no deductions from wages for that ?—No, not so far as the employees are concerned.

12846. We are much obliged to you for giving the name of the manager of B 5 ; we will try to get first-hand information from him.—May I explain to you that the view of our association is that the whole system is very undesirable ; it is unfair both to the employer and the employed. It practically compels the employee to buy these articles from the manager, and it also leads the manager to give a preference to those men who do buy of him. Our idea is not to bring about punishment for anything that has been done, but, as we understand that an alteration in the Truck Acts is contemplated, we thought that the law might be so altered in the future as to prevent this system of trading. I can mention a case—it did not come under my personal knowledge, but I have heard of it on good authority—which will show you how the system works against the employers themselves. In one establishment there are four different yards, each yard having a separate foreman, the manager being over them all (and, in the case I am talking of, the manager doing this class of business with the employees.) The foreman of one yard discharged a man for incompetency, or for some fault. That man owed the manager a certain amount of money, the balance of a bicycle account. On being discharged by the foreman of his yard, he turned up rough, and said, "Very well, if I am to be dismissed, I shan't pay the balance of my account for this bicycle" ; and, to protect himself, the manager gave the man another job in another yard. That, I submit, is an illustration of the undesirability, even from the point of view of the employer, of this class of trading.

Mr. P. MURPHY, called ; and Examined.

By the Chairman.

12847. Where are you from ?—I represent the Irish Government Workers' Council.

12848. What are these workers ?—They are all employed by the State.

12849. In what class of employment ?—In different classes of employment. They are mechanics and clerks and surveyors, and all that.

12850. Under the Irish Government in Ireland ?—Employed by the Government in Ireland.

12851. Is it on public works that they are employed ?—On public works.

12852. What kind of things do they do ?—A body of them are employed in the Ordnance Survey, and a body of them are employed in the Army Ordnance Department. In the Army Ordnance Department there is a certain share of mechanical work in connection with the repair of warlike stores and barrack stores.

12853. The workers have a council, have they ?—The council is a Federation of Trade Unions.

12854. Then you have come to give evidence on their behalf ? Do you represent that council ?—I represent that council.

12855. Has it had a meeting upon this subject ?—It has had several meetings. With regard to several of the items that we have put before you we have reported them to the heads of the departments, and as to some of them we have not got replies yet.

12856. Then it seems a pity that you have come here before you are fully armed ?—Well, we are likely never to get replies as to those. Decisions have been arrived at in some cases, I know, and we are not likely to get any replies.

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12857. Now will you tell us your own story under the various heads of your evidence ? Your first head, I observe, is : "Stoppage of pay for unlimited periods ?—Perhaps I had better give you certain specific cases.

12858. Yes, tell us what is your proposition as to the practice, and then give us your evidence.—In the Ordnance Survey Department some years ago they started a system of piece work ; that is giving the surveying and revision, and so forth, to be done on the piece. When the men had got to a certain standard, and they had made a certain amount of pay the Ordnance Survey Authorities put them on time—on the rates of pay that they were then earning—but there was a proviso afterwards put in by the Ordnance Survey authorities that they would have to make their pay, that is, that they would have to show a certain amount of work for their pay.

12859. May I put it to you that the object of this Committee is to investigate the system of truck, or fines and deductions from wages ; we have no right to go into general disputes between workmen and employers ?—I am leading up to where the truck comes in. Having got so far, when they did not make their pay so as to please their employer, the employer took a certain amount per day off their pay for not having made sufficient

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progress. Our contention is that eight hours' work makes an eight hours' day, and that all the circumstances should be taken into account if work is to be in any way standardised—that all the circumstances affecting the work should be taken into account; and that is not done. I can give you particulars of the case of a man employed in Howth, in the county of Dublin. He was revising in 1893; he did not make sufficient progress according to the office in Mountjoy in Dublin, and they checked 6d. a day off his wages.

12860. We have nothing to do with that. That was a deduction by way of giving him less wages than before; was not that it?—Yes, but it is a fine. It is imposed as a fine for not having made sufficient progress at his work, and that fine has already amounted to £25 and the total amount is still increasing.

12861. I am very anxious to get your view. How do you call it a fine? The employers were dissatisfied with the man as a workman, and they put him on less wages; is not that what it comes to?—He has entered into a contract with his employer to serve at, say, 8s. or 6s. a day. The employer takes it into his own head to cease that contract and enter into a new one, without considering the views of the subordinate or workman.

12862. I do not want to exclude any evidence which is relevant, but when the new contract is entered into I presume that instead of 8s. a day the man gets 7s. 6d., or instead of 6s. he gets 5s. 6d. Now your objection is that he should not have got less wages without the men being consulted?—Certainly.

12863. Your next head is: "Stoppage of part of daily rate of pay," that is the same thing?—Well, it comes to the same thing.

12864. The third is: "Fine of a day's pay after irregular suspension." Will you tell us about that?—That is the case of a labourer who was suspended on the same employment in the Ordnance Survey. He was suspended for two days by his superintendent. I am not going into the question whether the superintendent had a right to suspend the man or not. The superintendent was a non-commissioned officer of the Royal Engineers. Taking the suspension to be in order, it would appear to be reasonable that the man should only lose his two days' pay; but instead of that he loses three days' pay in the week in which he is suspended for the two days. I consider that that is not fair and reasonable. The State has only lost 6s. worth of the man's time, and it should be quite sufficient if the State is recouped to the extent of its loss.

12865. And you say that, to the extent of the extra day, it was really a fine?—Just so. I will read you what the Director-General of the Ordnance Survey puts in extenuation of those fines. It will be better, perhaps, that I should read you the rules themselves. This is Rule 24.

12866. What are you reading from?—This little blue book contains the Ordnance Survey Regulations.

12867. You will put that book in?—Yes. "24. Reduction of daily rate of pay. This power rests only with the Director-General, to whom all cases involving reduction of rate of pay must be referred by divisional officers." Then 25: "Checking day's pay. Divisional officers are authorised to check one day's pay or less for minor offences, reporting each case to the Director-General."

12868. What does "check" mean?—That is their term in the Ordnance Survey for stoppage.

12869. But is it stopping the workman working for the day or is it checking his work and taking away his pay?—Yes. It is depriving the workman of pay for work he has done or time given. They say in extenuation of that: "As this punishment is in the nature of a fine the requirements of the Truck Act of 1896 will be complied with in the case of men to whom that Act applies, namely, workmen engaged in manual labour, such as artificers, printers, etc., labourers. The requirements of the Act have been notified to the Southampton and Dublin offices, and to Divisions in a separate order." Now the Director-General has taken it upon himself there to give the legal bearing of the Truck Acts, and the Home Secretary is not to be referred to at all. The Home Secretary, in the memorandum on the Truck Acts, shows that the legal bearing of the Act cannot really be given by the Home Office, for instance, "for the Courts of Justice alone have the duty of interpreting the law."

12870. Can you tell me anything that was done in compliance with the Act of 1896 with reference to those men to whom it is stated the Act applies, for instance labourers. Were there printed notices put up?—There were no printed notices put up. I believe each individual had a copy of that book. Of course, the Factory Act notices are put up in Mountjoy, but they are not exhibited to the men who are employed in the field sections.

12871. What do you mean by that?—Those men who go through the different counties of Ireland revising or surveying the country.

12872. Those men have never had any notices or printed contracts in terms of the Act of 1896?—No, beyond what appears in the book of rules.

12873. Nothing beyond what you have read?—That book is all that they have got.

12874. The Act of 1896 prescribes that there shall be a statement of particulars from which the fine is to be imposed, and so on; nothing of that kind has been done?—No. That is what I have been always contending with the heads of the Department. It is specifically stated in the Truck Act that an agreement must be entered into or a notice must be exhibited telling the subordinates what fines may be imposed, that is to say there must be a specific statement. Well, it would be impossible to give specific statements of the fines imposed by the several Government Departments, because they impose fines as they think proper.

12875. You have been giving us your evidence with regard to the Ordnance Survey Department. Can you specify any other Government Department in Ireland which works on the same principle?—Yes, the Army Ordnance Department.

12876. Will you kindly refer me to the rules as to the Army Ordnance Department?—I have the rules here. I would be violating my own contract if I gave you this copy; I am supposed to have this in my possession, it is my own copy, but no doubt I can get a copy for you.

12877. What is your Department?—I am in the Army Ordnance Department myself.

12878. Can you furnish us with a copy of the rules?—Yes, I will send a copy to Mr. Bettany.

12879. In the meantime will you refer us to the rule upon which you are founding?—Rule 11 is this: "If it be decided after due inquiry as laid down in the King's regulations that a civilian subordinate is responsible for loss or damage to public property, he may be punished by dismissal or may be given the choice between dismissal or making good the loss or such part of it as may be decided. In case of dismissal any money due to him may be withheld to meet the claim under Paragraph 39." Paragraph 39 says: "Any money due to a civilian subordinate may be withheld to meet any disallowance due by him for any damage or loss of public property which the general or other officer commanding after due investigation may decide to be chargeable against him." Now that is really nothing more in many cases than the condonation of a criminal offence. We say that if anybody commits himself in a Government Department, he should be prosecuted and imprisoned.

12880. Will you illustrate what you mean by a criminal offence?—Take the case of stealing Government property. If an individual steals socks or boots, or anything like that—I am speaking now of my own Department—after due inquiry according to this he may be told that he will have to pay for the value of the goods he has stolen. (The "due inquiry" here we rather query; I will describe to you presently how the inquiry is made.) We say that he ought not to be allowed the option of paying for those articles; if the theft has been traced to him, he should be prosecuted and put into prison, instead of being fined.

12881. Is your evidence that persons who have really been stealing Government property, instead of being had up by the authorities, have had the matters compounded for by a deduction from their wages?—That has not occurred, but that is what the regulations say is to occur or may occur.

12882. Now, is there any other thing in the nature of a fine or deduction from wages that it occurs to you to mention to us ?—Yes, there are cases of men being compelled to pay for stores reported missing without responsibility being fixed. Stores have been lost between Dublin and several other parts of Ireland. In one case there were stores reported missing when the consignment reached Galway. The two labourers who packed these stores and the foreman who superintended were held responsible for the stores, and they had to pay for the loss. That happened on two occasions. Now in Paragraph 11 of the regulations which I have already read to you there is mention of an inquiry. The individuals themselves had no representation at that inquiry; the three men I have mentioned (the two packers and the foreman) were not allowed to be present at the inquiry and the inquiry really was held in Galway. It is just as likely that the stores were lost in Galway. or lost on their way from Dublin to Galway, as that they were misappropriated or dealt with in some way of that kind in Dublin. However, the individuals in Dublin were held responsible for the stores, and they had to pay for them.

12883. How was the sum that they had to pay fixed ?—According to the value of the stores.

12884. Was that payment made by way of deduction from the wages ?—It was really by way of deduction from wages, because the men only have their wages, and if they have to pay the money their wages are reduced. It so happened that on one occasion they had had their wages and then they were called upon afterwards to pay the amount.

12885. It was a case of a claim put forward by the employer against the workman, and the workman had to pay ?—Yes.

12886. Have you any cases in which these payments were made by way of deductions from wages ?—Well, they are not deducted from wages, but we say that it was carried out by the employer, and the man had to pay him back.

12887. Have you any experience of any actual cases; I want to know how the thing worked ?—I have really in my mind at the present moment two cases, or rather they are four different cases. The money was not stopped from the men's wages in the pay sheet, but the men had to pay the money back, and I say that that is a deduction from their wages no matter what happens.

12888. But I wish you to describe to me what these men did—where they were employed ?—They were employed in the Army Ordnance Department in Dublin. They were told that they were held responsible for the stores and they were told that the general officer on this occasion had stated that they were compelled to pay for the stores, and they had to pay the full amount of the loss.

12889. There is a pay office there, I suppose ?—Yes.

12890. Did they go and get their wages ?—Yes.

12891. Then what happened ?—They had to pay back to the pay office the demand that was made upon them. They were given the option of paying back or being dismissed. In the second case they were told that if they did not pay they would be dismissed.

12892. Was that a case brought up to your organisation or union ?—Yes, and both were reported to Mr. Haldane, the Secretary of State for War.

12893. What action has he taken ?—So far as I know he has taken no official action; that is so far as I know officially.

12894. Who is the officer to whom we could apply to give us an account of those transactions ?—They would know all about it at the War Office. The immediate officer who would be able to give you an account of it is the officer in charge of clothing in Dublin, Lieutenant C. S. Willey. Colonel G. J. Butcher is the chief administrative officer and he should know all about these stoppages.

12895. Now, what is the view of the workers with regard to being compelled to make these payments ?—The view of the workers is that it is unjust, and my own view is that as well as being unjust it is illegal, because if you place any more responsibility on the unskilled labourer than he is entitled to bear there should be an amount given to him in wages to meet that responsibility, and such is not the case.

12896. That is to say the wages are not large enough ?—No. They are paid the same rate as unskilled labourers. It so happens that in the Department I am speaking of all the weight of those fines and deductions would fall on three individuals—the two men who continually do the packing and the individual who superintends them.

12897. Now the fourth heading of your evidence is as to the stoppage of pay from a man injured on duty. Are you able to give any specific evidence on that ?—Yes, a case occurred in the Ordnance Survey.

12898. In Dublin ?—Not in Dublin, but in some part of the provinces in Ireland. An individual was injured on duty and because of his injury he could not make the same progress that he had previously made with his work, he could not walk the same distances, but his superintendent always gave him the long distances although, being injured, he could not keep pace with his work, really because he could not keep up to his former standard he was checked.

12899. You mean his wages reduced ?—Yes.

12900. Then your fifth head is "stoppage for breakage of part of an article when being repaired." Will you explain that ?—That occurred also in the Ordnance Survey in Dublin. There is an optician there who has to repair very intricate articles—theodolites, spirit levels, and so on. In the course of repairing these it is quite possible, no matter how careful a workman may be, that certain parts of these articles may be broken, and there is no reason to believe that they have not been partly broken when they reached that workman's hands, but in all cases of the kind the individual is made to pay half the value.

12901. Now, do you know that individual ?—Yes.

12902. Is he a careful man ?—A very careful man.

12903. Has he complained to you himself about it ?—Yes, I have a letter here in his own handwriting.

12904. When did the transaction take place ?—About the 28th February last.

12905. What wages has this man ?—I think it is something like 33s. I could not tell you the exact amount.

12906. Will you tell us what happened ?—This was for the breakage of a bubble of a 9-inch contour level; he had to pay 4d., half the cost of the article; the cost of the article was 8d. This is only an instance, because he had to make several payments previously.

12907. Were these amounts deducted from his wages ?—I could not say whether it was really a deduction from wages; any way it was a case of the workman having to pay; and I take it that no matter whether he has to pay afterwards or whether the deduction is made from his paysheet, it is a deduction from his wages.

12908. Our difficulty is this. We have to investigate one particular form of evil. You are not able to testify whether this was a deduction from wages or whether it was a separate payment ?—Of course, if the evidence that I could give you as to paying for all those stores when the individual has to pay afterwards would not come within the scope of the Truck Act, then the employer could always obviate the necessity of being brought over the coals, because he need not make a stoppage from wages; he could tell the individual that he has got to pay it. Whatever the workman has to pay I say is a stoppage from his wages.

12909. Let me put this question to you. To all interests and purposes the workmen, whether he suffers it by way of a deduction from wages or makes a payment, is compelled to make a payment ?—Yes, it is compulsory.

12910. He is compelled to make a payment at the peril of the loss of his employment ?—I could not say that; I think that would be going too far.

12911. The payment is received by the Government Department ?—Yes, as far as we know it is paid into public funds. I could cite you a few cases I have in mind—whether you take them as evidence or not—just to show the real hardship. Here is a labourer who is fined a day's pay for neglecting to take Colonel Simms' discharged cook's box. Colonel Simms is in charge of the Ordnance Survey, Dublin, his cook was going away to

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England. This labourer was told off to remove the cook's box, and he failed to do it. I do not know whether that was a failure of military duty, but the individual was not under military duty and to remove the box of the servant of any officer would in no way form part of his duty as a public servant. He was told to land this box at the railway station, and he failed to do it, and he was fined a day's pay. Then the same individual was checked two days' pay for being found in the canteen after hours. Now this is not a canteen at all, it is a kind of institute which is controlled really by the civil establishment of the Ordnance Survey in Dublin. The officer of the Survey for the time being makes it a rule that the men who established this institute and who run it out of their own funds (the building is supplied by the Department) are not allowed to enter after working hours, but the soldiers who are serving under military discipline are admitted there at any time during the night; so that really the civilians are supporting an institute for the accommodation of the military people. Now I do not think that a civilian should be stopped two day's pay for being found in the canteen. Soldiers are allowed to bring any member of the public into the canteen at any time.

12912. Was there any contract in reference to this ?—Nothing whatever, beyond what is in that Blue-book; those are all the contracts that are entered into in the Ordnance Survey. Here is a worse case still. A labourer (who is now a temporary civil assistant) was checked (the word "checked" means fined) 1s. 5d., half price, for breaking a palette knife whilst using same at his work. This knife had been in use thirty-four years at least and they were aware that it had been; they could not say how long it had been used. Now, in all reason, I think, that knife might have been written off, after having been thirty-four years in use.

12913. Was there any contract for that ?—None whatever. The idea in the Ordnance Survey is that, no matter what article is lost, and no matter what time the article has been in use, the public service is not supposed to suffer in any way. The individual concerned has to pay half the cost; so that if an article has been in use for a hundred years, and it cost 2s. 10d., there is 1s. 5d. charged; whereas if it had been in use only one day the fine would be the very same. Reason does not come into the fines. I can give you further instances if you desire it.

12914. Yes; these are very interesting ?—A temporary civil assistant in the Survey was fined 10d., half price of an earthenware jar broken accidentally by another man whilst at work.

12915. Was there any contract there ?—None whatever. There are no contracts for all these cases. The same individual was fined four days' pay "for giving back answers"—I suppose that means insolence—"to a sapper"; that is, a private soldier.

12916. When you say four days' pay, that means that he got his week's or his fortnight's pay, less four days ?—Well, he had to pay four days' pay back into the public funds; it is supposed to be gone back, anyway. I am also informed that the soldier in question used filthy language to this individual, so that he was provoked.

12917. We need not go into that ?—But you see what led up to it. Another individual, a labourer also in the Ordnance Survey, had been 200 minutes late in a period of three months, and his pay was permanently reduced by 2d. a day.

12918. That was a reduction of wages ?—Yes.

12919. Have you any other instances ?—I have many I could give you, but I think I have given you sufficient.

12920. You have mentioned to us the case of missing stores, and the responsibility for that. Now what is the view of the workers with regard to this system of either payment or deductions for the things that you have mentioned ?—The view of the workmen concerned is that they are in no way responsible. With regard to the stores that I am referring to, there are police on the gate, and the civilians are searched on leaving the building every evening—not every one of them, but the police are there to search them, at least, they are soldiers in this case doing police duties; they can pick out any man they choose and search him. In the same department there are soldiers employed, and these are not searched.

12921. Do you think that discipline could be maintained quite well without these payments or deductions being made ?—I think so; and I would like to go further and say that really the responsibility for the custody of stores does not rest—at least, it does according to the local rules, but it should not rest on the unskilled labourer who does the packing of the stores.

12922. I follow that, but I am asking you on the general question about which you have been giving us evidence. As to these payments, not for stores only, but for broken articles and everything else, there is dissatisfaction, I understand, with the system ?—Yes.

12923. Could discipline be maintained if that system were abolished ?—Most certainly—far better; because these fines in Government Departments really are vindictive in most cases—I will say in all cases; they are really vindictive; and it is the good men in many cases who are fined. If we could get the fines abolished we think that really we could serve the State better.

By Sir Frederick Cawley.

12924. Have you any corroboration of these statements that you have made to us? You have made certain statements to us about certain men being fined; are they merely reports ?—They are reports, but they should be able to be corroborated by the records of the Ordnance Survey and the Army Ordnance Departments. I know myself with regard to the Army Ordnance Department, because I am the individual who sent the money to the paymasters from the labourers.

12925. That is corroborative evidence of course, if you say that you yourself have sent this money to the paymaster ?—I know that the officer accounted for the money.

By Mr Maddison.

12926. Are these fines very frequent in these two departments ?—They are very frequent in the Ordnance Survey.

12927. Can you give us any idea what the amount of fines would be in the year ?—It is utterly impossible for me to do that; I have not kept records of them because they are so frequent in the Ordnance Survey.

12928. Would you know from your department of all fines right throughout Ireland; you are not only in Dublin are you ?—Throughout Ireland as regards the Survey.

12929. You are in the Army Ordnance Department ?—Yes.

12930. Would all the fines go through you ?—Only for my own two depôts—the clothing depôt and the other depôt at Island Bridge.

12931. How many people have you employed in those two depots ?—120 civilians.

12932. The soldiers are not fined, I suppose ?—No.

12933. What amount of fines would there be in a year for those 120 civilians ?—The fines I have spoken about; there are only two cases concerning six workmen, three on each of two occasions. Since the matter has been taken up by the War Office, stores that have been lost in some cases have been written off against the public.

12934. Then this practice of fines has been discontinued has it ?—No, it has not been discontinued because the regulations stand good still.

12935. But you do not mean that there have only been two fines ?—There have only been two cases of fines in the twelve months.

12936. Fines for all sorts of things ?—For loss of stores.

12937. Are they all the fines that you know of ?—Oh, no; I could not give you the particulars as to the Ordnance Survey; I am only speaking of the Army Ordnance Department.

12938. What I want to know is whether you can give us the amount of fines that these 120 people have been subject to during the last year or during a year ?—Only the two that I have been speaking about, but these two cases imposed fines on six workmen.

12939. Of these 120 people only two have been fined for anything ?—Yes. In giving you the proportion of my fines for individuals I should only give you the number as three individuals out of about forty who are liable to fines; it would be utterly impossible in the clothing depot where the fines take place to have any other subordinates fined except those three who are connected with packing the stores.

12940. Are not fines imposed for anything else except things that happen in the packing department ?—It is only for lost stores that they are fined.

12941. What about this man who did not take the cook's box to the railway station ?—That is in the Ordnance Survey. I am myself in the Army Ordnance Department. They know that I am leader of the Government workers movement, and they really have my advice before they do anything wrong—quite recently.

12942. You told us about a man being suspended for three days. I should like you to explain that to me ?—He was suspended for two days, and his pay was stopped for three days; that is for the two lost days and an additional day.

12943. He lost two days, and then he was fined a day's pay; is that it ?—Yes. That matter was reported to me in this way. The man was reported irregularly; it was really three days' pay, because the individual who suspended him had no right to suspend him.

12944. Are suspensions frequent in these two Departments ?—Chiefly in the Ordnance Survey. Except I had the Civil Service Estimates near to me I could not tell you the number employed in the Ordnance Survey, but in Ireland there are roughly speaking, 500 to 600 civilians and probably sixty soldiers. The soldiers in most cases take supervision duties and they take full powers to suspend in any way they like.

12945. In your evidence to the Chairman you said you thought the discipline of the Department could be maintained without fines. What would you say about suspensions; do you think you could do without suspensions in these responsible posts ?—My contention is that if a man is not giving satisfaction in a public Department, if he is an inefficient or unsatisfactory officer, he should not be there. Any man who will not look after his employment in any capacity, I hold should not be kept in employment; he should be put in prison or in a house of correction or somewhere else.

12946. But you do not mean to say you would always discharge a man if he committed some fault ?—Not in the case of trivial offences.

12947. What would you do with a man who was committing quite minor offences, but continually committing them—there never being an offence that you could call serious, but there being a number of instances of neglect of duty ?—What I would do in that case is this: In the Ordnance Survey Department we are referring to there is supposed to exist a scale of pay; they start at a certain point and reach to a certain point. In case of a man guilty of neglect of duty his advancement of pay could be arrested; you could arrest his increment.

12948. You are in favour of that ?—Well, you must punish the man in some way. One of our mottoes in our federation is, efficiency and economy in the public service; and we are not going to pay the inefficient man, the man who does not look after his employers, the same as the man who gives satisfaction. I am now giving you really my own ideas and the ideas of most members of my council; I am not giving you the ideas of the general number of workers, because some individuals think that they should not be stopped under any circumstances and that they should get their increase of pay all along the line.

12949. You really do think that discipline could be maintained by the methods you have suggested without either fines or suspensions ?—Certainly.

12950. But are you against suspensions in any case ?—By no means. Take the case of a man coming on duty drunk, or a case of a man striking his chief; you must of course hold some weapon that you can bring to bear in such cases.

12951. Now, about compliance with the Truck Act as to written contracts and the display of particulars of fines and so on. You are quite clear that that is not complied with in either of these two departments ?—It is complied with in the office at Mountjoy, and it is complied with in the Army Ordnance Department at Dublin, because I have had those notices posted up myself.

12952. Truck notices ?—The Factory Act Notice, that contains the Truck Notice at the end.

12953. Have you the proper Truck notice, containing the contract as to fines ?—The notice at the end of the abstract of the Factory Act is exhibited.

12954. Anything else ?—There is no agreement as to fines.

12955. Is that notice under the Act of 1896 displayed anywhere ?—No. My contention has been all along that, whatever fine may be imposed by the employer, it must be specifically stated on the notice that is posted on the wall, or it must be specifically stated in the agreement entered into between employer and employed.

12956. And you are quite clear that no such thing is done ?—Quite clear.

12957. As far as the Ordnance Survey people are concerned, although they are working in the fields they get this Blue-book just the same ?—Yes.

12958. And of course they go from time to time to headquarters, so that they would see the notice if it was posted up there ?—No; they seldom come to headquarters; when they do come they would come for permanent duty.

12959. When the men are taken on do they sign an agreement to abide by the regulations ?—No.

12960. They do not in any way ?—No. It is the implication that is put on the different regulations. In the two departments I am referring to now we have no permanent heads; it is the military officer that always supervises and administers the department; no two individuals will have the same ideas; one officer may think that such a paragraph of a regulation reads one way; the next officer that comes along may take an entirely contrary view. The implication placed on the different regulations has been always changing and the workman suffers by the change.

By Mr. Delevingne.

12961. I suppose, you admit that the inefficient man ought not to be paid as much as the efficient man, and you would equally admit that it is proper that a man who proves himself inefficient should have his pay reduced ?—I hardly follow.

12962. If a man is being paid a higher salary than his work warrants, on your own principle it ought to be reduced ?—No, because the pay that he has received he has earned. He has given satisfaction to the extent of that wage; he has proved to his chief that he is really worth that rate of pay, and he has earned it. If you want to maintain discipline in the future, if he has not given satisfaction after reaching to a certain point, do not let him go any further until he improves.

12963. I was thinking of the case of a man who was on time wage, and did not do enough work in the time, and thereupon his future wage was reduced by so much a day ?—That is a disputed point. That is the idea that works in the Ordnance Survey. I hold that any man giving eight hours' work does an eight hours' day.

12964. But you have just said that the inefficient man ought not to be paid as much as the efficient man ?—They should not be treated alike. The inefficient man should not get his increment if he has misconducted himself in any way. That is for the purpose of maintaining discipline. You may have a standardising of work, and then you may reduce a man's pay according to his capacity; but I say that the individual should have a means of discovering in what way the standard is arrived at, and the matter should not be left to an individual who knows nothing about the work as far as assessing a standard.

12965. As to the canteen case that you referred to; was that in the Ordnance Survey ?—Yes.

12966. Did it happen out of the man's ordinary hours of employment ?—That is when he was found in the canteen.

12967. Was it during the period of his employment ?—No; it was after hours; that is how it has been reported to me, and I know that that is the case.

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12968. Are these civilian employees under discipline in any way ?—Certainly not. We are under discipline of course to a certain extent, but not under military discipline.

12969. You are under discipline during hours of work, but are you under discipline outside those hours ?—Certainly we are not.

12970. Then, how is it that this man was punished ?—He had left work, and he came inside the public building and into the canteen after his work was over. The canteen is really controlled by the civilians' establishment of the Ordnance Survey.

12971. What was the offence ?—Being found on the canteen after hours.

12972. Was that a breach of any regulation ?—No. there is nothing in the regulations.

12973. Was the labourer aware that he was not admitted into the canteen ?—There is an order, I know, that civilian employees are not to be allowed to be served or allowed into the canteen at Mountjoy after hours, but a soldier may bring any member of the public into the canteen.

Mr. JOSEPH LOVATT, called ; and Examined.

By the Chairman.

Mr. J. Lovatt.

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12974. You are General Secretary of the Pottery Workers' Union ?—Yes.

12975. Where are you located ?—At Hanley, in Staffordshire.

12976. Your union has taken an interest in this question of stoppages from wages ?—Yes.

12977. And you are here to represent their views ?—Yes.

12978. We have had, I may tell you, a great deal of evidence with regard to the prevalence of the system of charges in the shape of deductions from wages, and fines, and so on, and I want to get from you a general narrative ; we do not want to cross-examine you in any way about the matter. The trade you represent, I believe, is the pottery trade ?—Yes.

12979. Your union consists of how many employees altogether ?—4,500.

12980. Engaged in Staffordshire ?—There are a few small branches outside Staffordshire.

12981. There is a charge made for washing overalls in some works ?—Yes.

12982. That is 4d. a week ?—Yes.

12983. Then there is a charge for hot water for making tea and coffee, 2d. a week ?—Yes.

12984. There is one firm, you know, where there is a stoppage of 4d. a week all the year round for gas or lighting ?—Yes.

12985. That is irrespective of the quantity of gas used according to the season of the year ?—Yes.

12986. Do all the firms charge for washing overalls, or only some ?—Only some.

12987. And similarly for hot water ?—Yes, only some.

12988. Only one firm, so far as you know, makes this charge of 4d. a week for gas or lighting ?—Only one firm that I know.

12989. Then there are some firms who charge printers 3s. per week per man, and some 2s. 6d., for mixing colour ?—Yes ; that is the colour which is used by the printer to make the glaze for his purpose on the ware ; they would use about half a pint a week ; that would cost 6d., and the cost of mixing would be 6d.

12990. And they have to submit to a charge of 2s. 6d. ?—3s. in some places, 2s. 6d. in others.

12991. Then some firms charge the employees for brushes used in brushing the ware ?—That applies also to the transferers ; they are provided with brushes, but these transferers are paid so much per dozen ; there is a difference in the count per dozen for the articles ; it will take more brushes to brush ware which counts thirty-six to the dozen than that which counts six to the dozen ; and if they wear out above one brush they would have to pay for another one.

12992. At certain firms a man is employed to labour for pieceworkers ?—Yes.

12993. What kind of labour does that man have to do for the pieceworker ?—He carries the clay to produce the ware, and the water, and so on.

12994. He is paid a certain sum each week ?—Yes ; often about 1s. is stopped.

12995. Does the firm contribute to the payment of this labourer ?—No ; they stop the pieceworkers generally about 1s. a week, and if they add 25 per cent. or something like that, they would pay the man perhaps £1 a week.

12996. I do not quite follow that. Take this passage in your proof. You say : "At certain firms a man is employed to labour for the pieceworkers "—we understand that—" who are stopped a certain sum each per week, the firm paying the labourer 20 per cent. or 25 per cent less than has been so deducted from the pieceworkers." The labourer so employed is paid a certain wage, and if you compare his wage with what has been contributed by the other men, you say he gets 20 or 25 per cent. less ?—That is so.

12997. Where does the balance go—into the firm's pocket ?—It cannot go anywhere else.

12998. I mean, is it devoted to any labourer's fund ?—No ; it is stopped in the office, and they pay the man so much per week.

12999. But is the stoppage treated by way of a benefit fund or holiday fund or anything of that kind ?—No.

13000. Then, you have known 2d. a week to be stopped from women and girls for the mess room ?—I have enquired since I sent you that *précis* ; that has now been discontinued—I think at the instigation of the Factory Inspectors.

13001. Then are there numerous stoppages for machinery, steam power, sick societies, etc. ?—Yes, that is for the jigger and the pugging. They used to employ boys, and now a machine does the work, and they stop for a jigger 3s. or 4s.

13002. What is a jigger ?—It turns the wheel round, by which they make the ware.

13003. You say "some firms have computed the stoppages in the rearrangement of prices paid to the employees." Just explain what you mean by that ?—They had tried to arrange it in the prices ; what they used to be stopped altered the count ; when they are doing one class of work perhaps it would run 3d. a week, when they are doing another class it would be 10d., that is, women and girls. It is not satisfactory at all. If the stoppage used to amount to 4d. or 5d. a week for a man or a girl, they have tried to arrange it in the count of the ware ; when they are doing one class it would run to 3d., when they are doing another it would run to 10d., sometimes more.

13004. Now, in the first instance, about all these deductions are they according to a printed form of contract ?—Yes ; these are some of them (*producing tickets*). Some of the manufacturers have adopted a different method. They paste something similar to that in books, and the employees keep the books.

13005. This ticket starts in this way : "The stoppages from your wages this week are as follows." Then, sweeping 3d., pug 6d., lighting 4d., infirmary 1d., and other things, total 2s. 5d. What we want to get at is, are there rules posted up in the factory to show that there are to be deductions from the wages for sweeping, pug, lighting, infirmary, and so on ?—I do not think they are posted up in the factory.

13006. Is there any private contract made when they enter into the employment ?—We understand that the fact that they have those slips and accept them is the contract ; I do not know of any other ; you will notice that the date of the ticket you have there is June 2nd, 1906 ; they adopt now this method of putting them in the books instead of giving the men slips.

13007. Is this system of stoppages or deductions from wages much objected to by the workers ?—Yes.

13008. Would they prefer to go upon a system of having a net wage which they could understand to be definite ?—Yes. The day wage workers are not stopped at all; the pieceworkers would rather have so much per piece or so much a dozen, and know when that was settled that they were going to receive that.

13009. Just to go back on the particulars again, let me ask you this. Take the washing of overalls; are there many firms who do not make any charge for that ?—Yes.

13010. And are there many firms who make no charge for hot water ?—Yes.

13011. And I understand that all the firms but one make no charge for lighting ?—That is so during months when the light is not used; nearly all firms charge for lighting during the winter months when the light is used.

13012. Are there some of the firms that make no arrangement for deducting the labourer's wages ?—There are a few firms, just one or two, who have done away with stoppages, and the men are allowed 5 per cent. off the prices.

13013. When these deductions have been done away with in these factories, has the discipline been well maintained ?—Yes.

13014. And is there satisfaction on the part of the workers in getting a net wage instead of a wage subject to deductions ?—Yes, in all cases.

13015. I would like, for my own part, to take two of these cases in particular, and ask you this. When the charge for washing overalls has been done away with, is the pay reduced, or is it the same as before ?—Well, that is an unusual thing; I do not think they ought to pay for washing overalls at all.

13016. But what I mean is, as comparing the one factory where they do charge with the other factory where they do not charge, is there any difference in the wage ?—Since these regulations came on, with regard to the lead workers, and overalls and caps have been provided, the general run of firms have not made any charge of that kind.

13017. Now, take the charge for gas; does that firm pay more wages which charges for gas than a firm that does not ?—No.

13018. They pay the same rate of wages ?—Yes.

13019. In your view, do you think that all these charges which you refer to should be charges falling upon the general on-cost of the undertaking ?—With regard to the charge for gas, it is rather a sore point with the piece-workers, who sometimes have to pay quite excessive charges. I do know one firm who allowed the men to have a meter of their own and pay for their own gas. Some of the piece-workers think that they pay too much, and they would be satisfied if they paid for their own light.

13020. But what do you say to the other system of no payment at all, but that the wage should just be a wage which takes into account what the employers pay for the gas ?—That would be more satisfactory, I think.

13021. Would that lead to waste of gas ?—I do not think so.

By Sir Frederick Cawley.

13022. As to these stoppages that are made, I presume if they were all done away with and a system were adopted, such as the Lord Advocate has spoken to you about, in which there were no stoppages, you would agree that it would mean a considerable reduction of wages; the operative would expect that, I suppose ?—Yes; I suppose the cost of the stoppages would have to be arranged for in some way.

13023. Now, do the operatives know about these stoppages before they engage as a rule ?—Yes; it is a general rule throughout the Potteries; I do not suppose that they make inquiries particularly, and it is not stated to them; but it is generally understood that stoppages are made at the places.

13024. Then the way that they gauge as to which is the best employer, which pays the most wages, is at which works they get the best net wage; is not that it ?—Yes, that would be so.

13025. Is there really much difference between one and another as to the net wage they earn—the money they take home ?—At places where they have stoppages you mean, and where they do not.

13026. Exactly; is there really much difference in the net wage, when it comes to be considered ?—I do not think I have evidence to show that all the places that make stoppages pay less wages than places where they do not make stoppages, but we do think that it is not satisfactory that these stoppages should take place.

13027. But you do not insinuate that those places where stoppages occur, as a matter of fact, pay any less wages than other places where not so many stoppages occur ?—I think not.

13028. So that the net wage that the operative takes home is pretty well the same whatever place he works at ?—Yes; but take the case of washing overalls. If they work two days, Wednesday and Thursday, that stoppage would be made.

13029. As a matter of fact, the operatives would prefer to have their overalls found them and their gas and their steam power, and their machinery and everything, the same as the day workers, and a rate fixed which would include those things ?—Yes.

13030. Of course, if they did have a system of that sort, their rate would naturally be considerably less than the one they have now ?—Yes.

13031. You say here: "At certain firms a man is employed to labour for piece-workers, who are stopped a certain sum each per week, the firm paying the labourer 20 per cent. or 25 per cent. less than has been so deducted from the piece-workers." Does that apply to more than one labourer ?—In some big firms there would be three, perhaps.

13032. How much do these labourers get ?—About £1 a week.

13033. Your information is that they collect practically £4 a week from the operatives for £1 that they pay to the labourer ?—Yes, they pay £1 to each labourer—a total of £3—for the £4 they stop.

13034. You would consider, I suppose, that the employer ought to have some profit on that labourer; the operative would not think it right that the employer should bring in a man to do a certain amount of work and have no profit whatever on that labourer ?—Well, it seems to me that that is unjust.

13035. Then the Lord Advocate spoke to you about discipline being maintained. I rather gather that some of these deductions you speak of are in the nature of disciplinary fines ?—No, these are not disciplinary fines.

13036. Are there any disciplinary fines ?—There is not much fining now, I think. Smoking, I think, is about the only thing that is fined for.

13037. Fines for discipline in this business are a negligible quantity ?—Yes.

By Mr. Maddison.

13038. It is true, is it not, that these stoppages did leave the workmen worse off; that is to say, in the firms that did not charge for washing overalls the workpeople went home with 4d. per week more than they did in the case of firms where they were stopped ?—Yes; in that case it is an unjust stoppage.

13039. And the same with regard to the gas ?—Well, some places that have arranged in the prices would make some allowance for gas.

13040. Now, about the hot water for making tea. Who got that 2d. per week from the workpeople ?—The manufacturer.

13041. It is not paid to the woman who undertakes to boil the kettle and get the tea ready ?—No.

13042. Now, in respect to these unreasonable deductions, as you make out; for instance, in the case of the printer and in the case of labourers, has it ever been brought to your notice that that is an illegality under the Truck Act of 1896, which says that the deductions

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must be "fair and reasonable," and they must only be the actual or estimated cost to the employer ?—No, I did not know that they were illegal stoppages.

13043. Why I asked you that question is this: has your union ever tried to apply the Truck Act of 1896 to the employers; have you ever called the attention of the inspectors to it, for instance ?—Yes. In regard to that place where they charge for hot water they used to charge 2d. for messroom.

13044. About the deduction for fixing colour, have you told the inspector about that ?—No, I did not think that they came under the Truck Act.

13045. I am rather interested to know what view your union takes of the inspector's duties in this respect. That has evidently been a grievance with your men, and I should have almost thought that you would have consulted the inspector about a thing like that ?—No, we have not, with regard to the colour mixing, nor with regard to the labourers. The charge for labourers I always thought unjust, but it is very hard to get anyone to produce the evidence unless you can get the inspector on the work, because his or her situation is at stake.

13046. That was just my point—that by consulting the inspector himself you would be free from that risk; the inspector has his own way by which he makes inquiries, and so saves any risk to the workmen; that was my whole point; you have inspectors in your district employed by the State for that special purpose. One of the ideas, I take it, of the Factory Acts is that inquiries shall be made by the inspector rather than that the employees themselves should make the complaints ?—Do you mean that the inspector could inquire in the office how much per man was stopped for this labour, and how much the employer paid ?

13047. Certainly, and he could do it in his own way without involving any particular employee. Your union has never thought of using the inspector in that way ?—Not on those two points.

13048. Do I understand that day workers are not subject to stoppages; was that your evidence ?—Yes.

13049. So that it is the piece-workers who are involved, and any alteration would mean an adjustment in the piece-rate ?—Probably, yes.

13050. In the case of the charge for colours—charge for mixing colours ?—Yes.

13051. Do you contend that the mixing of colours should be done by the firm—that it would be better done by the firm, and adjusted in piece-rate; is that your view ?—I suppose that now it has been so long-standing that the employers would seek to get the price of that, but we think that it ought not to be paid to that amount.

13052. And I suppose your view is that it is far better where it is piece-rates to have the net rate paid, letting the employer find everything, power, gas, or whatever it may be, and the man know exactly what he will earn when he has completed a certain number of articles ?—Yes; we feel that very strongly.

13053. And is that the general view of the union ?—Yes.

13054. And do you think it is the view of the men outside the union ?—Yes.

13055. Are most of the workpeople in the union ?—No; I am sorry to say they are not—not quite half.

13056. Have you any deductions for spoilt work ?—Yes, there are deductions for spoilt work, and we have used the inspector very well in that way; and he has sometimes caused them to pay up.

13057. What is your view about deductions for spoilt work; is it covered by your general objection to stoppages? —Yes.

13058. Some of your ware is very valuable, I think ? —Yes, I have made pieces myself at 3s. 6d. each.

13059. Not more than that ?—Well, they will go up to 6s.

13060. I do not know what part of the process you do, but suppose at the latter part of the process somebody spoilt the piece altogether—I mean the 6s. piece—do you think there should be deductions for that spoilt work ?—If somebody spoilt it other than myself as a pieceworker, do you mean ?

13061. I mean, suppose the process you are engaged in is very near the finish of the article. The piece goes through different processes; suppose somebody is painting it—have you any hand painting ?—Yes.

13062. That will be the last process, I suppose ?—Yes.

13063. Suppose he or she spoils that piece altogether—breaks it or drops it—what do you say to deductions for that ?—It ought not to be; we object to that.

13064. Why do you object ?—We are paid for producing work, and when it is produced from us, and has gone through the biscuit oven, the first firing, seeing that it has gone through that process, we say our responsibility should rest there.

13065. Even although it is your fault that spoils it ? —It is looked over there. If it was the fault of the maker, even, the manufacturer has, or is supposed to have, competent people in the warehouse to look over the ware, and after it has gone past those people our responsibility ends.

13066. I want to get on my mind your view, as a representative man. Suppose it has gone through all these stages perfectly satisfactorily, and it comes to the last stage, and you or anybody else gets hold of the piece, and in some way spoil it altogether, and a loss is caused to the employer of 5s. or 6s. ?—I see what you mean. The maker is not supposed to handle it, but if I went into the warehouse and spoilt the piece of ware in some way, well, I should think it was rather hard if it was an accident, but if there was some negligence on my part I should think I ought to be stopped.

13067. What would happen if you, as a piece-worker, did that; first of all, you would not get paid for any work you did, because you would not present the article to the firm ?—Perhaps you will let me explain it in my own way. I was a maker. I worked "good from oven," which means good from biscuit oven; I had so much per piece for bringing it good from the biscuit oven. If after it had left me some careless workmen damaged the article, I had done my part of the work, I had done my duty, and it would be wrong for me to have anything stopped as the result of somebody else's negligence.

13068. Now, suppose you did not get it good from the biscuit oven, what would happen ?—I would have to stand the loss of it.

13069. That is to say, you would not get paid for making it ?—No.

13070. If at a later stage, by a sheer accident, someone breaks it or spoils it, you think that there should not be a deduction—the loss should be part of the ordinary working charges ?—Yes.

By Mr. Delevingne.

13071. As to these charges which you have mentioned for pugging, and so forth, they are really old-standing customs which have come down from the time when the trade was managed in a different way—when the workman had to do his own pugging by hand ?—Speaking generally, yes. I only know of one firm in which, when the pug was paid for, the manufactory then ceased stopping the men anything each week for the pay.

13072. What I mean is this. Originally, when piece-work rates were first fixed, the men had to prepare the clay themselves; then the pug-mill was introduced, and the employer now does the work for the workman, but the piece-work rate remains the same and a deduction is made ?—The pug is the only advantage we can see for the potter. It used to be very heavy work when they had to wedge the clay in the old way; the pug now does the wedging. The pug is the only machine, so far as I can see, that has benefitted the pottery worker; it has done away with a lot of manual labour.

13073. I suppose the same would be the case with the charge for gas. Originally the men, I think, bought their own candles; then when gas was introduced the men were saved that charge, and the employer who provided the gas made a charge instead ?—I should say that was originally what would happen.

13074. So that really these deductions have been a way of arriving at a fresh piece-rate in consequence of the altered conditions of the work ?—As to the gas and the pug, I think so.

13075. They are typical, are they not, of several others —I hardly think so.

13076. Would there be any difficulty, do you think, in the employers and the workers arriving at a new piece-rate which would be a net rate without deductions ?—Some firms have done it; some few firms have arrived at a decision as to labour; this is something that has come lately. When I was a lad I used to have to sweep the floor in the morning on my hands and knees sometimes. These stoppages have come about like that, only the stoppages are excessive; there is more stopped than is paid to the man who does the work.

13077. You do not object to a stoppage being made if the employer does not make a profit out of it ?—I believe we should make an arrangement and be prepared to allow something in the price for these things being done for us.

13078. My point, however, is, would there be any difficulty in a general settlement being arrived at in the trade between the employers and the workmen for a net price instead of the present system of a gross price less certain deductions ?—That would depend on the people; some would not object, and some, if they were making a profit, would.

13079. Is any great grievance felt by the workers as regards these stoppages for sweeping, pugging and so forth ?—As to pugging and sweeping, I do not think so.

13080. Do you happen to know that the superintending inspector of factories for the division a year or two ago made an attempt to get a net price fixed ?—I am not aware of that.

13081. He asked the workers for a statement of their grievances, and failed to get it ?—That would be before I was secretary.

13082. Now, as regards the charges for matters like cooking, hot water, messroom, do the workers object to pay a reasonable charge for those conveniences ?—I do not think they would; but, again, with regard to hot water, in the case of one or two firms the people had to fetch the hot water from across the way, and the inspector has been and seen to that, and now they are provided with hot water. Still, it seems a big charge, 2d. a week off a girl for providing her with hot water. *Mr. J. Lovatt.*

13083. That is a question of unreasonable charge; but what I want to get at is, do the workers object to pay a reasonable charge for the provision of conveniences like messroom, hot water, and so on ?—The workers would be prepared to pay a reasonable charge in the price, so that they would know each week what they were going to pick up. They would prefer to arrange for it in the price, so much a piece, or so much a dozen, rather than have so much stopped. The stoppages are put down, and in most cases if they work half a week or a third of a week they have the same stoppages as for a full week. 12 June 1907.

13084. But if you allowed in the price for that, that would imply that every worker would be paying for the hot water or for the messroom, whether they used them or not. If the charge for messroom and hot water was allowed for in the piece price, it would mean that every worker who was working on piece price paid for the messroom and the hot water whether they used it or not ?—The hot-water charge is made at all places I know, whether they use it or not.

13085. Have you brought that to the notice of the inspector ?—No, I have not.

13086. Are you aware that the inspector has taken up any number of cases of that sort, and got it stopped ?—Most firms I know charge 1d. a week, and it did not seem a big matter, but when it came to our knowledge we put the inspector on to it and he took it up.

13087. Are things, as regards these stoppages, any better now in the Potteries than they were some years ago ?—No, they are about the same as long as I can remember.

13088. How long does your memory go back to ?—Twenty-five years.

13089. Have you a wide experience of the Potteries ?—I worked as a working potter twenty-three years.

13090. In one firm, or more than one firm ?—In three firms.

13091. How long have you occupied your present position ?—I started in the new year last year—twelve months last January.

13092. So that your experience of the trade, as a whole, is rather a short one ?—About twenty-five years.

FORTY-EIGHTH DAY.

Wednesday, 26th June, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

E. A. BROTHERTON, Esq., M.P.
Sir F. CAWLEY, Bart., M.P
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Miss MARGARET G. BONDFIELD, called; and Examined.

By the Chairman.

13093. Will you please tell us your address ?—122, Gower Street, London.

13094. And you are—— ?—I am Assistant Secretary of the National Amalgamated Union of Shop Assistants, Warehousemen and Clerks; the evidence that I am giving you now is on behalf of that Organisation.

13095. Of what does the Organisation consist ?—The Organisation consists of men and women employed in the distributive trade. We embrace in our membership grocers, drapers, ironmongers, jewellers—in fact, all sections of the distributive trade; it is the only national organisation representing that class of workers. *Miss M. G. Bondfield.* 26 June 1907.

13096. How many employees does the organisation represent ?—22,000 members are enrolled in our organisation.

13097. In what localities ?—They are spread throughout the whole of the United Kingdom, Ireland, Scotland, Wales and England. We have between 410 and 420 branches spread throughout the United Kingdom.

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13098. In those branches have you a secretarial office ?—Yes, every branch has a branch secretary.

13099. And they have communications with your office ?—Yes, from the central office to the secretaries. We are in constant communication with our secretaries. The work is centralised; there is a central executive. It is not simply a collection of local associations; it is a national organisation, working through branches spread throughout the United Kingdom. May I say at this point that we are authorised by resolution to speak also on behalf of the Co-operative Employees' Union, a union which is entirely confined to the Co-operative Stores, and on behalf of the Irish Drapers' Assistants' Protective Association, which is a local association confined to Ireland ? They are not, I belive, sending direct witnesses; one association represents a class of workers who all live out, and who are strongly opposed to any idea of living in.

13100. Which association is that ?—That is the Co-operative Employees' Union. Living in is unknown in the Co-operative Stores. The Irish Drapers' Assistants Protective Association have sent a very strongly worded resolution, which I will place upon the table, asking to be included as supporting our request for legislative interference; although I understand they are not formally giving evidence, they support our case.

13101. Your organisation has had brought before it the remit under which we are now acting ?—Yes.

13102. That includes, as you know, an inquiry into the administration of the Truck Acts, the subject of fines and deductions, and then, specially, the practice in the case of shop assistants of the system of living in ?—Yes.

13103. Before we come to the living in system, which is the main part of your evidence, I want to ask if you can give us any light upon the other portion of our inquiry, which has occupied us so long, namely, the subject of fines and deductions from wages ?—Yes. I think I can give you some very clear and convincing evidence that fines are very oppressive, and that the system of fining is unnecessarily harsh in connection with our particular trade, perhaps more so than in the case of factories.

13104. Will you read from your proof, because there are some passages of a *quasi* historical kind that I should like to get on the notes ?—During the earlier stages of the development of the distributive trade—when an employer who kept two or three apprentices was considered to be doing a big business—the shopkeeper acted as guardian to his apprentices; they lived in his house, ate at his table, and were compelled to yield to him obedience, not only in business affairs, but in all things relating to their social well-being. At the expiration of their apprenticeship, they, in their turn, became shopkeepers, socially and economically equal with their previous employer.

13105. This portion of your narrative is derived from the ordinary reading that a person in your position would have in regard to the historic development of your industry ?—Yes, mainly from the records of the Reports of large businesses, which I found in the British Museum.

13106. Could you give us one or two instances of those ?—Take as an instance a house which we probably all know, John Rylands and Sons, of Manchester, London and Crewe. In 1814 the great grandfather (I believe it was), of the present members of the firm had one small shop in Wigan, which he ran with the assistance of his son. In 1825, the firm had arrived at the stage of having a branch business in Manchester; it was still quite a small business. In 1832 they were running a fairly large wholesale concern in Manchester, in which they employed a certain proportion of assistants; but it was not until about 1850 that this great establishment had really grown to the extent of employing assistants as permanent wage earners, the assistants having practically no hope of becoming in their turn employers. That is one illustration—I could multiply it by hundreds of cases—to show how comparatively recent these great industries are, as compared with the manufacturing industries.

13107. Then you have a reference to make to the legislature ?—In 1831 shop assistants, as a class, were not permanent wage-earners, and the distributive trade was not included in the definition of trades to which the Truck Acts applied. That also I got from records of the Reports of proceedings at the time of the Truck Act agitation was being conducted in the country. There was no reference, as far as I could gather from any Report, to any claim on behalf of the shop assistants as a class of wage-earners. In 1875 to 1881 the social and economic division between employer and employee was apparent, the living-in system was an established custom open to many abuses, and conditions of employment generally were notoriously bad. That also I have got from newspaper Reports mainly, and from records in trade papers, and so on.

13108. Does that apply to any particular part of the country ?—No, it was very general, I think. The development of trade, of course, followed the manufactures to a very large extent. The big businesses would grow up rapidly in the centres where machinery had been introduced to expedite manufactures.

13109. Then the assistants at that time were unorganised ?—Quite unorganised and consequently inarticulate, and shop workers remained outside the scope of the Employer and Workman Act of 1875, and the Amending Truck Act of 1887. In 1889, however, the shop workers began to organise, and come into line with other workers.

13110. Now I wish that you would define that, if you please ?—You will remember that in 1889 there was the great dock strike. For the first time it began to dawn upon the small bodies of men employed in shops that, if such unskilled workers as the dock labourers could organise in their own interests, there was no reason why the shop assistants should not at any rate attempt to organise their own class. The movement began in East London, Cardiff, Birmingham, Manchester, and, I think, Newcastle. Small local groups of men employed in the distributive trade got together and called themselves trade unionists, although they had no power and no organisation as such. Then in 1891 these isolated groups got into touch, and held a meeting at Birmingham, at which it was resolved to form a trade union for the distributive trade. That was practically the beginning of the union which exists at the present time. Then, in 1896 their demand—that is the demand of the organised workers as represented by the union—to be placed on a legislative equality with other wage earners had grown sufficiently strong to secure the practical attention of some active Members of Parliament with the result that Clauses 1, 5 and 6 of the Amending Truck Act, 1896, were expressly extended to shop assistants. The result of this extension has been greatly to diminish the number and amount of fines enforced in shops, although in far too many cases they are still out of all proportion to the offence.

13111. That brings us now up to a period of time when you can personally testify ?—Yes.

13112. Before you go on with your proof just let me ask you one or two questions. The system of fines does obtain in shops in the United Kingdom ?—Yes.

13113. And also the system of deductions from wages ?—Yes.

13114. Now, as to the system of fines, of course there are various branches, but the first is fines in respect of discipline ?—That is given by the employers as the main reason for the enforcement of fines.

13115. Under the head of "Discipline" we have generally found at the top of the list fines for coming late. Does that system prevail ?—That prevails; it is probably the most common fine of all, the fine for being late in the morning.

13116. At what rate is the fine ?—The rate varies. In some shops it is 2d. for the first five minutes, 4d. for ten minutes, and so on, a graduated scale. In other shops there is a fixed sum of 3d., but the most general fine is 6d. for being late and if an assistant is five minutes late the fine of 6d. is enforced.

13117. Is that irrespective of the amount of wages earned ?—Quite irrespective of the amount of wages earned.

13118. And sometimes it bears a very heavy proportion to the amount of wages ?—An exceedingly heavy proportion to the amount of wages. It is a most monstrous exaction by comparison with the wages earned.

13119. That, I presume, applies to the cases where the assistant comes late from outside ?—Not at all, that is the

peculiar thing about it. In most of these houses where fines for being late are enforced the assistants live in.

13120. So that it is really for not appearing from their dormitory into the shop?—Yes; the fining is done in the shop; the assistants may be delayed at the breakfast table or they may oversleep themselves or anything may happen in the business premises. We find that where the assistants do not live in, as in the case of many grocery shops, the punctuality is much better.

13121. That is the general system of fines?—Yes.

13122. That is as to lateness. Now have you experience of firms employing a considerable number of hands who have had, and who have now abolished the system of fines?—Yes.

13123. Will you start with those names to begin with?—I can give you at once some half-dozen names:—C11, F9, Q3, X6, F5, and E8; I could place on the table later on several other houses probably, whose names I cannot remember at the moment.

13124. Those are all firms of pretty large standing?—They are all firms recognised as of good standing in the trade.

13125. So far as your information goes how has the abolition of fines affected discipline in those houses?—It is a matter of common knowledge in the trade that there is no house in the trade where punctuality is so well maintained as at Q3. The punctuality there equals the punctuality at any factory That applies not only to the assistants coming in in the morning, but also to their coming up from meal-times and so on. That is the house where probably they employ the largest staff of assistants in London.

13126. Do the instances that you refer to cover the case not only of fines for being late but fines generally?—They cover the question of fines altogether. They have abolished fines entirely for any offence. This does not cover the question of deductions; I take it that you are not now dealing with deductions.

13127. I was going to see how far that carried us. Take the case of breakages. In the case of Q3, does that cover breakages?—No. In the case of Q3, it very largely rests with the buyer of each department as to whether or not he takes any notice of the breakages or whether he charges the broken articles at cost price to the assistant; that is not looked upon as a fine.

13128. Do you know any case in which that system once prevailed and has been abandoned?—I believe that in the case of C11 and in the case of F9 they have abolished deduction for breakages.

13129. They rely solely upon discipline?—They rely solely upon appealing to the sense of right in the assistant.

13130. Of course, with the sanction behind it of dismissal if necessary?—Quite so; there is always in the background dismissal for wilful neglect or disobedience.

13131. Suppose a case of this kind. Suppose, not breakages, but carelessness, inattention to customers, girls or men really misbehaving in the sense of not doing their work properly, have you any experience of fines for such cases?—Yes, frequently there are fines for inattention to customers or for impertinence to the shopwalkers. I have a list of rules here where you will find those fines described; there are various fines inflicted.

13132. What I want to get from you at this stage is this; have you any instances in which that system has been abandoned in favour of ordinary measures of discipline?—Yes. In all these houses that I have mentioned the fines have been abolished. For instance there was a fine for mistakes in making out bills for customers. All the firms referred to had the regulation list of fines and they abolished these fines entirely. One of the proprietors of C11 publicly stated that his reason for abolishing the fines was that it was no incentive to discipline whatever, but that the assistants felt themselves quits, they had discharged their obligation for whatever they had done amiss.

13133. So that in a sense the moral effect of it is better for disciplinary purposes?—Distinctly better. If they wilfully or deliberately disobey orders, they are liable to dismissal, and that is infinitely better for the discipline of the staff than these petty fines.

13134. Now, I have asked you as to the abolition of fines, which you say has been practised with success; the next point I would like you to deal with is this. Suppose a system of fines to go on and to be well known on the premises, do you think that it is often accompanied with injustice?—Yes, I do, because in my experience of business life the mistakes which occur are mistakes mainly due to either nervousness or overwork, or inexperience, for which fines are absolutely no remedy whatever. In the case of mistakes with customers and so on, it is not the new girl who is inattentive to the customers, it is the hardened girl, who is quite accustomed to business life, and who knows perfectly well how to avoid the notice of shopwalkers, who may be indifferent about her work when she is not being watched; but the young inexperienced girl is in such a great anxiety to please that she often makes mistakes through sheer nervousness. Then fining is unjust, and it leaves a sense of injustice.

13135. You think that that actually happens?—I think that that is very frequently the case. It is the younger members of the staff who get fined. There are many instances that I could give you. I had a case sent in to the office only last week; it is an instance of the way in which some members of the staff get fined while other members of the staff may be in the house for the whole year round without getting fined. This is a case at D5. I was informed by a member of the counting-house staff that the total fines for the year ending February, 1906, amounted to £110. That only applied to about fifty assistants in the whole of the house. Between them these fifty assistants paid £110 in the year.

13136. Out of how many?—I have not the exact figures, but I should say, at least 200 to 250 are employed there, judging from the size of the business. In the year ending February, 1907, the total amount of fines was £80; that was divided amongst a similar number of assistants; so that you see probably one-third of the staff would incur fines, and other members of the staff would probably be there all the year round without incurring any fines.

13137. When fines are imposed in these houses have you any general evidence to give as to how they are disposed of?—Generally no account whatever is given as to what happens to the fines. The assistants do not know how they are disposed of.

13138. We have had evidence with regard, not to the distributive trade, but with regard to manufactures, and so on, that the fines imposed may be devoted to some workmen's purpose, some insurance fund, or holiday fund, or sick fund, or something of that sort?—The only known way of using the fines in the distributing trade is in connection with libraries. In some of these rules, if you care to have them examined, you will find it is stated that all fines are devoted to the library. That we shall come to under the head of deductions probably; but I may say at this point that the average library of the average business house cannot possibly account for the fines that are taken; there is nothing to show for them.

13139. That means that it is just a case of the fines being part of the receipts of the firm?—Yes; that is generally believed amongst the assistants to be the case throughout the whole trade.

13140. I think these are the general questions that I was anxious to put to you. Now will you go on with your proof. I understand that you are now giving us evidence as to the existence of fines in places of business which you are able to personally name?—Yes. I was very careful personally to verify all the concrete cases I gave; but I wish the Committee distinctly to understand that these names are only mentioned as examples; they are not in any sense picked out as being worse than their competitors. I wish it to be very clearly understood that instances could be given all over the country of similar things; it is not in the least meant that the establishment of E5, for instance, is the only one at which a particular fine obtains; but our committee thought that it would be essential that your Committee should have before you a concrete instance in every case in which we complain.

13141. In the case of E5 you give as an instance a fine of 5s. for "losing duplicate"; will you explain what that means?—A fine of 5s. is inflicted whenever a duplicate is lost. May I for the benefit of the Committee very briefly explain what that means, and how a duplicate can be lost. The books that the assistant has to use are usually numbered from one to fifty; every bill-head

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has on it a number, from one to fifty. When the assistant uses up her last bill-head she has to go to the counting house and get a fresh book, and she is expected to count the book from beginning to end, and see that there are fifty in it, and if a page is missing she has to have it put right at the counting-house before she serves out one page. Now, theoretically that is very good, but in actual practice it works in this way. The assistant may be in the middle of a sale rush, called every two minutes to a customer, and she must not be away from her counter very long. She rushes away to the counting-house for her book, and comes back ; the shopwalker immediately calls her to serve ; she serves a customer and uses a bill, because the customer must not be kept waiting, whatever happens. Very frequently, when a girl is inexperienced, the rush at the moment when she gets her new book is such that she forgets that she has not counted it, and she does not count it, and there may be a leaf missing. She has not counted her book, and she is held responsible for that. The inference is that if a bill-head is missing it may have been used to get money from a customer without accounting for it to the firm, and the assistant may have pocketed the cash. That is the reason that so much importance is attached to losing a duplicate. In my very large experience of business life I have never known of a single case where an assistant has attempted to tamper with duplicates, and this fine of 5s. for losing a duplicate is inflicted more frequently than not for mistakes which have occurred not at all through any wilful desire to defraud the firm, but through a sheer accident which is sometimes quite unpreventible, or very frequently through stress of overwork. A book may get knocked down from the counter and caught in something, and a leaf falls out ; the assistant does not notice it. It may be perfectly blank, it may have nothing on it, but the absence of the leaf is always discovered when the duplicates are checked ; the assistant is held responsible for the missing duplicate, and the fine is inflicted.

13142. The fine in this case you say was 5s. ?—Yes.

13143. Have you any idea what would be the wage earned by this worker ; was it a girl ?—Yes. This girl lost a duplicate for an amount of 3d. ; she knew it was for 3d., because she had entered the amount in her margin sheet, in which the assistants are expected to enter everything they sell. Her wages were £25 a year, living in. Assuming for the sake of argument that the living-in was worth another £25, that would be £50 a year ; it would be about 3d. or 4d. an hour ; of course you have to take into account the hours worked ; in that particular shop, as far as my memory serves me, the hours are sixty-eight per week.

13144. Apart from the living-in, her wages would be about 12s. a week ?—Practically less than 10s. a week ; it is £25 a year.

13145. That instance occurred in 1897 ?—Yes.

13146. Does this firm E5 keep up the system of fining yet ?—Yes, the system of fining is still enforced there.

13147. Have you any list showing in respect of what these fines are imposed ?—In every case where I have quoted the name of a firm I have brought here the list of rules. I have omitted to bring the rules of E5. (*See Appendix XI, where some of these are set out.*)

13148. In the case of F5 there is a fine of 6d. for losing a duster, and you have the note here : "The cost price of a new duster would not exceed 3d." ?—The assistant was fined 6d. We brought this case before the Home Office at the time ; a deputation waited on Mr. Cochrane, the then Under-Secretary ; Mr. Cunynghame appropriated the rule book, so that you will find it in the Home Office archives ; we also brought this case before the Drapers' Chamber of Trade ; they received a deputation from our union, and the result of this action has been that F5 is amongst those firms who have totally abolished fines. The abolition of fines there has really taken place since this proof of evidence was printed.

13149. Going back to the E5 case, did you bring that before any public official ?—No, we did not, because at the time the deputation waited upon Mr. Cochrane this particular instance had been overlooked by myself, and I only discovered it in looking over my papers in preparing this evidence

13150. Then you give another instance, G5 ?—The rule-book I have handed in of that house is dated 1900 : "The fines . . . which will be appropriated to the purposes of the library. The shopwalker will decide the amount of fines, which, as a general thing, will be 6d. for each offence, but repeated infractions of rules will entail dismissal, and the reference endorsed with the fact."

13151. You very properly call our attention to the question whether that is not a violation of the intention of Subsection (1) (*b*) of Section 1 of the Truck Act of 1896. That subsection requires a specificaton of the acts or omissions in respect of which the fine may be imposed. Your point is that this servant is at the mercy of the will of the shopwalker for the time being ?—Yes. I may also say at this point—it is rather interesting—that G5 is the only living-in house in S. Only the men live in ; the young ladies do not live in ; and the accommodation provided for the men is of the very barest description ; there is practically no library at all.

13152. And they have a system of rules and regulations under which fines are appropriated, they say, for the purposes of the library ?—Yes.

13153. You have very properly called our attention to the specification required in the Act of 1896. That specification is only approximately given by saying that "as a general thing" the fine will be 6d. for each offence, and therefore, so far as specifying the amount of the fine and the acts or omissions, the Act is not given effect to at all ?—Do you mean that you think it is quite in conformity with the Act ?

13154. No, I think it is quite the opposite. It is much too general. The Act says that the contract must specify the acts or omissions and the amount of the fine or the particulars from which that amount may be ascertained. The only way in which that is approximated to is by saying that the fine "as a general thing" will be 6d. for each offence ; that is not a specification at all ?—Precisely ; that was my view of the case.

13155. Then we come to H5 ?—There you will find that the rule-book is arranged in sections, and at the foot of each section it says : "The fine for the infringement of any of the above rules will be 3d. or 6d." as the case may be.

13156. One of the rules is, "assistants are expected to take all suitable opportunities to introduce goods to the notice of customers," and there is a fine of 6d. for neglecting to do that ?—Quite so.

13157. But who is to judge whether the assistant has taken a suitable opportunity ?—Precisely ; that is the point. In that rule book you will find, if the Committee have time to examine it, a number of rules of the same indefinite character. It just depends on whether the shopwalker is in a temper or not as to whether he considers that the assistant has been suitably attending to customers or not, and so on. There are fines for impoliteness ; it is left to the discretion of the shopwalker to decide as to whether the girl has been impolite.

13158. I see there is Rule 40 : "Serve well and quickly, but do not hurry customers" ; they will be fined if they do not serve well and quickly, and they will be fined if they hurry customers. Who is to judge of that ?—Precisely ; there are lots of similar conundrums in that book.

13159. Rule 42 is : "Never have much stock before a customer ; when practicable put away one article before bringing another." There are two questions of opinion there, as to whether there is much stock, or whether it was practicable to put it away ; who judges that ?—The shopwalker, or the buyer of the department, or, of course, the employer, if he happens to be there.

13160. These firms are still carrying on business ?—Yes.

13161. Are these rules and regulations still in force ?—Yes ; a copy was supplied to me last month in this last case.

13162. And are these fines in practice imposed ?—Yes, they are in practice imposed, at the discretion usually of the shopwalker, because he is the man who watches the assistants.

13163. Is there dissatisfaction with this system of fining ?—Great dissatisfaction.

13164. Then I5?—In that list I have marked at the side four very extraordinary rules. Since this evidence has been prepared this firm has been amalgamated with K5. L5 is a separate firm and has a separate set of rules.

13165. We happen to have the I5 rules. Here is one: "Any assistant standing near a customer who is not being served, and not serving her at once, or leaving her to go out without being spoken to, first offence 2s. 6d. fine, or if engaged, and not calling shopwalker's attention, fine 1s." Are such fines imposed?—Oh, yes. They may be imposed in the most arbitrary way. That sort of thing may occur with an assistant who is an experienced assistant. Anyone who has any knowledge of a shop must know that it is sometimes impossible for an assistant without at any rate shouting to attract the attention of a customer who has decided to walk out. That sort of thing may occur three or four times in the morning, and the shopwalker may take no notice of it.

13166. Then there is Rule 24: "Assistant answering shopwalker impolitely, fine 1s.?"—The shopwalkers have a great deal of dignity, and that fine, wherever it is in existence in a rule book, is very frequently rigidly enforced if the assistant is not in favour with the shopwalkers. These are the sort of rules which permit any amount of injustice on the part of those immediately over the assistant.

13167. The shopwalker is a man, is he?—He is usually a man.

13168. Then this is a rather wide sweeping net, Rule 26: "Minor irregularities not mentioned, fine 3d." Can you explain this to me; this is Rule 28: "Assistants allowed one large box and one bonnet box only"?—That refers to the regulations about living in. In many house rooms there are very rigid restrictions as to the amount of personal property the assistant may bring into the premises, although it is the only home she has got for the time being.

13169. These fines must be imposed upon the living-in people, because it says: "for every five minutes late in coming into business or exceeding time allowed for washing purposes, etc., fine of 3d."?—Yes. In some houses in those departments which make it necessary for the assistants to have quite clean hands—light fancy departments—the assistants are allowed five or ten minutes for washing after the dressing out has been done—after the shop has been decorated for the day then they have to go down and wash their hands and tidy themselves up for the business of serving customers. That does not refer to the washing before they go into business.

13170. Then L5 is the next; "A fine of 1s. will be enforced for using candles in bedroom after the gas is turned out"?—That is not a printed rule; it is a written rule in the house. I was myself in that house and this is my personal evidence. That rule is posted up in the hall of the living-in house, which is next door to the business premises.

13171. Is that fine imposed?—It was when I was employed there, and as far as I know it is still in force.

13172. Then we come to M5?—It will be wise to impress on the Committee that these rules are regarded as the property of the firm, and any assistant who retains the rules is liable to dismissal, consequently we have the greatest difficulty in getting books of rules; and many of these rule books have been sent to me anonymously. That was the only one which I could get of M5 on account of the risk of an assistant being asked for her rule-book and not having it in her possession.

13173. Is M5 a place which employs men as well as women?—Yes, it is quite a large house employing about 150 people and it is a very first-class house—one of the best houses in C———

13174. They have a fine of 2s. 6d. for smoking on landing or in bedroom, 2s. 6d. for sleeping out without permission, 6d. for wrongly addressing parcels, 3d. for writing wrong department opposite articles, and other fines of that description. Now, are these fines actually imposed?—These fines are actually imposed. In the case of M5 I have purposely quoted this house in preference to some others, because it is a good house; it has a good reputation, and this is their plan for the maintenance of discipline. I may safely say that in the case of M5 the fines would only be imposed if the offence actually happened; I mean it would be no question of injustice on the part of the shopwalkers. I do not think that would be likely to happen. But these fines are equally unjust for the reasons I have already stated. For instance, "wrongly adding up index of check-book" and "writing wrong department opposite articles" and so on—these things happen mainly in the case of inexperienced assistants who are flurried in the pressure of their work, and they are not cured by fining.

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13175. Then there is the case of N5; they have a fine of 3d. for "addressing a customer as Miss instead of Madam." Is that fine actually imposed?—I cannot give you a concrete case, but I know that the fines are enforced at N5 generally. It would be an extremely rare thing if an assistant did address a customer as Miss instead of Madam, unless it was a friend whom she addressed by her surname as well, because one of the earliest things they learn in the trade is to say "Madam."

13176. Then there is a fine of 2d. for wearing flowers in business hours?—Well, they do not wear flowers; I do not think I can give you an actual case. It simply means that the assistants do not wear flowers in business.

13177. Then there is a fine of 6d. for "private writing and reading, talking to each other while serving, or talking to another customer unless strictly business, incivility, gossiping, standing in groups or lounging about in an unbusinesslike manner." The judge of that is who?—The shopwalker or the person in charge of the department, most usually the shopwalker.

13178. Here is a fine "for not using paper or string with economy"; a fine of 3d.?—There again it is the opinion of the shopwalker that decides the question.

13179. You must excuse me asking you about this last one: "Sleeping out, without permission, fine 2s.?"—The general fine for sleeping out without permission is 2s. 6d.; in some very rare instances it is as high as 5s.; there was one case in which it was actually printed as 10s., but that is so exceptional as not to be taken in account.

13180. Does that apply to males and females?—Yes, to all the staff.

13181. Then O5. What you say about them is: "Only a few fines are mentioned, but the firm reserve the right to exercise their discretion where discipline requires, and a record of all rules broken will be kept." Your point there is that this is flying in the face of the Act of Parliament?—Precisely. Perhaps before leaving the point as to fining for being locked out, I may say that after they have been locked out they may have to find lodgings and pay their fine in addition.

13182. That comes up under living in; I must ask you about that later on. Then in the case of P5, you give this example: "Supper is to be eaten in the room, and not taken away; anyone discovered taking out their supper will be fined 2s. 6d.?"—I lived in this house for some months. During the time I was there the dining room was underground. The assistants have to take their supper at 7 o'clock at night. Tea is served from 5 to 6; the first party begins at 5 to 5.30, and then the next party from 5.30 to 5.50 or 6 o'clock. That leaves a space of an hour between tea and supper. We used to take some bread and cheese from the table in our hands up to our sleeping rooms; we would buy some pickles or something else to make it a little appetising, and eat our supper when we went to bed. If we were going out for an engagement, social or otherwise, stopping to eat our supper delayed us, and we all got into the habit of going in and lifting our supper from the table, and taking it to our bedrooms, and eating it after business hours when we chose. One of the firm met a girl going out with a piece of bread and cheese openly in her hand, and he quite arbitrarily, without inquiring into the reason why, stuck up this fine, forbidding the practice. This did not stop our taking bread and cheese up to our rooms, because we were not ready to eat it at 7 o'clock. Some of the assistants who did not care to risk things, would go without any supper at all; that was a distinct saving to the firm; others would simply do it by stealth; we hid it instead of doing it openly. It did not stop the practice. Now the place has been rebuilt, and the supper room is at the top of the

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house, at the top of four flights of stone stairs. The assistants are permitted to use the shop lift to take them to the top of the building at dinner and tea-time, but the use of the lift is stopped when the shop closes, and they have to toil up four flights of stone stairs if they want their piece of bread and cheese. The result is that extremely few, of the women, especially, take supper at that shop at the present time.

13183. Now will you tell us about the jigger ?—This notice has been quite recently put up.

13184. What is the jigger ?—It is a small round iron thing. The gas brackets usually have three supports and a screw for a globe if necessary. This jigger stands about so high, it has a small round *here* which will fit on to the round of the gas jet; there is a wider round at the top upon which you may place a saucepan or kettle. It burns no more gas; it is not depriving the firm of gas, because the gas would be there to light the room in any case. The gas is utilised to heat the saucepan or kettle. The girls feel that it is a perfectly reasonable thing for them to use the gas in the bedroom when they have such a difficulty in getting supper anyhow.

13185. What do they use the jigger for ?—For heating the water to make cocoa or to melt their cheese or to do anything they can do with the kettle or the saucepan which is placed on the jigger.

13186. Will you explain how that was attempted to be stopped ?—The employer on one occasion went a round of the bedrooms. Some complaints had been made to him about the necessity for cleaning and whitewashing them, and he went round to inspect them; he found one of these jiggers on the gas jet, he asked what it was, and he was told that the assistant used it for heating water. Without any further inquiry he went back and had this notice pasted up in all the bedrooms.

13187. Will you read the notice ?—"Under no circumstances are the gas jets to be interfered with either by removing the present burners or by fitting an iron frame over the same. Heating water, irons, or cooking strictly forbidden. Fine for non-observance 5s. The senior assistant in each room is earnestly expected to report to the firm an infringement." That fine is stuck up in writing on the walls; it is not nailed but it is pasted on to the wall-paper in the bedroom, so that it forms a permanent decoration. It does not, however, stop the use of the jiggers.

13188. Now, with regard to all these instances that you have quoted, what, in your opinion, would be the effect on discipline if the whole thing was totally abolished ?—I think the effect would be distinctly good, and that opinion is shared by a very large number of responsible men and women in the trade.

13189. And employers also ?—Yes, many employers. Men who have voluntarily abolished fines publicly admit it, of course; but we have also the evidence of a great many men in responsible positions, such as the buyers of departments and so on, that the discipline would be better if the assistants knew that if they did not conform to reasonable business rules they would be dismissed, instead of being subjected to these petty fines.

13190. I think that is all your evidence with regard to fines. Now we come to the matter of deductions ?—Arising out of the living-in system, is a system of deductions from wages or premiums varying in different firms. The most general deductions are as follows, and they are enforced equally upon junior and senior assistants: Library or piano, 1s. per month. Doctor, 1s. per month. Boot cleaning, 1s. per month. Breakages, 6d. per month. Early closing, 2d. per month. Premium sheets, 2d. per month. At R5 deductions are made from premiums as follows: Library, 1s. per month. Breakages, 2½ per cent. Floorboys, 2¼ per cent.

13191. What are floorboys ?—Floorboys are apprentices in their first year, whose duty it is to sweep the shops. They are paid no wages, but are given from 4s. to 8s. per month pocket money filched from the premiums of the assistants.

13192. You say "filched from the premiums of the assistants"; you mean that the money was got out of that fund ?—Yes, the 2¼ per cent. for the floorboys is deducted without permission of the assistants from the premiums or wages due, and it is used for that purpose, for giving pocket money to the floorboys.

13193. Then as to breakages ?—There is very little possible to be broken in the whole establishment which is not covered by insurance.

13194. Is the 2½ per cent. taken whether there is breakage or not ?—Yes, that is a monthly deduction.

13195. What is the business of R5 ?—They are drapers and general dry goods people. They employ a staff of from 80 to 100 assistants, men and women and juniors.

13196. They just average it up—the person who breaks and the person who does not break ?—Yes, the fund is generally deducted from all the premiums quite irrespective of breakages.

13197. Then as to the library ?—The income to the "library"—an exceedingly shabby collection of books kept in the dining room—amounted to from £3 10s. to £4 per month. From this fund a good supply of daily papers and magazines was purchased, but certainly not a sufficient supply to absorb the library income. The books that were in the library were quite old battered books and there had been no books added to the library for four years prior to the date at which I was employed by that firm.

13198. There are one or two things before you go on that I should like to ask you about. Have the assistants any control over the library ?—None whatever.

13199. Have they no power of getting rid of this charge ?—No, they have no power whatever. If an assistant leaves, he has absolutely no kind of vested interest in the library. He is not permitted to take any volume away as his share of the library that he has helped to purchase.

13200. Then as to boot-cleaning. There is, of course, a servant in the place to do that ?—In the case of R5 you will notice there is no deduction for boot-cleaning. Generally there are porters and kitchen men and kitchen boys who are supposed to clean the boots, but as a matter of fact the average shop assistant has one pair of boots at a time, and he does not let them go outside his room when he is asleep. It is a most unusual thing for assistants to have their boots cleaned by the firm, and in cases where it has been done they are usually cleaned so badly that the assistants prefer to do it themselves.

13201. They are charged 3d. a week for this, or 1s. per month ?—Yes, for boots that are never cleaned.

13202. Then there is a charge for a doctor. You say at Q3 there is a medical fund ?—Yes, that is a fund to which assistants and apprentices pay 6d. monthly. There is a normal staff of about 1,000—in the season probably the staff would number 1,250, or even 1,500; it fluctuates tremendously, because they engage a large number of hands for the season only. Taking 1,000 as the normal staff, this yields an annual income of about £300. The medical fund provides a house doctor chosen by the firm, and almost invariably disliked by the employees.

13203. It is not necessary for your evidence to say that, is it ?—I think it is necessary for this reason, that the house doctor is not called in by the assistants, I mean if they can possibly avoid it they will not call him in; they prefer to consult an independent doctor. It does not save the assistants any expense for medical attendance. They much prefer to consult a doctor who has nothing to do with the firm, because the general impression is that the house doctor is only engaged to watch the interests of the firm, to prevent the spread of infectious diseases, and if the house doctor thinks there is anything materially wrong with an assistant, the firm will probably get the hint and the assistant will be dismissed; they get no chance of awaiting development of their disease.

13204. Do you think it would be better to abolish this and to allow a doctor to be brought in by the assistants ?—Yes, most emphatically. If there is a house doctor at all, it should be a house doctor employed by a committee of the assistants themselves, quite apart from the firm. If the firm desire to have a house doctor, then the firm should pay for the house doctor as an adjunct to the staff who are watching their interests.

13205. Will you read what you have in your proof about the two firms S5 and T5 ?—During 1906 the assistants in two large houses made an organised demand for the total abolition of fines, and of deductions for doctor, library and boot-cleaning. These reforms were conceded by the firms when they were convinced of the determination of the staff to abolish them.

13206. And they are all abolished now ?—They are all abolished now.

13207. Is the doctor paid just as part of the on-cost of the firm ?—I believe in the case of T5 the firm have retained a house doctor, and they pay him and, if they wish it, any assistant must be examined by the house doctor at the firm's expense; but in the case of S5 I think the institution has been abolished entirely; if the assistants want medical aid they get it themselves.

13208. Your contention is that, like fines, these deductions should be totally abolished ?—Yes, they should be made illegal.

13209. Then we come to the last part of your evidence, namely, "living in as part of wages." Will you tell us about the form of contract of service ?—The form of contract varies according to the business methods of the respective firms. In many cases a contract of service is entered into without any mention of board and lodging, it is taken for granted by the contracting parties that the wages agreed upon are based on the assumption that the firm will provide board and lodging. In a large West End house the following formula is used:—"Now we board you and lodge you, we close at 7 p.m. every evening, and 2 p.m. on Saturdays; there are no fines or deductions, no premiums or extras of any kind. What is the very lowest salary you will take"? In the case of *Lane* v. *Bull* the terms of contract were £30 a year and premiums, and board and lodging. Here is a transcript of the evidence in that case of *Lane* v. *Bull*, which I hand to the Committee. No attempt is made to define the kind or quality of the board and lodging contracted for, but, in fixing the money wage, it is assumed by the employer to be equal to £20 or £25 a year. In the test case referred to above, the County Court Judge held that the case of a shop worker in respect of board and lodging is the same as that of a domestic servant, and that in a claim for wages in lieu of notice he is not entitled to the money equivalent of board and lodging, but only to wages contracted for. This decision was upheld by Mr. Justice Day and Mr. Justice Lawrence in the Queen's Bench Division on March 30th, 1900. The feeling very generally expressed by the assistants is that they do not get the equivalent of £20 to £25, that, in fact, in the great majority of cases, living in is a profitable department of the business, The system undoubtedly prevents the establishment of a fair wage, as the value of board and lodging depends upon so many circumstances over which the assistant has absolutely no control—the ability of the cook, the honesty of the purveyor, the temper of the housekeeper, the need or greed of the employer, etc., which directly affect the well-being of the unfortunate worker, who, if he ventures to complain, is told, "If you don't like it you know the alternative."

13210. You are aware of course of the argument that this living-in system forms a protection, particularly to young people from the country ?—Yes.

13211. What have you to say with regard to that ?—I think it is a mis-statement of the actual facts of the case. The protection afforded to young people in business houses is of a very dubious kind. There is absolutely no kind of supervision of the individual young person. They are supervised in bulk to a certain extent. Take the case of the door being locked at 10.30 for apprentices. Very frequently apprentices have to be in half an hour before the adult members of the staff, but there is no check in the case of the apprentices, it simply means that the door is locked; if they are not in, nobody knows, provided their room-mates do not tell tales. For instance, if one says to the other "I want to go to a theatre to-night and I am going to sleep with so-and-so, do not split on me, and strip my bed in the morning," the other girls will say "All right." There is no possibility of finding out that that girl has not been in for the night.

13212. That applies to apprentices ?—That applies to apprentices, and it applies as well of course to the adult women and men. I have a case which came to the office quite recently, which describes some of the dangers which are almost unspeakable in connection with young people, particularly young country boys and girls who have a very meagre knowledge of life.

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13213. Have these young people any feeling about this themselves ?—The young people are too immature to express any opinion on this subject. There is no organised opinion, and obviously cannot be any organised opinion of the young people; but so far as the protection is concerned I should like to direct the attention of the Committee to the fact that in Glasgow there is no living in, and I do not think that any member of the Committee would venture to suggest that business is not conducted in as up-to-date a manner in Glasgow as it is in London. They employ a very large number of young people. I have made inquiries amongst our members in Glasgow as to what happens to the young people there and who looks after them. I find that it is quite a custom for the parents of the young people who place a girl or a boy with a big firm in Glasgow to go into Glasgow and choose a lodging with some decent working class family, and they place their girl or boy practically under the care of these people. The young person, although she may be miles away from her home, is well looked after and her parents have the assurance and the knowledge that she is looked after. In such a case as that it is far more likely that the girl will be known to be in every night than in the case of her living in a house, one of thirty or forty young people living there.

13214. In such a case as you have described, in addition to the supervision there would be the ordinary comforts and amenities of home life ?—Exactly. There would be some home influence; she would of course have her meals with the woman of the house.

13215. Assuming a judicious selection to be made of her lodgings ?—Exactly, and that responsibility is taken as it should be taken by the parents.

13216. I am quite sure you recognise the gravity of the position we are placed in as a Committee about this, and I may put it to you quite frankly thus. Are you able to testify that there is a system under which it is possible without the exercise of any great dexterity for these girls to be absent the whole night ?—Yes, it is my own experience. When I was a young apprentice myself, I was employed in a house at Brighton; for the purpose of sleeping their assistants, they took various houses in back streets. The house that I was put to sleep in was No. 1, ——— Street. My sleeping-room was on the ground floor, with the window facing on to the street, so that one could step into the street from the window and back into the room from the street, without going through the door at all. I was put into a room with a woman of mature age who led a life of a most undesirable kind; that was my first experience of a living-in house. There was another girl in the same room who was suffering from consumption. I was in that house for three years, and I could have been out any night during those three years without the firm knowing anything about it.

13217. Is there any system of locking the doors at a fixed hour ?—Yes, a rigid system of locking the doors at a fixed hour.

13218. What is the result of a locked door ?—The result of a locked door is that in many cases girls who think they are going to be late are so frightened at the idea of having to arouse the housekeeper and being reported the next morning that they will make arrangements to sleep out. I have known personal friends of mine who have gone to hotels for the night rather than risk waking up the housekeeper, and they have trusted to luck that their absence would not be found out, and in nine cases out of ten it has not been found out.

13219. How could it happen that it has not been found out ?—Because there was no check on the bedrooms. Take as an illustration the block of houses used by the firm Q3. The houses in that street were originally residential houses of a very good type, but the character of the district has changed, and these large houses are utilised by the big firms as living-in places for their assistants. In one block there are twenty houses on

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each side, but for each side there is only one doorway—only one entrance. On the left hand side there is No. 8 doorway, and on the right hand side No. 20 doorway.

13220. Do you mean that the other doorways are only blank doors ?—Yes, they are never opened on any possible chance. They are sealed doors; they cannot be opened. All those assistants flock in at one door on one side of the terrace. Take No. 8, for instance; the assistants go downstairs to the basement and there is a passage running straight along the basement from the beginning to the end of the terrace; they go on till they come to their stairway, and then they go up their stairway to their particular room; but nobody goes round those twenty houses to check whether the occupants of the rooms are in their rooms; and there is no check at the door.

13221. Is there not a *concierge* at the door with a record ?—There is a housekeeper's room in the No. 8 side, and a housekeeper's room in the No. 20 side. The housekeeper is supposed to be sitting in that room to see that no strangers are admitted into the building and to see generally that the assistants come and go without being too noisy—just to keep order—but she cannot possibly check the girls that come in, and frequently, of course, she is not there; I mean, after all, it is a very human thing to imagine that the housekeeper does not sit watching a door from eight o'clock to eleven o'clock at night.

13222. You have never known of cases of the door being kept shut ?—Yes, I have personally known of cases of the door being kept shut. In the case of Q3 it used to be the invariable custom never to open the door under any circumstances, even if the assistants rang; but during the time I was there a girl who belonged to a fairly good family was locked out, and she ran the streets all night; she was terrified; she had no money, and she simply kept running; the next morning she came back she was absolutely ill from sheer exhaustion. She wrote to her people; they came up and interviewed the firm, and there was a frightful row about the whole business. The head of the firm subsequently gave definite instructions that no matter what time an assistant arrived she was to be let in, and she was to be reported the next morning. I think it probably is the case in many houses that if the assistant did ring, and the housekeeper heard her she would be let in, but in some cases there are difficulties due to the construction of the premises. For instance, in the case of R5, after the house is shut and the doorkeeper has gone to where he sleeps he would not hear the bell; the assistants in the nearest bedrooms if they slept heavily probably would not hear the bell. In such a case it is not so much a question of deliberately refusing to open the door when they hear somebody knock, as it is that they cannot hear it.

13223. Then from your evidence I gather that this system of barrack life may have evil effects of a moral character ?—Yes, there is no doubt about that. Again, I speak from my own experience. I have given an instance in my proof.

13224. Before going on to the question of food supply or the nature of the housing I want to get the human beings themselves described. Will you read what you have to say under the heading of "Effect on character" ?—The system robs the assistant, whether man or woman, of that sense of personal responsibility which is developed by ordering and controlling one's own life. When out of employment the worker is at the same time homeless, with little or no cash, and without knowledge of the cost of living. I want to emphasise this point from my own experience. I was at Q3 one year at the end of July—the end of the summer sale—when it is the custom to dismiss large numbers of assistants. On that particular Saturday afternoon 200 assistants were dismissed summarily. Of those 200 one was a personal friend of my own. She had been dreading this all the week, she had been feeling that she would not keep her place, and she came to me in utter despair. She had no money—she had a bill against her on the firm's books which exhausted her salary—she had no money and no friends in London and nowhere to go. She said that she was at that time in such terror that she felt like committing suicide by drowning herself; she did not know what to do. Of course, some of us clubbed together and saw the girl back to her friends, but she might not have had chums in a business house who would help in that way. She was only one example that I happened to know. There may have been many others out of the 200 dismissed.

13225. Of course, dismissal from the service means ejection from the premises ?—Yes. We tested that in regard to the case of one of our people who was dismissed from a large house in Stratford. He came straight down to our office and told us what had happened, he had been forcibly ejected, his coat was torn from the collar right down to the tail in the violent struggle when they ejected him. We took the advice of Messrs. Shaen, Roscoe & Co., a firm of solicitors who are very intimately connected with trade union cases and the labour law generally, and their advice was that the man had been legally ejected because his right to enter the building ceased on the expiry of his notice.

13226. Of course, that applies in circumstances of much more serious gravity to the case of women ?—Of course, very much more serious gravity in the case of women. The herding together of large numbers of either sex, restricted as to the most ordinary intercourse with the opposite sex, creates an unnatural and vicious atmosphere which is morally dangerous to both men and women. The surveillance of adults is humiliating and degrading to manhood and womanhood alike; they are hedged in with petty house rules after business hours, being compelled to go to bed to order, to extinguish the lights to order, and so forth. That instance I quoted about a fine of 1s. for burning candles in the bedroom is a case in point. The gas is automatically turned off at the meter twenty minutes after the door is closed. It does not matter what the girls are doing in the bedroom, they are plunged in darkness immediately, and they are not permitted even to purchase a light on their own account. Very frequently the lights are turned off fifteen minutes after the doors are shut. The whole system explodes the idea that there is any kind of home life or any kind of home consideration shown to the adult man and woman who are sleeping in. The system is harmful to young people who are sent by their parents and guardians to the great business centres, many miles away, on the strength of the idea of "home life and guardianship," which has no existence in fact, at an age when they are most susceptible to evil influences upon character and the injurious effects of insufficient nourishing food and lack of outdoor exercise upon physique.

13227. Now I should like to get, as it were a, twenty-four hours' history of one of those assistants. Take an adult woman in full employ who lives in. Just start in the morning and go through the day ?—In the morning she would be expected to get up at half-past seven if she is an adult assistant who has finished her period of squadding. I think I must explain what is meant by squadding. Squadding is that part of the work which is done before the shop is properly open to customers; it consists of going down to the shop and taking off wrappers, dusting fixtures and counters, and putting the place in readiness for the people who come to dress out with goods. That is called squadding. In addition to that they are expected to watch the sweepers, the people who come to clean the floors and windows and so on, and see that they do not pilfer any goods. There is that double duty. The squadding party may not have a lot of work to do, but they must be there from the time the sweepers come until the next party come down from breakfast. A squadder comes down into the shop at half-past seven. In the case of the men they come down into the shop at seven very frequently, but in the case of the women it is invariably half-past seven. They do their squadding duties from half-past seven to eight, when they go to breakfast.

13228. The squadding duties are what you have just explained ?—The squadding duty is to take down all wrappers, dust fixtures, and so on, as I have explained. Then at eight o'clock they go to breakfast frequently till 8.20, sometimes till 8.30.

13229. What is the breakfast ?—It consists of bread and butter and tea or coffee; in many houses the assistants get nothing else at all, they have no option of getting anything else, but in some houses they are given permission to purchase an egg for 2d., or fish for 2d., or a rasher of bacon for 1½d., or some jam for 1d. These little luxuries or extras as they are called are provided

generally by the housekeeper or caterer and can be purchased by the assistant from the housekeeper for these sums. The young people cannot afford to purchase extras for breakfast, and in the majority of cases the young people under eighteen years of age begin their day's work on a breakfast of bread and butter and tea or coffee. The bread is almost invariably stale, because it is more easily cut and more economical; the butter is of indifferent quality. The tea is made in an urn and very frequently is quite undrinkable.

13230. Is cocoa supplied for breakfast?—Cocoa is not supplied for breakfast; there may be exceptional cases, but as a general rule they have the choice of tea or coffee, both of indifferent quality.

13231. Now we have arrived at 8 20. Will you go on with the day?—Then the squadders have an allowance of time for dressing. They are allowed to come down and dust in old clothes, the oldest things they have, then they go up and dress for the day; they must be in the shop again at a quarter to nine. In houses where they allow half an hour for breakfast the squadders resume work at nine.

13232. By the time we have got to, viz. nine o'clock, the total staff must be in?—Yes, the total staff must be in. The assistants who are not squadding commence their work at half-past eight; then from half-past eight till one, the business is dressing out until say, 10.30, and serving customers from that time on. The intervals between serving customers are filled up with keeping stock tidy; sometimes they are ticketing new goods ready for putting into stock; at other times they are tidying up boxes, and so on; but they must be doing something all the time; if there is nothing to do they make work for them. It is one of the principles of the business that all the young people shall look busy. At 1 o'clock the first party go to dinner, usually for half an hour; in the case of firms like U5 Q3 and P5 the time taken in going from the counter to the dining room is three to five minutes: at V5 they have to go through a passage or out of the shop and up a street and up four flights of stairs to the dining-room. Some of the girls in some of the departments cannot do that in less than eight minutes, but no extra time is allowed for that; that all comes off the half-hour, which is reckoned from counter to counter. Then they have their dinner in a crowded dining-room, probably eighteen or twenty in a party sitting down at a narrow table. Their food is carved at the sideboard—there is no choice between underdone and well done; their plates are thrown in front of them haphazard, as there is usually an inadequate staff of waiters to serve. The food is usually of very poor quality and very indifferently cooked, because the whole thing is done cheaply and the manner of serving, the utter absence of anything like order, the noise and confusion and rush all the time to get one's food, makes the dinner time perhaps the most disagreeable interval of the day. At about twenty-five past one they must clear the dining-room anyhow, because they have to make room for the second party who come down at half-past one.

13233. Then the worker is back at half-past one?—Yes. There is no time for sitting down or resting, the break at dinner time equals any kind of rush that they could have in the shop. From half-past one till five again the business of serving customers, looking after stock, dressing windows and so on. At five they have an interval of twenty minutes for tea (twenty minutes is the usual time allowed). Some of the best firms extend the meal hours, the teatime rush is not quite so great, on account of the fact that tea is more easily served, the bread and butter is placed in great piles on the tables, the assistants help themselves, and it is a question of simply passing down the tea. The tea is made in an urn, and if there is not quite enough tea to fill the cups for the first party it is made up with water poured into the urn. In a long business experience I have never yet had a properly made cup of tea. Then they go up again to business at twenty past five, serving customers, attending to stock, and so on till closing time. Closing time depends on the district. In the West End, viz. in Oxford Street and Bond Street the best shops will close at half-past six, others at seven to half-past seven. In what we call the middle-class trade, a very busy rushing trade, the closing time is from eight to half-past eight. Then in shops doing a cheap trade they will close at any time up to midnight.

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13234. We might strike 7 o'clock as an average?—Yes. At 7 o'clock they have to clear up. The clearing up and the amount of time taken in clearing up depends to a very large extent on the ability of the buyer to organise his staff and his department. In many cases the shops are understaffed, and it means that they are serving right up to the time the shutters go down, and then they are probably delayed half an hour or three quarters of an hour clearing up stock to prevent its being spoilt before they leave their counter.

13235. We will suppose now that the assistant is released from duty at 7.30?—She is released from duty at 7.30. If she wants supper, she gets a supper of bread and cheese; in some houses they give an alternative of milk or water to drink; not many houses provide milk for supper. Some houses provide a glass of beer; but whatever it is, it is all poured out beforehand in glasses and is waiting on the sideboard. The bread and cheese is cut and placed in big piles on the table. The assistan helps herself. If, as in the case of P5, she does not wish to eat her supper immediately she takes one or two pieces of bread and cheese and goes straight to her sleeping room. She will probably share the sleeping room with three or four other girls, who will, of course, arrive much about the same time as herself.

13236. We have now reached about 8 o'clock?—About 8 o'clock. Then she has the rest of the time to herself until 11 o'clock.

13237. Is there no part of the premises devoted to recreative purposes? You made mention of a library?—Yes. The library is simply a collection of books on shelves in one of the rooms, probably the dining-room, or it may be a sitting-room. In many business houses they have a sitting-room set apart for the use of the assistants. The sitting-room of a business house is usually a most dreary place, very much like the waiting-room of a railway station. There are not sufficent chairs to accommodate the whole staff if they choose to use the sitting-room. In the case of Q 3 there is one sitting-room to every house. The room is situated in the basement and lit by gas. The assistants naturally do not choose to sit in the sitting-room.

13238. For instance, at this time of the year—we are now at midsummer—is it still lit by gas?—Yes, because there is no other way of lighting it, it is quite underground.

13239. What is the accommodation in that room?—The usual accommodation is one or two chairs, one easy chair, a photograph of the founder of the house on the wall, and in one sitting room on each side of the terrace there is a piano, usually extremely out of tune, and quite impossible for use except to the great annoyance of everybody else. There is a table with a very rough cloth on it, and a square of carpet.

13240. How many people are supposed to have the use of that sitting room?—From twenty-five to thirty would be supposed to use each sitting room, and there is a rule to the effect that no assistants are to be in any sitting rooms except the sitting room in the house where they sleep. But as they do not care to use any of these sitting rooms, that is a dead letter.

13241. Is there any kind of recreation room or anything apart from that?—No; for the men, I believe, in some of the houses they have a billiard table at one end of the dining room perhaps. In the case of Q3 for the men in the block they have a Club, and a Club Room. The witness who follows me will be able to give personal evidence as to the kind of recreation in that room; but for the women there is no club room.

13242. Then the women presumably either retire to their own rooms or go out for a walk?—Yes, the great majority either go out for a walk in the streets, or go for a 'bus ride. Frequently they are too tired for walking, and if they can afford it they take a 'bus ride.

13243. Now, I have been taking you through, as it were, the average life of the working day of an adult woman. Will you tell me what are her wages?—Her

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wages would be from £20 to £25 a year living in. That is an adult woman who has had eight years' experience in the business. There can be no generalisation on the question of wages, because the trade is in such a disorganised state at the present time that it is quite possible to find a woman with eight years' experience whose wages are £15 a year, and a smart woman who has only been in the trade for a few months may succeed in getting £30 a year. I cannot say that a woman with eight years' experience would necessarily get £25 a year.

FORTY-NINTH DAY.

Thursday, 27th June, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir F. CAWLEY, Bart., M.P.
E. A. BROTHERTON, Esq., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary.*)

MISS MARGARET G. BONDFIELD, recalled; and further Examined.

By the Chairman.

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13244. With regard to the system of giving permits to sleep out; you say that in certain establishments you think the assistants have a difficulty in that regard?—In some establishments a great deal of difficulty is made by the regulations concerning permits. In some houses such as P5, W5, and X5 assistants have great difficulty in getting permits to sleep out five nights per week. In the case of W5 I think the permit is required to be signed and countersigned and countersigned again; first in the department, then by the superintendent, and then by some other person. Again, some firms even demand a letter from the lady of the house stating that the assistant slept there. But all this only applies to five days in the week; in the case of the houses I refer to, on Saturday night and Sunday night they require no permit to sleep out.

13245. The object of this is naturally to keep some check, if possible, against their being absent from the house during any day of the business week?—Yes.

13246. You think that the fact that they have to ask for a permit inclines them sometimes to stay out without a permit?—Yes. I think in some cases it does act as a preventive. It prevents girls sleeping out with friends; in fact very frequently the more nervous girls do not care to risk being reported for sleeping out, and so they give up a great many harmless social amusements on that account.

13247. So long as you have the system of living in, it is certainly, so far, an advantage to have the necessity of securing a permit before they are allowed to be absent?—My point rather was that the permit only acts in the case of those girls who would be perfectly safe without a permit at all. In the case of girls who want to sleep out for purposes which may be questionable, the evasion of the permit regulation is a very trifling matter.

13248. It is on that matter of evasion that the Committee is rather anxious to get definite information from you. Do I take your evidence to be that evasion in practice is not a difficult thing?—It is not a difficult thing. The most important thing about it is, to be friendly with your room-mates, with the girls who share the room with you. If the girls are not friends there is the danger that one girl will split upon the other girl; if she was not sleeping in she would report her; but if she keeps silence and strips the other girl's bed in the morning, there is no evidence that the girl has been absent.

13249. Do we gather from you that, say, at midnight, or shortly before midnight, there is no supervision of the rooms to see that the inmates are all there?—Oh no; I have never known a house where that was done.

13250. And therefore they rely, to use the vulgar expression, upon somebody peaching if anything wrong is done?—Yes.

13251. You give here a reminiscence of your stay at Q3. You say you remember a gang of young girls there, some five years ago, who used to go "out for a lark"?—Yes. In that case the question of permits does not come in, because the girls were in before eleven; the mischief took place between the hour of leaving off business and the hour at which they were to come in.

13252. Of course all that kind of conduct, which you so very naturally condemn, during business hours, or at any rate between eight and eleven, has nothing to do with the system of living in itself. There might be the same conduct if the girls were living in lodgings on their own account?—But the point is that it demonstrates the fact that nothing that might happen to them in lodgings is likely to be worse than can now happen to them under the living-in system. The idea that living in is any kind of safeguard is obviously absurd.

13253. Would you put it so high as to say that, so far as regards their lodgings, during non-business hours, they are unsupervised dormitories and nothing more?—Decidedly, quite unsupervised.

13254. I have now asked, so to speak, about the people themselves and their hours and mode of life, and so on. I now want you to go back to the exact details of housing. In the first place, will you tell us about the food supply?—In a large number of business houses, housekeeping is simplified by repeating the week's menu without variation throughout the year, as, for example, at R5. For many years the menu has been as follows: Breakfast—Bread and butter or dripping, tea or coffee. Dinner—Monday: Hot roast mutton, potatoes. Tuesday: Cold roast beef, potatoes; currant pudding. Wednesday: Stew. Thursday: Cold salt beef, potatoes. Friday: Hot roast beef, potatoes, boiled pudding. Saturday: Cold roast beef, potatoes, bread and butter pudding. Bread was supplied every day, and the drinks were ale and water. Tea—Bread and butter, tea. Supper—Bread and cheese and butter, and about twice a week fried or baked pudding, ale and water.

13255. I gather that on three or four days a week there is only one course for dinner?—Yes; pudding twice a week is the usual allowance.

13256. Now in that establishment what are the hours of work?—In this particular house the hours worked are seventy per week, with a daily interval of half an hour for dinner, and twenty minutes for tea. The atmosphere of the shop is particularly vitiated, and the assistants are chronically overtired. Taking these circumstances into account, it is obvious that in the above menu (even assuming the quality to be of the best and the cooking to be excellent) the food is not sufficiently nourishing to maintain a normally healthy state. But when we know, as I do from practical experience, that the food supplied is of inferior quality and badly cooked, and that any choice of food is denied (you must eat what is put before you or

go without), it will be admitted that the assistants do not get enough to eat to satisfy hunger.

13257. The staple meal, of course, is the dinner?—Yes.

13258. Do you think, to say the least of it, that they might have at least two courses for dinner?—If they had good hot roast mutton, good potatoes, and green vegetables, that would be a satisfactory meal, but in this particular house the cooking was simply abominable; the meat was always over-cooked, and it was generally known in the house that this particular housekeeper used to cook the meat to the greatest possible extent in order to extract all the fat, and sell it to a small shopkeeper in the neighbourhood; so that all the nutriment in the meat was cooked out of it before it reached the table.

13259. Now take large places like P5, Q3, and so on; what are the hours?—The hours would be from sixty-five to sixty-eight a week.

13260. Does that apply over the country generally?—To that class of shop—shops that close at seven o'clock at night; the hours would be, roughly speaking, from sixty-five to sixty-eight a week, including meal hours.

13261. This is a little out of order, but I should like to ask this question. You mentioned Glasgow yesterday, and I gather you said there was practically no living in there?—There is no living in in the whole of Scotland, except in the case of a house in Princes Street, Edinburgh—Jenner's; it is the best house in Edinburgh.

13262. Have you ever had any complaints from Edinburgh?—We have no complaints from Jenner's, which is the only living-in house we know there. The conditions are quite exceptional there. It is not a fair test—I mean a living-in house in England would not compare with Jenner's at Edinburgh.

13263. You mean that Jenner's is so much superior?—There seems to be a certain amount of philanthropy there which does not apply in other cases.

13264. Take places like Dundee and Aberdeen?—There they do not live in at all; the living-in system is not known.

13265. So far as food is concerned, do you say it is the fact that the assistants, if they can afford it, find it expedient to supplement the food that is given them by private purchase?—Yes, that is the general custom. If the assistants can afford it they buy extras for breakfast, and sometimes tea and supper.

13266. From whom do they buy the extras?—It depends upon the class of establishment.

13267. Do the employers sell to their employees inside?—Yes, in a large number of cases. I think my colleague Mr. Hoffman gives several concrete cases in his evidence; he gives the particulars of the houses and lists of prices of various articles. Speaking from memory, at Q3 and some other houses food can be bought from the attendants in waiting.

13268. Of course this Committee does not care at all about the case of luxuries being bought, but does your evidence apply to this, that they find it necessary for reasonable nourishment to supplement the food that is given them?—Decidedly. The food that they buy cannot possibly be considered as luxuries. If an egg is bought for breakfast, it is bought for the purpose of helping down the dry bread and butter; the same applies when they buy a pot of jam; they find it impossible to eat the bread and butter without something on it; it must be considered as necessary food.

13269. Now, will you come to the question of sleeping accommodation?—Before we pass to that I should like to emphasise the question of special diet. This is an extremely important point showing that employers recognise the nervous strain in connection with the work. I ask the Committee seriously to consider the meaning of the "special diet" arranged in the best houses where a choice of meats is the rule at dinner—such as X5, where, as I said in my evidence, the food supply is very good. The nervous strain on the worker is such that even when the catering is excellent many assistants have no appetite for food. What they need is fresh air and more outdoor exercise. The factory girl who, perhaps, eats her unscientific meal in the street, does so with a greater relish, and with more profit to health, than does her sister of the shop extract from the choice meats eaten in the atmosphere of the shop dining-room. The fact that the best employers recognise the need to tempt the jaded appetites of their employees only serves to emphasise the suffering and physical deterioration among the great mass of shop workers whose employers do not pretend to any other motive than that of rigid economy in connection with the food supplied as part wages. In a very few houses the meals are served in comparative comfort, clean tablecloths, and a sufficient number of waiters are provided; but in the majority of houses the service is slovenly and quite inadequate. The clatter of crockery, the "rush" to get served, meals hastily eaten in a dining-room which reeks of the smell of cooking, are minor troubles, which assume gigantic proportions to a tired, overwrought woman. I have frequently gone to my dinner feeling faint for want of food, and on entering the dining-room have been nauseated to such an extent as to be unable to eat anything except dry bread. In the few best houses, three-quarters of an hour for dinner and half an hour for tea is allowed; but in the great majority of cases half-an-hour and twenty minutes for tea from counter to counter is the allotted time. If, as in the case of Q3 and U5, the dining-rooms are situated at a considerable distance from some departments, the time possible to be spent in consuming the meal is ten to fifteen minutes for dinner, and from five to ten minutes for tea. In some houses, as, for example, L5 the dining-rooms are situated underground, lighted by gas, and are sometimes damp, and generally badly ventilated. During the time I worked at this shop—1896–7—the paper, stained with damp, was peeling off the dining-room walls, and in summer the room was infested with blackbeetles. Even when every precaution is taken, as at Q3, where the underground dining-rooms are ventilated by an air shaft, and electric light is used, the atmosphere is most oppressive, and, while meals are being served, the rooms are never free from the kitchen smells. The contract (understood) to "board" the employees is broken in a double sense. Not only are the assistants inadequately catered for, but, in order to maintain health, they have to spend considerable part of their small money wage in the purchase of nourishing food, and in relishes to help down the unpalatable bread-and-butter breakfasts. In a number of West-End houses this need is exploited as another source of profit-making; the caterer does a thriving trade in "extras" for breakfast and tea. For 1½d. or 2d. the assistant may purchase in the dining-room an egg or a rasher of bacon. At Y5 there is a grill where food may be obtained by assistants after business hours at a little below café prices. Many of the better-paid assistants in this house spend from 7s. to 10s. per week in extras for breakfast and supper; the less well-paid juniors often go hungry, as they cannot afford to buy extras. While I lived in I found it necessary to spend 10s. to 12s. per month (or about a quarter of my money wages) on extra food, to maintain sufficient strength to do my work, and from experience and observation I unhesitatingly assert that to be rather below the average spent by assistants generally. Some assistants save up for a chop once or twice a week, others resort to a baked potato stall or a fried-fish shop. In the worst houses the hardships of the assistants are indescribable. It is not our desire, however, to deal with sensational facts of extreme cases, but rather to focus attention upon the injurious effect of the average conditions affecting the great majority of assistants living in.

13270. Then as to the sleeping accommodation, can you state the case or complaint in any broader form than you have so far given us? Is the sleeping accommodation, in your opinion, adequate in extent, say, of cubic space?—No, I think it is not adequate in extent of cubic space.

13271. We are rather anxious to have an illustration showing how that is?—The ramifications of the system are so wide, that the possibilities of exploitation seem endless; but, perhaps, unfair advantage is taken of the assistants to an even greater extent in the matter of lodging (the other part of the contract understood) than in the question of board. Only in a very small number of cases does an employee have the luxury of a bedroom to himself or herself; two and three, up to eight and ten, are to be found in rooms of varying sizes, which, if used by a private family, or if let as lodgings for rent, would be occupied by not more than two persons. For example,

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the block of houses forming a terrace are adapted as sleeping apartments for about 400 women employees at Q3. In each room facing the street, on each floor, there are four beds. The first-floor room is very lofty, and the air may be sufficient; the second, third and fourth floors have proportionately lower ceilings. The room I occupied, with three others, on the fourth floor, measured 2,662 cubic feet. The fire place was boarded up, and in the winter time it was very difficult to obtain the consent of the girl whose bed was immediately underneath the window to allow it to remain open a few inches, because, even after piling her personal clothing on the bed, she could not sleep on account of the cold. On the fifth floor there are the same number of beds, but much less air space, on account of the sloping roof. In my room the atmosphere in the morning was abominable. On the fifth floor it was much worse. This is considered excellent accommodation Most of you will probably know the kind of house in that terrace. As far as the houses for private residence are concerned they would be undoubtedly excellent houses, but the cubic space is not sufficient when you take into consideration the difficulty of properly ventilating a room with four people sleeping in it.

13272. You have given us the fourth floor; there is the floor above that; you do not give us the cubic space for that?—I am not in a position to do so. We are not supposed to enter each others' bedrooms; I was able to measure my own room, but I was not able to be alone in the top room sufficiently long to measure it.

13273. What is done with regard to the ventilation of these rooms during the day time?—The people who are employed by the firm to look after these rooms are supposed to open the windows if the assistants fail to do so when they leave the room, but in many cases the servants are very much overworked; they have very little time to spare; they make the beds and clean the washstand, and so on, but they generally leave the rooms pretty much as they find them. There is no proper system of ventilating the rooms.

13274. With regard to these other instances you give under the heading: "Sleeping accommodation," do we understand that they are instances which you have verified?—In every case the information has been supplied by members of our organisation whose truthfulness and general common sense we can trust. The information has been given to our branch secretaries from the personal knowledge of the informants. The information thus obtained by me personally, and through the members of my association, is to the following effect:—

"At X5 (where the food supplied is good), an extraordinary state of overcrowding obtains in some of the sleeping blocks. A very long block in one street contains sixteen rooms divided only by half partitions, about 2 feet spaces at top and 6 to 8 inches at bottom. On one floor there are about fourteen rooms without windows or any means of ventilation except that which comes over the board partition. At one end is the sick room, *i.e.*, a room set apart for those who are too ill to go to work. This room has three windows, which are kept shut. In the other end room are also three windows, which, for the sake of the intermediate rooms, and to the great discomfort of the occupants of this end room, are kept open. In each section are from two to four beds; no room for other articles of furniture. The washbasins are fixed up on shelves, and in the sections containing three beds there is not enough floor space to enable the three girls to dress at the same time. Two have to wait in bed until one has cleared out of the room. The largest number of dark rooms are on the ground floor, but there are altogether about twenty rooms, or sections, with no windows. All clothing, etc., must be kept in cupboards provided in the corridors. There are doors on the sections, but they have no fastenings. The absence of all possibility of privacy is a great hardship; conversation even in ordinary tones, can be heard in the cubicles on either side. At one of these houses some large rooms contain eight beds per room. In the men's quarters the overcrowding is even greater. The porters employed by Z5 are housed in ——— Yard. In A. Block, where about twenty men live, the rooms are in a deplorable state—no bathroom, no fire or other means of drying the clothing of the men who are out in carts in all weathers. In B. Block, thirty-two men sleep, and the conditions are even worse. Originally an old hay loft, it has been converted into nine rooms, divided by matchboard partitions. About fifty men sleep in rooms over a mantle factory, the only approach being an old wooden stair.

"In ——— Street—a notorious street—some very dilapidated property has been converted into dormitories, where about 420 warehousemen and about eighty porters employed by A6, are housed.

"At L5 the business premises have been extended by taking down the dividing walls of the ground and first floors of a group of houses originally planned for private dwellings. The sleeping apartments provided for assistants are situated over the business premises of Nos. 119 to 125. The sleeping rooms of Nos. 121, 123, and 125, are connected by one stairway, situated between Nos. 121 and 123. To reach the bedrooms of No. 125, it is necessary to go to the top of No. 123, pass through two bedrooms, and then descend the stairs of No. 125, which are blocked at the first floor. (Most dangerous in case of fire on the main stair.) The assistants sleeping at No. 119 are provided with latchkeys; they are without supervision after business hours. A slate hangs in the hall, and each assistant marks herself in; the last one in locks the door and turns off the hall gas. The assistants are supposed to report each other if there is any infringement of rule.

"At R5 overcrowding obtains; here also dwellings have been adapted for business purposes, with little regard for safety in case of fire.

"I occupied the room which was considered the best room in the house. It measured 9½ feet high, 16 feet wide, and 14 feet long, and contained one double bed and two single beds, one double washstand, one chest of drawers, one cupboard, and one looking-glass for the use of four people! Several rooms are passage rooms *i.e.*, having no separate exit. The rooms are reached by passing through two or more rooms. Opening on to the landing of the room I occupied, was a set of three passage rooms, the first of which had no window, the inner rooms had small windows, but escape that way in case of fire would be exceedingly dangerous, as it necessitates a drop of about 14 feet on to the glass roof of the shop extension.

"From hundreds of complaints received at the central office of the union I have selected the following typical cases:—

"P5 (employing about 300 assistants) provide sleeping lodges, apart from the business house.

"Recently, I visited a friend at one of these places. I arrived about 8.30 p.m., and was taken into her bedroom (contrary to regulations), as I did not wish to talk to her on the doorstep. The room, situated on the ground floor, contained four beds, two washstands, two chests of drawers, and various trunks belonging to the four occupants. Four windows covered by dirty blinds; two gas jets lit, over one of which was fixed a 'jigger,' supporting a tin saucepan containing water, and a cup filled with cheese. The water was to be used to make cocoa; the cheese was being heated to vary the monotony of cold cheese and dry bread.

"On one bed a girl was cutting out undergarments, and on another two girls sat chatting. The air was foul, in spite of the fact that one window was wide open. The aspect of the room was intensely dreary and squalid; and, I am told, the slum-likeness is complete on Saturday night, this particular corner being a favourite spot for brawls after a neighbouring public-house is closed. 'The language just outside is so beastly that we shut all the windows and bury our heads in the bedclothes,' said one girl.

"The standard of comfort varies in the different lodges according to the disposition of the caretaker. At this lodge they are fortunate in being able to get a plentiful supply of hot water from the caretaker's kitchen. There are no bathrooms; and men and women complain of inadequate washing accommodation and insufficient nourishing food. Our informant was suffering from boils in the neck due to defective diet.

"At B6 about 100 employees sleep in, two, three and four in a room. The staircases leading to the street door are narrow and very awkward. The property is old

and badly adapted for the purpose. Escape in case of fire would be difficult. There are fire escapes in some parts of the building, but not accessible to all assistants. No bathrooms.

"At C6 (employing about 800), the assistants (living-in) are boarded in lodges apart from the business house. In one room, occupied by a member of our union, there were five beds. The beds were infested with bugs, which could only be subdued by a lavish use of Keatings' powder, administered by the assistants at their own expense.

"At D6 (employing about forty-two), the assistants sleep three in a room, one double, one single bed per room. Complaints are made of damp room, no bathroom, insufficient washing accommodation; the two water closets (one used as urinal) kept in insanitary condition, are considered insufficient; a third w.c., not used by the staff, is situated in the kitchen next to the cooking range; there is no sitting room.

"E6 (eleven living in, twenty living out.)—Complaints: No bathroom, small attic windows, matchboard walls; bad food: during 1903 milk puddings were made from tins of milk sent down from the department as unfit for sale; fruit, also unfit for sale, was sent down for the staff, which the cook refused to prepare, considering it unfit to eat.

"F6 (employing about 500 adults and eighty juniors.)—Sleeping accommodation from two to eight persons per room for about 450; the others sleep out. Food: no restriction as to quantity, but poor quality. In 1899 there was an outbreak of typhoid fever, resulting in fifty-four cases, six of whom died; the cause of outbreak, defective drainage, which infected the water supply. The following statements occur in the report of the Medical Officer of Health, issued in 1900:—

"'On applying the smoke test, sewer gas was found to escape in a disused w.c., next to a bedroom on the fourth floor. This test was not perceptible in the basement, which is probably accounted for by the concrete and impervious floor.

"'On opening the ground in one place a brick receiver was discovered, and doubtless several others exist in various parts of the building.

"'One rain-water pipe was found in use as a soil pipe, with several waste pipes running into it. Another w.c. on the dining-room floor was found in an offensive condition.

"'The urinals in the basement are not satisfactory, and would, without constant care, be a source of nuisance.

"'Most of the defects herein indicated have been remedied to my satisfaction since this matter was first reported upon last summer.

"'In the interest of all concerned, the whole of the drainage in the basement should be reconstructed upon modern principles.'

"G6 (employing twenty men, forty women, seven boys, and seven girls.)—In some rooms double, usually three single beds; informant contracted itch through unclean condition of bed linen; underground dining-room, badly ventilated; food supply, fair.

"H6 (employing about twelve assistants.)—Heard of Miss P., living at Cardiff, through a traveller, and he wrote to her offering a berth to start work on Friday March 8th. On arrival in London, she was sent to some premises recently acquired, where a sale was in progress. At night she was sent to sleep in a very dirty, ill-furnished room, at 116, ——— Road. Her bed gave way under her, and there was not enough bed clothing to keep her warm. On *Saturday* she was informed by proprietor that he made no provision for his assistants on Sunday. They must leave their bedrooms at 10 a.m., and not return until 10 p.m. on Sunday night. He advised her to go to the Y.W.C.A.!

"I6 (employing about sixty assistants.) — Some double beds, sleeping two and three in a room; washing accommodation inadequate, in some cases one small basin for three men; no bathrooms; underground dining-room, dirty and badly ventilated.

"K6 (one man, one youth employed).—Occupy double bed in a damp room, badly ventilated, and overrun with bugs; inadequate washing accommodation no sitting-room; expected to go out between leaving business and going to bed; food very poor; no stated time for meals.

"L6.—Three men sleep in an attic 23 feet by 8 feet 6 inches, with sloping roof 3 feet 6 inches rising to 7 feet 6 inches; small window, 2 feet 6 inches by 3 feet; fireplace blocked. My informant states that in the heat of summer the room smelt like a fowl house. *Miss M. G. Bondfield.* 27 June 1907.

"M6 (employing about seventy men, 100 women, and several juniors).—My informant writes:—

"'Four beds were occupied in the room I shared. The ventilation was inadequate, and the room was "foul" when I first entered it at 9.30 a.m., on my arrival. I had only four clean sheets during the six months. On two occasions I threw them on the floor and slept on the ticking for several nights before they were replaced. One man stated that his sheets were not changed for seven weeks. Rats were plentiful in his room, but I never heard of the firm paying any attention to the matter. Escape in case of fire would have been well-nigh impossible from the part of the house where most assistants slept. The dining-room in the basement had no fireplace. There was a bath with only cold water on. Hot water would have to be carried up four flights of stairs by the assistant using the bath. The bath was in a very neglected condition. Assistants paid for baths outside. In one section there are six wash basins between twenty-eight men. The housekeeper and steward were very comfortably housed in nicely furnished rooms.

"'*Meals.*—Breakfast, twenty-five minutes; dinner, thirty minutes; tea, twenty-five minutes. Two breakfasts per week, and sometimes three, were good (cold boiled bacon). Other mornings cold meat pie (supposed to be fresh meat, but so unpalatable that there was seldom as much eaten as left), porridge (mostly served tepid on cold plates), or brawn (mostly too salt).

"'Dinner was occasionally of decent quality, but, by far, too many were boiled mutton. At the end where I sat we *always* got the breast of a very old sheep. I have never seen anyone make a proper meal from breast of mutton at this house, and, although the demand often exceeded the supply, the joint was perfectly useless and nearly all wasted. I have several times had to accept meat from the assistant cashier's plate, or go without. A second vegetable was only served for a day or two, when grumbling became more than usually pronounced, and then withdrawn. Milk or suet puddings were the rule. I never saw fruit, except once or twice on Sundays, when dinner was better served, and generally good, with a green vegetable.

"'Tea consisted of tea and bread and butter, except on Fridays, when each had a wafer of German sausage, or an inch and a half of polony.

"'Coffee and beer were served with cold meat and bread for dinner on Friday, which we got when we could, this being market day.

"'Supper was served on Saturday, like the dinner of Friday, potted meat or cheese taking the place of cold beef, twenty minutes being allowed.

"'The quality of the food was such that nearly every meal had to be supplemented from assistants' money wage. I spent about 6s. or 7s. per week, after trying to live on the alleged food provided. My digestion suffered for the first time in my life while in this town, and I think it would have been permanently injured if I had not provided myself with better food.

"'I have known lodgings at 12s. per week princely compared to this, soap, towel and unstarched washing being included. These items we had to pay for here. The 12s, also included comfort, cleanliness, attention, privacy, and the freedom to change if not suited.'

"N6 employing about thirty men and sixty women).—Inadequate washing accommodation; poor food; utter lack of comfort. Informant spends about 7s. per week in extra food.

"O6 (employing eight men and two boys).—Regulation that they must be out of the house between 11 and 12.30 noon and 6.30 to 8 p.m. on Sundays.

"P6 (employing about thirty-eight men, sixty-nine women, two boys, and ten girls).—*Only men live in.* Washing accommodation inadequate; food badly cooked; table service not clean; men's sitting room, three chairs and broken table for the use of twenty men.

"'Extract from rule book (page 6): "Assistants and apprentices who are unwell, and not able to come down to business, must leave for their homes.'

"'Every apprentice is required to attend a place of worship at least once on a Sunday.'

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"R6.—My informant writes: 'Having been a few months with Mr. R. I write to tell you of the shameful way in which we are served by him, to see if anything can be done to relieve the poor assistants from their sufferings. Seeing the advertisement in the *Christian World*, I thought it would be all right, and after applying for the vacancy, got the post. The bedrooms are like barns, with water trickling down the walls like a bathroom after use, and we cannot sleep for the cold. The food is fearful: thick bread and margarine for breakfast (we know the brand, as it comes in boxes marked margarine), and sometimes the flavour is so "high" that we cannot touch it. Dinner: very tough meat; soup made from leavings on the plates (this the servant told us was true); rice pudding and apple tart, week in and week out. However tough the meat, and however "high" the soup, we have been forced to eat it or be dismissed. One young fellow with high-class experience had to leave because he did not eat his pudding. Hours of business, 8.45 a.m. to 8 p.m.; Saturdays 10 p.m.; no holiday whatever. Supper: huge jug of water and thick bread and butter. We have had to spend per week from 3s 6d. to 4s. 6d. on food out of our scanty earnings to keep alive. Nearly a dozen are leaving of their own accord this Christmas. Cannot something be done? Do try, please. Most of us have had good, high-class experience. I may say there is no bath attached to the place, although thirty assistants live there. This is no exaggeration, but the truth throughout the letter.'" This week I have had another letter, which I hand in, with reference to R6. It is from a man who quite recently left that firm and is now out of work in London. This is additional corroboration.

13275. Can you rely upon this correspondent?—Yes. I do not know him personally, but it so confirms everything else that we have heard of this firm that I accept it as a perfectly truthful statement. It occurred to me that perhaps the Committee would like to question this man.

13276. Your evidence will stand in this way; that what has been stated here by you is confirmed by a letter you have received, and you will hand in that letter to the Secretary of the Committee, and allow the Committee to judge whether they will call the writer?—Very well. I should like to put in the following extract taken from the report of the Proceedings in *Rendell* v. *Hemingway* which refers to the same firm:—"On January 27th, 1898, Inspector Hemingway visited the meat house at Eldon Lodge, and found there the carcase of the sheep which was unfit for human food. Rendell was fined £5 and costs, but on appeal this decision was reversed by Mr. Justice Wills and Mr. Justice Channel, who held that as the meat was not exposed *for sale* the Act did not apply. Mr. Justice Wills remarked, however, 'Any measure that could deal with such a case might be a useful piece of legislation.'"

13277. Now I am anxious, if I can, to bring these details to some specific point for the assistance of the Committee. In the first place, with regard to the food and the accommodation, may I put my questions to you now, on the assumption that the living-in system continues. If the living-in system continues, have you any suggestion to offer with regard to power being given to some independent person representative of Government or local control to visit the premises?—I have no suggestion to offer to the Committee on that point, because I am so perfectly convinced from my experience of the impracticability of any Government supervision adequately protecting the interests of the young people living in—the conditions are so varied that it is difficult to understand how any inspection could be adequate.

By Mr. Maddison.

13278. When you talk of "young people," do you include adults as well?—"Young people" is a common expression in the trade; many of the "young people" are quite old.

By the Chairman.

13279. Your evidence applies, not only to the case of female shop assistants, but to the case of male assistants and others in a different walk of life—porters, and so on?—Yes, in some cases, as for instance Z5, the porters also live in. In a great many establishments the porters do not live in, but it applies to every class of employee who has to live in as a condition of employment.

13280. Now, representing that large class as you do, have they no suggestion to offer?—The suggestion offered is the abolition of the system.

13281. But on the assumption of living-in being maintained?—No, they do not care to consider it from that point of view. In the discussions I have had with most of the men who are taking an active part in the agitation at the present time throughout the country their experience also leads them to feel that it is hopeless to try to mend the system, because it is based on a wrong principle. Therefore they have not considered alternative suggestions.

13282. At the bottom of the principle that you object to there is this, that the less the expenditure the greater the profit to the concern?—Of course.

13283. Is there, do you think, freedom of complaint with regard to food or accommodation?—No, it is very rarely that the head of a firm will hear any complaints against the house steward or against the housekeeper. In some of the very best firms, such as F 9, where the managing director, takes a personal interest in every detail of the business, any assistant can go to him with a complaint and he would listen to the assistant, but in nine cases out of ten the employer takes refuge from the worries of that department of his business behind the housekeeper; he will not listen to any complaint, or, if he does, the authority of the housekeeper is always upheld. Most assistants would fear to complain to the governor, because they would know that the alternative would be, "If you do not like it you can try somewhere else."

13284. You will excuse my appearing to be a little pertinacious about this, but I want to get at the bottom of it. Does it not occur to your mind that if there was, say, a Government inspector who would have the same power of entry to these premises as he has to factories, who could go to them at any moment without warning, even while they were feeding or even in the dead of night—do not you think it would be of some advantage to these people, if, for instance, upon that crucial question of cubic space accommodation, he was able to condemn the system at once?—Assuming the possibility of adequate inspection it might be possible to safeguard the cubic space in that way, but our experience of Government inspection in other cases makes it appear to us to be perfectly hopeless; the enormous expenditure which would be necessary to secure the number of inspectors to go round simply once a year to all the living-in shops would make that impracticable; and inadequate inspection would be infinitely worse than no inspection at all, because people would shelter behind the idea that it was all right because the Government was inspecting the business and if there was anything wrong they would hear of it, and so on.

13285. Of course, I am keeping in reserve your final suggestion; I am going to ask you about that later on; but assume the abolition of the system. Is there any suggestion that you have to offer with regard to supervision, such as it may be, that is obtained by private contract. People send their young people into businesses in turns; of course you know that to fathers and mothers it is the greatest anxiety of their lives to see that these young people are looked after well; but is there any system of co-operative living-in?—So far as this country is concerned, I think there is no system of co-operative living which would be applicable. But in America they have very successfully formulated a scheme of co-operative living for working girls and particularly for the retail clerks, our own class.

13286. How does that work?—It works most satisfactorily, judging by the reports that I have had from the Hull House Settlement at Chicago of the experiments in connection with the Jane Clubs; I think Jane Addams of Hull House, Chicago, was the lady who inaugurated the system.

13287. That is a system of settlement homes?—Yes.

13288. Boarding houses in fact?—Yes, a co-operative system, where they all take shares and have a committee of management and so on. Judging by the reports that I have received, that system appears to be exceedingly

satisfactory to the girls who have tried it. But also with regard to the young people, I again refer to the system in Scotland. I am quite sure that the parents in Scotland look after their young people, and satisfy themselves about the lodgings to which they go, and it would be perfectly possible for English parents to do the same thing—to satisfy themselves before they send their girls hundreds of miles away from home that they have proper lodgings. It would be an exceedingly good thing if it was obligatory upon them to do that, instead of allowing them to do as they do at present—to place their confidence in a system which is obviously unfitted for the needs of the case.

13289. Do I gather that your evidence in so far as it affects this subject, namely, the protection and supervision which is presumed to be had in those establishments, is condemnatory of the system ?—Yes, and again I would like to emphasise this as it is a strong point made by the managing director of F. 9. At a meeting of the Drapers' Chamber of Trade he stated that the evidence which he proposed to give before this Committee would be to the effect: "That the assistants living out under the circumstances which now existed would not only be detrimental to them as employers, but even more disastrous to the assistants. The evidence which they proposed to give was that the assistants lived in under better conditions than they would if they were compelled to board themselves. They certainly could not cater for themselves anything like so well as they were catered for. In addition they would give evidence that the drapery trade drew its assistants from various country districts, and it would be a serious matter, both for the parents and the young men and women themselves, to be landed in the streets of London without any proper home provided for them." My reply to that is to point out that these young people are brought up to London in hundreds from the country districts because of the living-in system, but there is no kind of security of tenure of employment whatever, and at the slack season there is no question as to whether the girl's home is in the country or not—she is thrown on the streets of London as the managing director of F. 9, describes through the living-in system; she is not only deprived of her work but of her home at the same time. If she were in lodgings that could not be; she would at least have the ordinary protection of the law with regard to lodgers, she would be the tenant of her room and could only be got rid of upon notice; she would not run the risk in lodgings of being thrown upon the streets in the way that she does now in the ordinary living-in establishment of any size in London. If the living-in system were abolished parents would not send their young girls 300 or 400 miles away from home without knowing whether they had lodgings, and it would be entirely to the good of the young people to make it obligatory upon a parent to choose a lodging when they are placing their boy or girl out in trade.

13290. Have the members of your association now considered this for some time ?—Yes, we have had this "living-in" agitation discussed in our branches and among our members since 1900; it has been a public question with us. The organisation was formed in 1891, and in 1896 the great agitation which the union took up was on the question of hours. Immediately following that the next reform which was felt to be necessary was the question of living-in, because it directly affects the question of wages.

13291. You know that in other trades anything that is done to one member of a trade union in the way of clamant injustice is considered to be done to the trade union itself; the officials of the trade union hear of it, and negotiations take place with regard to stopping the objectionable practice. Now is there such a way in your case of articulately expressing your grievances ? —Yes; at the present time we have our hands full with requests from all over the country for us to deputise employers as to living out in the case of individual groups of workers who feel themselves sufficiently strong to request the abolition of the living-in system by the employers voluntarily, without waiting for the law to help them.

13292. That is not exactly my point. Suppose you had inadequate cubic space, and suppose the food was poor, could a girl consult your association, and would the association approach the employer ?—Yes, we have done so in hundreds of individual cases, and in addition to that, where the employer has refused to pay the slightest attention we have given our member permission to leave her situation, and have supported her while she has been finding a better situation, to help indirectly to level up the conditions. But our difficulty has been that in houses where we have succeeded in introducing reforms as to diet and sleeping accommodation, these reforms have lasted just so long as our members have been retained in the service of the firm; they probably get dismissed for some cause or another; a new set of assistants come in who are perhaps not members of the union, and the whole thing reverts back to a condition probably as bad or worse than it was before.

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13293. Now will you read that passage in your proof in which you formulate your demands ?—We ask the help of the legislature: (1) To extend to shop-workers the provisions of the Truck Act, by which their wages shall be paid *in full* in current coin of the realm, and not partly in kind, *i.e.*, in board and lodging. (2) To provide that where the employer desires to contract out in respect of board and lodging (under Section 23 of the 1831 Act) it shall not be *as a condition of* employment, but under a contract in writing, by which the assistant can be assured that the sum deducted from wages for board and lodging shall not exceed the real and true value of the room and food provided, and that the amount so deducted shall be mutually agreed upon by employer and employee. We do not think that the extension of the Truck Act to cover living-in will abolish all the abuses possible under the system, but we are satisfied that it would give an impetus to the movement for the abolition of the system itself, which is the only satisfactory solution.

By Mrs. Tennant.

13294. You say in your proof that in certain houses great care is taken in requiring assistants to procure a permit to sleep out. You give as examples P5, X5, and W5. Do you suppose that the parents of the young people are informed at the time they make these arrangements that such a permit is required, and that that gives them security ?—No, I do not think that sort of thing is mentioned really; there is an extremely loose system of engaging in this trade; the details of service are not entered into; parents have very little idea of the conditions under which the girl is going to work.

13295. They simply have a general reliance upon the ordinary activities of the firm in looking after their young people ?—Yes, there is great ignorance of the real conditions obtaining in the living-in houses among the parents. As one girl said to me, plaintively, "You know I told mother all about this, but she simply would not believe me. She thought I was discontented and wanted a change." The mother's faith in the firm was so great that she would not believe what the girl told her about the things that went on in her own bedroom.

13296. There can be no question, I suppose, about the original design of this requirement; it was to safeguard the character of the inmates ?—I think probably that may be the case in some houses—that there is a real desire on the part of the responsible persons in the firm to safeguard the character of the young people; but I think in the majority of the houses this sort of sentiment does not enter into the calculation at all; the idea is that their assistants have to be on the premises, and that they want them to attend punctually to business the next morning; they think that the best way to maintain discipline and punctuality is by ensuring that they shall sleep on the premises. The idea underlying the living-in system is very largely a question of having greater control over the staff than they would have if these people lived out; they are more dependent, or less independent, through living in.

13297. I want to arrive at an explanation of what seems to me a very odd situation in the case of these three firms to which you have directed our attention. Elaborate care is taken, sometimes, I gather, to the extent that three counter-signatures of the permit have to be obtained, from Monday to Friday, inclusive ?—Yes.

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13298. For Saturday and Sunday there is no permit at all; it is not a matter of one signature or three signatures, but there is no permit at all?—No permit is required.

13299. If care is required from Monday to Friday, what is there exceptional about the Saturday and Sunday which makes it unnecessary to require a permit on those days?—It is one of those curiously illogical things that you find in a house which does not make it its business to look after the morals of the young people. It is a question of the trouble it would take to sign all the permits that would be required for the people who would go away to friends for the Saturday afternoon and Sunday. There is another reason why they are allowed to go—because the firm has not to maintain them while they are away; it relieves the servants and reduces the amount to be spent in food on the Saturday and Sunday; that is the reason why they have found it convenient to make no difficulty about giving leave for Saturday and Sunday; they encourage the young people to spend their week-ends away from the business house. The attitude of the housekeeper or steward is all in the direction of being perfectly indifferent to the people who do stay on the premises on Sunday; they do not care to make it the least bit comfortable for them in any way.

13300. Have you had difficulty in obtaining the full number of meals on Sundays?—In those houses where large numbers of the staff go away for Sundays such as at P5 the assistants are expected to place their names on a slate on the Saturday if they intend to be in on the Sunday, and if a large number of assistants come in who have not placed their names on the slate they will find that they are not provided for; it will be entirely a chance whether there is enough food to go round. So that the assistant has to make up her mind on the Saturday whether she is to be in on the Sunday, and to state it. There are other houses, such as H 6; which represents the type of house where the employer desires to use the business premises on Sunday for his own purposes—either that, or the arrangement with the housekeeper is that she gets her Sundays free. One girl was brought all the way from Cardiff without being told that they would not provide anything for her on Sundays; she arrived in London on the Friday, and on the Saturday night she was told that she would have to shift for herself from Saturday to Monday morning, and that they made no provision for meals on Sundays.

13301. It seems to me difficult to explain the permit requirements for the first five days of the week by the desire to have regularity on the business days of the week, because Monday morning follows the Sunday night and Monday is the first business day of the week?—The majority of the girls go away on Saturday afternoon and return on Sunday night.

13302. Still, according to the rule of the house, they can be absent without a permit on Sunday night?—Yes. Still, they have to be in punctually on Monday morning, and they are in on Monday morning, as a rule, because they return on the Sunday night.

13303. Do you know how the firms themselves explain the requirement of a permit on five days, and none on the other two?—No, I do not know how they explain it.

13304. They can hardly explain it on the ground of taking care of those in their charge?—I have never heard an explanation given by the employers of that illogical position.

13305. In the dietary table that you have given us I see no meal is provided for on Sunday; is that the practice?—In this particular house there was a meal on Sunday, but it was such an indifferent meal that the majority of the assistants preferred to go out and get their meals. It was usually cold meat. I do not know why I omitted to put in the dietary for Sunday, but, from memory, we always had cold meat—such of us as stayed in, but very few assistants did stay; they would sleep on the premises on the Saturday night and go out and get their meals on the Sunday; in summer many of us used to spend our day in Victoria Park, and feed where we could—just get a sandwich, or something of that kind.

13306. Have you ever endeavoured to arrive at the actual cost of living to the firms?—Yes. It is exceedingly difficult to get accurate information, but I think, in the case of four houses the information I gathered from the people who were connected with the catering departments might be taken as fairly reliable. From that I should estimate, judging by the quality of the food provided in those houses, that the cost per head runs from 4s. 6d. per head per week, in houses where the food is very bad, to about 6s. 6d. or 7s. per head per week, in houses like Q3. I think you would find, if you could get the caterers' books at Q3, that it comes out at about 6s. 6d. per head per week.

13307. The calculated value in wages is the equivalent of about 10s.?—Yes, about £25 a year. If an employer is asked the question. "At what do you place the value of board and lodging?" his estimate generally is that it is worth about £25 a year. £25 is deducted from the amount of salary which the assistant would otherwise ask for—from £20 to £25.

13308. If instead of £25 being added in lieu of living-in its value was only placed at £12 10s., and £12 10s. only was proposed to be added to the salary of the assistant, do you think that would make any difference in the attitude of the assistants towards the living-in system?—No, I do not, because, although the question of wages is an exceedingly important one, the question of health and the effect on character is so important as to make it still necessary for us to continue to agitate for the abolition of the living-in system. In connection with the cost of living-in may I just say this. We have at the present time a strike of eight or ten men at Neath; they are demanding 13s. a week in lieu of living in; the employer is prepared to abolish living-in, but he is not prepared to give them a fair equivalent; the fair equivalent has been judged locally to be 13s. a week for living out; that has been granted by similar firms at Bridgend and at Tonypandy. A case which illustrates the general idea of the cost of living out, or rather what ought to be considered as an equivalent when living in is abolished, is that of an employer in the Midlands. He engaged an assistant to live out, and he paid him a fixed sum per year. His business altered and he had some room to waste, and therefore he asked the man if he would live in; the man did so, and a deduction was made from his salary of 15s. a week for living-in. A little later the man himself desired to get married and he wished to live out. The employer refused to increase his wages 15s. a week to live out, and said he could not give him more than 8s. or 9s. a week, although he had himself put 15s. as the equivalent when he wanted the man to live in.

13309. Are there any facilities which you would describe as comfortable facilities for seeing friends?—No. In many houses there are written rules in the house posted somewhere, in the hall probably, that visitors or "strangers" as the term is, are not allowed to enter the business premises. I will quote Q3. I quote Q3 so frequently because it is such a large house, affecting so many people, and the conditions there may be taken as practically stereotyped conditions. There they have a watchman at the foot of the terrace. His duty is to see that no man goes up the terrace. If a girl's sweetheart or brother or father comes to see her he has to give his message to the watchman and wait at the foot of the terrace while the watchman goes to the house and gives the message to the housekeeper, and the housekeeper may or may not trouble to find the girl. But in any case she has to go out into the street and meet the man at the foot of the terrace. In the case of women friends, if the watchman recognises the visitor as a stranger, and not as an employee of the firm, he will probably stop the woman also and get her message before she is allowed to go up the terrace. In any case the friend cannot get further than the doorstep; assistants are not allowed to bring friends into the house; if they do, so they do so, at the risk of dismissal.

13310. If a man or woman has made an engagement to meet a friend and the weather happens to be wet weather, the assistant still has to meet the friend outside?—Yes.

13311. That applies to Q 3?—That applies generally. There are some houses where they have introduced exceptional conditions. F. 9 is one house as

an example. At C11, before they abolished the living-in system they provided a sort of reception room for their young people. They abolished the system because they believed it was wrong in principle, not that there was any fault to find with their administration of the wrong principle. They allowed £45 a year for living-out when they abolished the system. The standard of comfort in a house like that cannot be taken as any kind of indication of the general standard of comfort. At the F9, Managing Director has personally interested himself in the conditions of the house. When he was learning his trade, he lived in, and he decided that all the things that hit him then should not obtain in his own house; but that is quite an exceptional case. They have, I believe, a reception room for seeing friends there, but it is almost an unheard of thing in an ordinary business house.

13312. May I take it that the absence of facilities for seeing friends is one of the grounds on which the assistants desire the abolition of the living-in system?—Yes, it is one of those minor things that make such hardship in the little things of life.

13313. It is one of those things that would operate unfavourably in the case of a young girl coming from a distance, in regard to those very things from which the system is supposed to guard her?—Precisely.

13314. Now to turn to an entirely different matter. You mention that in Q3 there was one door for twenty houses, I think?—The numbers run from two to fourteen on one side and from fifteen to twenty-four on the other. The entrance on one side is at No. 8 and on the other at No. 20.

13315. What is the provision for escape in case of fire?—I think probably the drop from the first floor windows would not be very serious; but there is no proper provision made for escape in the case of fire; the terrace, of course, is easily accessible to any fire escape—the thoroughfare is broad and so on.

13316. If they had an outbreak of fire on the second floor, those on the third floor and the fourth floor would not be able to reach the first floor?—No, the only escape would be through the window by means of a fire escape.

13317. They could not drop from the first floor window if they could not reach the first floor?—No, they would have to depend on the fire brigade entirely. Suppose a fire broke out in the centre of the terrace where the front door is, all the other passages lead to that one door; all the other doors are blocked, and the only means of escape would be through the windows.

13318. In your calculation as to the amount of cubic space you had in a room on the fourth floor at Q3 were you able to take into account any of the furniture in the room?—Yes, I have an exact list of every article in the room; viz., one single bed, one chest of drawers, one washstand and one looking-glass to each person, a strip of carpet, one or two wooden chairs, windows with Venetian blinds, no curtains.

13319. In your measurements, did you allow for the space that would be occupied by such things as chests of drawers and wardrobes?—No, I did not, I took merely the measurements of the wall, the ceiling and the floor.

13320. I notice there is a great difference between the amount of cubic space there, which roughly is about 565 feet per person, and the case that you mentioned of L6 where, so far as one can judge, it is about 300 feet per person?—The case of L6 is probably a case of very bad overcrowding. There also the furniture would not be taken into account, but there would be practically no furniture in the room except a bed and washstand, and it may be the man's box. This case I know, from my informant, is a case of shocking overcrowding; this attic is not fit for a bedroom.

13321. Not taking the furniture into account, the actual cubic space in this room on the fourth floor in the case of Q3 is rather more than would be required by most local authorities?—But that is not taking into consideration the fact that there is no through ventilation.

13322. I am taking the cubic space only. I want to see how far the atmosphere in the room is dependent on ventilation. So far as the cubic space itself is concerned I think you will find there is more than would be required by the local authorities?—That is my point. The rooms are probably fairly spacious; but one has to take the cubic space into consideration in connection with the means of ventilation.

13323. There were no means of ventilation except the window, which it was difficult to open?—Because of the situation of the beds, yes.

13324. I suppose it was in winter only that the fireplace was boarded up?—No, it was permanently boarded up—all the year round.

13325. Was the window ever opened?—Some of us used to insist on opening the window occasionally, but it would have to be closed up again. If the four of us were in together for half an hour, the room was stuffy and we had used up all the air the room contained. Sometimes I would personally insist on having the window thrown up for a little while to clear the room and then somebody would want it down again in five minutes' time. Of course, at night, when we were asleep, if the window was open two or three inches even, it was not sufficient to air the room.

13326. There were no other means of ventilation?—there were no other means of ventilation except the window. In the case of Q3 that was the only reason—the situation of the bed under the window which prevented us having the window opened at night. But in some houses there were other reasons why the windows could not be kept open. Take the case of one of P5's sleeping lodges. It is a corner house and there are two windows facing one way, and two facing another way, but they have to keep them all shut, except the farther window, because of the situation of the house. There is a public-house immediately opposite at the other corner, and it is a favourite rendezvous for roughs, the noise, the language, and altogether the objectionable character of the frequenters of that spot, are such that the girls keep their windows shut through fear, and they keep their blinds drawn because otherwise the men would look into the room.

13327. Then you would say that owing to various causes a girl may be at the mercy of an unventilated room and possibly of an overcrowded room and a comsumptive fellow-inmate?—Undoubtedly, yes.

13328. Is any effort made to isolate those who are known to be consumptive. You have described a system of medical attendance?—There is no attempt made to separate those who are not so well in health, and of course the condition of labour at the present time is such that it would be considered a most unkind thing to report a girl who is not well. As soon as she shows that she is not equal to her work she gets the sack; but so long as she can do her work the other girls would think it very mean indeed to report her.

13329. Therefore they are prepared to sacrifice themselves?—They do not realise the gravity of the position. If a girl is suffering from consumption they are very sorry for her, but in nine cases out of ten it does not occur to them to think of their own health.

13330. And even where they do they are reluctant to make a report?—Yes, I should myself be very reluctant to draw the attention of the firm to a girl who was suffering in that way.

13331. Now turning to the deductions, there was one deduction that I do not understand; that is a deduction of 2d. for "early closing." Will you kindly explain that?—That is a peculiarly unfair deduction which is made compulsory in some houses; it is mentioned in their list of deductions in the case of E5 and one or two other houses; it is the result of appeals by the Early Closing Association; they have no membership as a trade union has a membership; they depend for their supplies upon contributions from the firms, and in the case of a great many firms there appears in the balance sheet such and such a sum donated, £20 or £40, or whatever it may be, to the Early Closing Association. This money is collected from the assistants in the various departments, or on premium day; in one house it is 2d., in others 1d., in others 3d. In a house in the East End of London they had paid in something like £80 a year for a number of years,

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and they obtained no reduction of hours since the early closing day had been established in the district; they very strongly objected to pay this £80 a year, which went down in the balance sheet as the contribution of the firm, they protested by a round robin, and got it abolished.

13332. The deduction is not in proportion to their activities in the matter of early closing?—No; this 2d. a week is collected, and the assistants get no account of it. It is not very general; it is confined to less than 100 houses in London—those houses where the firm take a part in the work of the Early Closing Association.

13333. Then in the matter of fines, you explained to the Committee the inference which is attachable to the loss of a duplicate. Are there any means at the disposal of the firm of ascertaining whether that inference would be justifiable in any given instance; is there any stock-taking daily or weekly by which the firm could be satisfied that the loss of a duplicate had not meant any theft?—No, the stock-taking in the distributive trade is too big a job to be dealt with weekly, it would be impossible to have a weekly stock-taking in the average drapery house. Most houses have an annual stock-taking, which would be quite useless for the purpose of checking individual cases. But the position of the assistant in a shop is such that it would be difficult for theft to be practised without the connivance of the others in the department, because there is in every department some person who is responsible for the stock, and the stock is dissected—the sales are dissected; a correct list of the stock is kept, and a good stock-keeper knows her stock very well; any article that could be missed without detection would be quite a trifling thing; any article of any value would be remembered by the stock-keeper of a particular department. I have never known any firm depend upon the stock-taking as a check for theft; they depend rather upon the watchfulness of the stock-keeper, and the espionage of the other assistants and so on. In grocery firms there is a weekly stocktaking, and the manager has usually to make good the shortage, if any.

13334. Do you know of any report presented to the assistants upon the expenditure on libraries in which the amount of the fines is given at £80 or £40, and the purchase of books corresponds to the amount of the fines?—No, I do not know of a single instance where a balance sheet of that kind is issued for the benefit of the assistants. I believe in the case of S6 they have a house meeting; a member of the firm takes the chair and the firm bring forward a statement which the assistants have to accept, and the assistants are invited to name the list of books that they would like; but beyond that there is no check, and I do not know of many houses where they even trouble to call an annual meeting of the assistants.

13335. Do you know of any case in which the money deducted for library purposes is devoted to a public library subscription?—No, I do not know of any case. In the case of T6 at the time that was turned into a limited liability company, the library which had been purchased by deductions from the salaries of the assistants figured as an asset in the business. I believe it is generally assumed by all business houses that they have a perfect right to dispose of the library as they choose, although every book has been paid for over and over again by deductions from the assistants.

By Sir Frederick Cawley.

13336. You are here, I understand, to give evidence only for the women?—Oh no, my evidence covers very largely the members of our association, and that applies of course, to men as well as to women.

13337. Then you are wishful to do away with the living-in system, not only for women but for men?—Decidedly.

13338. There are wholesale houses in London, in St. Paul's Churchyard, and others, where the living-in system is in practice?—There are wholesale houses in St. Paul's Churchyard where the assistants live in, and there are others where they provide dinner and tea, but the assistants sleep away.

13339. Have you any reports from those wholesale houses?—Yes.

13340. Do those assistants wish the living-in system to be done away with?—Yes, decidedly. At the present moment there are three large houses in St. Paul's Churchyard where the assistants are in a state of ferment for the abolition of living in; they have held three meeting quite recently in the city—packed meetings—and they unanimously passed resolutions in favour of the abolition of the living-in system.

13341. Do they suffer more or less from the same grievances that you have given evidence about in the retail trade?—Yes.

13342. With regard to the first part of your evidence about fines; how do Q3 maintain discipline now that they have abolished fines, especially with regard to the fine for being late in the morning?—They maintain discipline by checking in the people in the morning just as they would be checked in in the case of fining. They have to pass through the door at 8 o'clock; the door is shut at five minutes past eight; in the case of anyone coming in after that time the name is taken by the door-keeper; if they are late twice within a reasonable period they are reported to a member of the firm who calls them into the office to mention the fact that they are unpunctual and that they had better be careful in the future; if they are carpeted three times they are liable to be dismissed. All the assistants agree that that is a much more satisfactory way of dealing with the matter.

13343. I can understand the assistants agreeing that it is a much more satisfactory way, but does it have the same effect?—Yes. The punctuality at Q3 is not equalled by any business house in London.

13344. Your opinion, and you say that it is borne out by experience, is that this is a more efficacious way of keeping discipline than by fines?—Decidedly; it makes for greater punctuality as a habit.

13345. Now you spoke to us about the loss of a duplicate. As I understand, this system of duplicates is to safeguard the firm against dishonesty. How do other firms do who do not fine for the loss of duplicates?—Of course that is only an incidental use of the duplicate. The loss of the duplicate may be caused through dishonesty, but the main purpose of the duplicate is for the dissection of the business of the firm, to find out which department is paying and which is not paying. Every one of these duplicates is filed in the counting house and dissected.

13346. I understand that a book contains fifty duplicates?—Yes.

13347. What is to hinder a girl putting the money that is given to her by a customer into her own pocket, and destroying the duplicate?—That is the check that the firm have; she could not do that under a system of duplicates.

13348. My point is this; how is the assistant's honesty checked by other firms who do not use this system of fining for the loss of duplicates?—They trust the assistants a little more, and they find their trust quite rewarded. My general experience has been, that where a business is conducted on a system of suspicion—a system of expecting dishonesty—dishonesty is suggested to the assistants, and, given any kind of opportunity, dishonesty very often results, but in houses where the assistants are expected to be honest they respond to that confidence; the cases of dishonesty almost invariably occur in those houses where the attitude of the firm towards the staff is one of suspicion—one of saying: "We only trust you as far as we see you."

13349. You will agree that it is rather a big order to say that you must always trust people and have no check upon them. That is what it logically amounts to?—I tried to make it clear to the Committee yesterday that the reason why they are fined for the loss of duplicates is because the employer recognises that duplicates may be lost through other causes than dishonesty and that the fine in such cases is unfair. It is not fair to assume that it is necessarily dishonesty which causes the loss of the duplicate.

13350. Now you have based a good deal of your evidence upon what you think is the moral effect of living in as I take it; you are of opinion that it is really worse from the moral point of view for the girls living in than it is for girls living out?—Yes, and my own personal experience is backed by the experience of men and women

who have had large experience of the class of working girl who does live in lodgings; girls such as women clerks, typists, civil servants, post office employees, school teachers, and so on. These girls are very largely drawn from the same type of homes as are shop assistants, and the asumption that these girls are less moral than girls who live in is never thought of. No one ever dreams of questioning the uprightness, integrity and so on of that class of girls.

13351. You would not place the morality higher, you would only place it as high?—Just so.

13352. I only want to know exactly what is your contention. I take it that your contention is simply that the living-in system is no moral check?—Exactly, and that everything that might conceivably happen to a girl in lodgings might equally happen to her living in. I do not want to imply in the least that the shop assistants as a class are less moral than girls who live out.

13353. For instance those girls who stay out at night and get their beds drawn down in the morning by their room mates—the probability is that they would do just the same in lodgings?—Yes; but I do not in the least mean to imply that the girls who do stay out at night in that way necessarily stay out for immoral purposes. They might go out to visit their mothers or their friends and they might spend their evenings in a perfectly satisfactory way, just as they would do if they lived in lodgings. The deception is caused by the absurdly unnatural system of living-in, which would be quite unnecessary if they were living in lodgings.

13354. If they were in lodgings they would not have any check whatever in nine cases out of ten, would they? They have some kind of check—it may not be much, but they have some kind of check in being required to be in at a certain time?—My experience of the ordinary respectable lodgings is that they would have an infinitely greater check in those lodgings.

13355. Do not you think that when a girl comes here and only gets so much wages, especially if she comes from perhaps poor parents, the inducement is for her to take very cheap lodgings?—She may go to very cheap lodgings, but they need not necessarily be other than respectable lodgings.

13356. But do not you think that the probability is, or the possibility anyhow, that the lodgings she chooses because they are cheap, would be really quite as bad both in cubic space and in ventilation and in every other way as the lodgings she occupies now in the business house?—No, I do not. I think in any case the majority of the girls would have an improvement; in any case they would probably be not more than two in a room, and they would have the choice of changing their room-mate; they would have the choice of changing their room. I think the question of getting suitable lodgings would not be at all difficult for a class of workers such as shop assistants.

13357. Suppose a girl is dismissed from a shop, and she is sent away from the shop, and she has no money; would not her position be very similar if she is living in lodgings?—It might be somewhat similar, but it could not be worse, and it would surely be better, because she would at least have her week's notice; her landlady could not summarily eject her from the place; she has the protection of the law to the extent of being able to demand a week's notice.

13358. That is really all the difference in the case of a girl being thrown out without money?—No, there is another difference also. The human factor is very frequently introduced; there is the landlady's personal knowledge of the girl, and if she has always been a good lodger and so on, the landlady would probably be much more inclined to wait for the rent for a week or two until she gets another situation. Of course, you cannot generalise upon individual cases, but my experience of landladies has been of an exceedingly fortunate character, and I am quite sure that they would be far more merciful than the average housekeeper in business premises.

13359. What I want to get at is, how it is better for them to be out. Now in regard to food, do not you think that those girls living out might possibly stint themselves in their food for some other purpose, and so not be as well physically sustained?—No, I do not. I think they are stinted in food now in any case; they could not be more stinted in lodgings than they are now.

13360. Have you not ever known girls who for one purpose or another—we will say for the sake of finery, or you may put it for the sake of sending money home, or for any other purpose—would be inclined to more or less starve themselves to get money for other purposes?—No, I do not think so. There will be of course a proportion, but the proportion would not be sufficiently large to justify the retention of living in on those grounds.

13361. I am not talking of places where the food is bad, but take places where the food is ordinarily good. Do not you think it is an immense advantage that a girl should at least have so much sustaining food every day, and that she might not get it if she did not have it on the premises?—But I think she would get it. I think the food that the assistants get in Scotland is infinitely better and more wholesome probably than anything that is provided for them here. In addition to that, it may be plainer than the food provided in the best houses living in, but in addition to her food she gets fresh air and daily exercise, which the living-in assistant under the best conditions does not get, to help her to eat her food.

13362. Suppose a breakfast of bread and butter and coffee, and a dinner with joints of mutton or beef, and then tea and then supper; you would consider that that was sufficiently sustaining I presume?—No, I do not. Taking into account the life in a shop and the kind of work that these girls have to do, which is work imposing a great strain on the nervous system, I do not think that the kind of bread and butter which is provided for breakfast, which one revolts against, is sufficiently nourishing to start a day's work upon.

13363. The bread and butter you are speaking of now is not good?—No, the food is not good that is provided.

13364. But suppose the bread and butter is the ordinary bread and butter that we all eat, and that the mutton or beef for dinner is entirely good, and the tea is entirely good—do you not consider that that is sufficiently sustaining?—Yes, but I think she could equally get that in lodgings, and she would have it under surroundings infinitely better for health than in the average living-in house.

13365. If she did get it?—If she did get it, and I think there is no doubt about her getting it.

13366. What are the wages in Glasgow where they do not live in?—There are no statistics on the question of the wages in the distributive trade; there is no means by which we can get a return of wages, and I cannot give you a general reply to a question like that.

13367. But you must yourself have some general knowledge of what the shop assistants get in Glasgow?—I should have to speak from memory; I have no written evidence here with me but I could supply you with particulars of wages in Scotland; I could send that in.

13368. Cannot you say what your impression is of the ordinary wages paid to a shop girl in Scotland?—The wage of the living-out assistants is probably slightly below that of the living-out assistants in England; that is the only way you can compare it.

13369. I want to compare it with the wages of living-in, reckoning we will say £25 a year as the cost of board and lodging?—Reckoning £25 a year as the cost of board and lodging probably you would find that the wages generally in Scotland—that is the general feeling—are less than the wages generally in England; but side by side with that you also have to take into consideration certain national characteristics, the fact that living in Scotland appears to be very much better for a less sum than living in England. The national character of thrift is responsible in my opinion for the rather lower standard of wages in Scotland, but taking it all round the Scotch assistant is better in general health, is more clear headed, and certainly better educated than the same class in England.

13370. Do you consider that the Scotch girl with her lower wages gets a meal every day as good as girls do in the London shops where the food is good?—Yes, I do; she probably gets a very much better one.

13371. I can understand that you want this system to be done away with, but do you think that it would be a

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great advantage if every house where there is more than a certain number of people living-in were inspected, a certain cubic space required by the law, proper dining-rooms, proper egress in case of fire, and everything sanitary and right about the house—do you think that that would be a great advantage ?—I do not. Of course, speaking from the point of view of material conditions, it would be better than the slum kind of conditions that obtain in so many houses now, but even that would not affect the unnatural life of the herding together of large numbers of people of one sex, and the impossibility of social intercourse with members of the other sex on the plane of comradeship and the ordinary social relations of the home.

13372. But in other respects, such respects as I speak of, that would do away with a great number of your complaints ?—Assuming such an inspection possible ; but frankly it does not seem to me to be practicable. This question affects roughly speaking 750,000 people, and there are shops in every town and every village in the United Kingdom ; the living-in system is largely prevalent in England, Wales and Ireland.

13373. But before a licence could be provided for any house it would be quite possible to insist that it should be of a certain quality in regard to all its arrangements. That, I take it, would be an enormous advantage?—I am not speaking now of the social life and so on ; I am speaking of the actual physical conditions ?—Yes, assuming such a thing was possible, but we have had our faith considerably shaken in the power of inspection in matters of this kind where they relate to the private life of individuals.

13374. You say that some girls have to work seventy hours a week ?—Yes.

13375. I suppose you think that it would be an advantage if the law would step in and say that they should not work more than a certain number of hours ?—Decidedly. We are agitating very strongly for the law to come in and say that the hours shall not be more than sixty a week.

13376. That would be another great advantage ?—A great advantage.

13377. If the law said that the hours should be not more than sixty a week, that the cubic space allowed should be so much, and that the sanitary conditions should be looked after, that would get rid of a great many of your complaints ?—No, it would create another complaint ; there would be too much danger of regimentation—of governing the private life of the assistant by inspection. We object to the system so far as barracks are concerned ; it may be considered necessary that soldiers should live in barracks, and it may be considered necessary for some classes of workers that they should live in barracks, but in the case of the shop assistants in the distributive trade it is not necessary at all ; it is not necessary for the welfare of the trade, it is not necessary for the welfare of individuals. Government inspection regulating the private life and the hours of leisure of this large class of workers, would create another form of complaint.

13378. I suppose you agree with me that that might happen in any Government regulation of any sort of labour ?—I do not think so. I think regulations affecting the private life of an individual and regulations affecting the conditions of their employment are two different things.

13379. I will ask just one other question for my own information. What did you mean by " premium day " ? —It means that in many houses they have a system of paying wages once a month, on the twentieth of the month, and they pay premiums on another day of the month ; premiums are not paid with the wages.

13380. What are premiums ?—Premiums are small sums, 1d., 1½d., 2d., paid on certain classes of goods. The assistant earns the premiums by introducing the goods to customers who do not want them, and so on. It is a most pernicious system by which the employer endeavours to increase the circulation of his goods.

13381. Why pernicious ?—Because it is an annoyance to the customer, and it frequently re-acts very badly upon the conduct of the business. I have been able to watch the change that has occurred in the business since I first went into the distributive trade. The old system of trying to build up an establishment on the value of your goods, and on giving real worth for money, has been steadily changing, and the assistant now who is considered the smartest assistant is the one who can sell to customers worthless goods, goods that yield a very large profit, goods that look fairly showy on the surface, but are not really wearable, and are not satisfactory in other ways. A lot of these cheap lines are introduced into the shop, and the assistants are encouraged to get rid of them as best they can ; they are things the customer would never ask for at all ; the only thing that sells them is the persuasive powers of the saleswoman ; if they succeed in getting rid of the stuff in that way they are rewarded by a small premium on the goods they sell.

13382. How much a week does a good saleswoman get in that way. I understand that really what you call premiums are commissions ?—No, a commission is another thing. A commission is a fixed sum on takings. It depends on the class of goods sold in the department. In some houses the takings of a department would equal £5 a day ; that would be the standard. Every assistant in that department would strive to take £5 a day.

13383. £5 a day each assistant ?—Yes, or it may be £3 ; it just depends on the class of goods sold. In some departments the standard is £20 a day, and they have to average it out ; some days they may take £100 and the next day they may hardly get a customer ; the average may come out at £20 a day ; then the assistants have a commission, and it may be 3d. in the £ upon their sales. That is quite a different system from the system of premiums. Premiums fluctuate, depending on the skill of the assistant to sell goods that the customer does not want.

13384. All I am asking this for is to find out how much extra the assistants get in addition to their wages generally ?—You cannot possibly say that the assistants would get an average of so much. In some houses there is no system of premiums at all. In other houses there is no system of commission. In a house where premiums obtain, one girl may make not 2s. a month in premiums ; another girl may make £1. And it fluctuates in this way : the girl who makes £1 in one month may go three months before she makes another £1. In the case of commission it is steady ; if the trade is good the commission is regular ; where they pay 3d. in the £ commission a girl may average £10 for the year ; and in some cases I have known a girl to make in commission £1 a year.

By Mr. Brotherton.

13385. You have a strong dislike to the system of living-in ?—Yes.

13386. You would totally abolish it ?—Yes.

13387. I am not quite clear whether you would also abolish giving meals, or rather light refreshments, at these large establishments ?—I would abolish it entirely in the form of truck. If one chose, for instance, to provide a dining room at which the assistants were at liberty to purchase what they chose, that would be a matter of arrangement with which we should have no concern ; but the employer should not cater for the food as a part of the wages ; the assistant should be free to purchase or otherwise, as he chose.

13388. I take it that your dislike for living-in is not necessarily grounded on material disadvantages, but upon what we might perhaps call social disadvantages ?—Yes. It is quite possible that, just as in the case of the American slave trade there were some instances where the material advantages of slavery were infinitely greater than any that they could hope to get in freedom ; in the same way in the distributive trade, there are one or two firms—not very many—where the material advantages of living-in would exceed any material advantages to be derived from living-out. But that does not in the least degree affect the general objections to, and the violation of the principle underlying the system of living-in ; and the sacrifice of a slight material advantage on the part of the few assistants who are fortunate enough to live in these few houses is, I consider, not a matter that should be taken as an argument to prevent the abolition of the system which presses so hardly upon the great majority.

13389. The material advantages are quite predominant to my mind, and I should not like them to be dismissed as not being most desirable and essential, but I could quite imagine that by a system of living out the employees would be under very great disadvantages; they might have to go, for instance, some considerable distance; that would take up a considerable amount of their time, and also put them to certain expense; you speak about inferior food; I could also imagine that if they lived in small homes the food might be both inferior and more expensive than if it were provided for on a larger scale?—My own experience is that it could not be worse than it is as provided for on the wholesale plan in these big houses. I want to make quite clear this point which was raised by Sir Frederick Cawley in his questions to me just now—when the ordinary working girl engages for board and lodgings she would pay so much a week; there would be no advantage to her in doing without a meal in order to purchase finery: she would be paying so much a week and she would have her meals regularly, so that it would be extremely improbable that she would do such a stupid thing as to do without a meal in order to buy ribbons. But the question of getting as good food outside as inside the business premises is a question that is solved by large armies of workers already, and there is nothing about the distributive trade which would make it more difficult for them to get better accommodation outside than they get in, and they would get it plus all the other advantages as to character and independence, which they now lack.

13390. May I take it that if those employees had to provide lodgings of their own, in your opinion they would have no difficulty in finding suitable lodgings?—No, I think when the living-in system is abolished that difficulty will be met quite easily.

13391. I notice you said that the living-in system did not prevail in Scotland except perhaps possibly with one exception in Edinburgh?—Yes.

13392. But as far as you know there is no living in in Glasgow?—No.

13393. Can you tell me how it comes about that living in should be so prevalent in London and some of our English provincial towns, and that it should be unknown in Glasgow?—I think the question of education plays such a large part in the outlook which the Scotch people generally have upon life, and, as far as these huge businesses are concerned, the necessity of the business is to be able to draw a large supply of labour when required, and the firms in this country have found it an advantage to establish a living-in system. As I said at the beginning of my evidence, the distributive trade has very rapidly developed, and these great businesses have grown up mainly by the labour of large armies of young people. I suppose there is hardly any other industry in the country where such a large proportion of young people are employed as in shops; I mean people from the age of fifteen to twenty-five. Men and women between thirty and forty years of age have the greatest difficulty in securing a re-engagement. Consequently the employers force wages down to the subsistence level of the younger people in the trade. The men cannot afford to marry, the wages do not permit it, and while the living-in system continues, men cannot get a subsistence wage to live out.

13394. I follow what you say; but with regard to Glasgow unfortunately you are not able to give us any figures showing the wages of people in Glasgow as against the wages of people in London. That last question rather relates to how in your opinion it comes about that living in is so prevalent in England and is unknown in Glasgow; you mention education, but I should take it that there will be certain underlying business principles?—Yes, I think that in Scotland generally, the living-in system is recognised as a system which is detrimental to the health and character of the individual. I think employers as well as parents recognise the system as not being a good system.

13395. In your opinion, I may take it that the employers in Scotland have a higher standard than employers in England?—They have undoubtedly a higher standard of life altogether; there is no question about that. We notice that in connection with the pursuits of our members; it is a most usual thing for Scotch assistants to tell you: "Oh, you cannot have a meeting on such and such a night, that is our class night." That is the most natural thing for them to say.

13396. We come back to where you were at first—that you would, if you could have your way, entirely abolish the system of living in?—Undoubtedly.

13397. And that refers both to men and women and to young people?—Yes.

13398. You would not think it would be any advantage, but I understood you to say rather the reverse, to place this living-in system under inspection?—Yes.

13399. You mentioned that there would be many inspectors wanted, and you put it as if it was partly a matter of expense. Suppose inspection could be entirely satisfactory, even then you would take exception to it?—Even then it would not do away with our objections from the social and moral side of the question.

13400. With regard to the system of fines, I do not know that you have laid much stress upon that. I think you pointed out that in several well conducted business houses fining had been abolished, and by that we are to conclude that fining is not necessary for discipline?—Exactly, fining is not necessary for discipline; that has been demonstrated by these large houses. No one would attempt to deny that these houses conduct their businesses with splendid discipline, and they do not find it at all necessary for the discipline of their staff to use a system of fines.

13401. May I take it that the tendency is towards the abolition of fines?—Yes; the best firms show a tendency towards the abolition of fines.

13402. With regard to the tendency towards living in, is there more living in or is there a tendency towards the abolition of that system?—There is an active tendency on the part of the assistants towards abolition; only a very few employers have committed themselves to the admission that the principle is wrong. I am rather inclined to think that the employers will make a fight for the retention of living in, because it has so many business advantages from their point of view.

By Mr. Maddison.

13403. You told us that your union has 22,000 members?—Yes.

13404. Those figures, of course, indicate that there is a very large number of non-members?—Oh, undoubtedly.

13405. Have you any sort of idea—I know it must be very rough—of the feeling of the non-members about this question of living-in?—Yes, we have held crowded meetings in every large centre of the United Kingdom and we have advertised these meetings as meetings for shop assistants and shop-workers only to protest against the living-in system. We have had crowded meetings. We are having a meeting to-night at Dr. Clifford's chapel in Westbourne Grove, and I venture to assert that it will be crowded with assistants from the West End of London who have come knowing that the meeting is to be a protest against living in. At all these meetings we have unanimously carried our resolutions calling for the abolition of the system. These are not meetings of the members of the union, but meetings of shop assistants generally.

13406. These meetings are publicly announced in the ordinary way?—Yes, and opposition is invited.

13407. Then we may say further that whether people outside your union agree with your union generally or not, on this question you are carrying with you a very much larger proportion of shop-assistant opinion than is represented by your union?—Undoubtedly.

13408. You spoke of the Co-operative Employees' Association and of the Irish Traders' Assistants' Protective Association; you told us you speak on behalf of those associations?—Yes.

13409. What other associations are there of a sectional kind?—There is the Portsmouth Grocers' Association and the Liverpool Grocers' Association, but their membership is not concerned with living in; they all live out.

13410. Is not there a national Association?—There is the National Association of Grocers' Assistants.

13411. What is their attitude on this question, as far as you know it?—Their attitude, judging by their publications, is opposed to the living-in system entirely.

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13412. Now I want your opinion upon the question of cost. You have told us that £25 a year is estimated as the cost of living in by employers when fixing wages ? —Yes.

13413. That is nearly 10s. a week. Is it your evidence that an adult male or female can get lodgings and board for that money in London ?—No, not at all. The estimated cost of living out would be placed at a minimum of 15s. a week in London, but when the employer does it on a wholesale scale obviously it does not cost so much per head as if the individual purchased for himself.

13414. My question is this. Your evidence has gone to show that they could get better food and lodging outside. What I want to know is, unless your are treating this as a wage question, how that could happen ; because you have only 10s. to play with ; the rest the people get in wages ; the 10s. is what the employers say it costs them—you deny that, you say 6s. ; but take the larger estimate, 10s. Is that your estimate that you can really get board and lodging for 10s. ?—No, our contention is that the living in system has forced down wages below subsistence level.

13415. Then it is a wage question ?—Undoubtedly ; the living in system is also a wage question.

13416. In your evidence you have said, I think, that on the wages they now have they can get better lodging and board outside ?—No. My contention has been all along—I think I stated in the very beginning of my evidence—that the living-in system is the means of preventing the establishment of a subsistence wage. In fixing the £25 for the collective catering of large numbers of people the assistants do not even get the value of that, but it is recognised that the individual could not live on the same sum as the employer professes to cater for.

13417. So that unless you increased the total wage these people would be worse off without the living-in system ?—Yes, unless you increased the total wage from the wage paid now they would be worse off.

13418. That is to say you can only get the advantage of not living in by an increased wage ?—Exactly, but then on the other hand you have to realise that here is a very large trade, a trade showing good profits—there are firms taking 20 per cent. dividends who are exploiting a large number of people.

13419. That is a trade union question ; I want to find out what would happen if we took a certain course. You say now that it would require an increase of wage to give them the same advantages that they now get with the living-in system ?—You are not taking as an example good living.

13420. I will take anything you like—an average is always best ?—There are assistants who have lived out with an increase of £10 a year on the money wage they were paid, and they have assured me that they have catered better for themselves even with that small increase than the food that they have had provided for them in the business house.

13421. But if they had not had the £10 ?—But that is only £10 instead of £25. You are taking £25 as the approximate sum for living in. I am thinking of the case of a man living out in a house where living in obtained, and his employer would only pay him £10 although he himself calculated it as £25 ; and this assistant assured me that with this £10 he was doing better. That made £40 a year you must remember ; that is, say, for less than £1 a week he accommodated himself better.

13422. That means that it was only costing the employer £10 a year ?—Exactly.

13423. So that you say that this man with his ordinary wage plus £10 was better off than he was with his employer ?—Yes, and I go further than that. I say that all the assistants, men and women alike, with £25 a year plus their present wage would in the main be better off. I am only excepting the houses where the catering is exceedingly good.

13424. Then it comes back to my first question—that you are giving evidence here that on £25, which is less than 10s. a week, an assistant can live better than he does at Q3 say ?—Yes, but then again I have to point out to you that the question of wages in our trade is in a fearful state of chaos.

13425. But will you keep to this question for a moment ? You told us deliberately that on £25 a year people can live better, or (take it on the lower plane) as well as they can under the living-in system with the sort of diet which you have given us. Now I want to know whether you really believe that anybody can live at all in London on £25 a year for board and lodging and live decently ?—It will be £25 a year plus the money that they now spend in food. You have to remember that in addition to the food supplied by the firm the assistants now spend a large proportion of their money wage in food.

13426. Do they spend a large proportion ?—They do. You will find that stated in some instances that I give. Take Y5 ; that is a house where they are supposed to cater well, but the men in that establishment spend from 7s. to 10s. a week of their money wage on food.

13427. Then you would not quite say that there must be an increase of wages for them to do it ?—I see what you mean. I was thinking of a standard trade union wage when I quoted 15s. a week to bring it up to a living wage. They could easily get the same quality of food and accommodation that they are getting now for £25 a year, but we want to raise the standard. We say the standard of sleeping and the standard of feeding is too low to maintain a decent standard of health.

13428. I now understand you to say that the average assistant encroaches on his wages in order to feed himself on what he calls a decent standard under the living-in system ?—Yes.

13429. And if you put the £25, plus what he himself spends, your evidence is that he could get at least as good, and you think better, accommodation outside ?—Exactly.

13430. You feel quite clear about that ?—Yes. I quite see what you mean now. Of course, it is not merely a question of 10s. a week, it comes to 15s. or 16s. a week.

13431. Now, take the case of the very low paid men, would you say the same about them ? Take London as a big example, what is the lowest wage that an assistant gets anywhere in one of these houses ?—Again, owing to the living-in system, they can get men as assistants at the present time for £18 and £20 a year. That is a sweating wage.

13432. But you would still say that even that man would do better outside ?—With an extra £25 a year, yes.

13433. You have made it clear that you are very much against the regimentation of human beings, and you prefer the home life instead ?—Yes.

13434. You are not attracted by the theory which lays down that it is a foolish thing to have two or three ovens going and a fireplace when you can all live together in community ?—I am rather inclined to the communal dining-room, but that is quite a different thing.

13435. You want the sexes together ?—Yes.

13436. Is that your objection fom the social side—that the two sexes are kept apart ?—From the purely social side that is a very strong and real objection.

13437. Then if the two sexes did live together some of your objection would be gone ?—But it would not be practicable in an ordinary business house.

13438. Why ?—It is a little difficult to explain without being verbose ; it is so much a question of the type with which we have to deal. If the young men and the young women in shop life, under present conditions, were given a common sitting-room or common reception room, the chances are that they would be ill-regulated ; it is not like a co-operative home, where the assistants would be personally responsible for the upkeep of the home ; the sense of personal responsibility is entirely lifted from the shoulders of the assistants.

13439. Then I may take it that your liking for the communal system is of a very restricted order ?—My liking for the communal system depends entirely on the people ; you cannot possibly force it ; all people are not fitted for it ; you cannot make it a condition of employment.

13440. On the whole, you think the living-out system is the best; but taking the system that now obtains, you think that the employers really have a good deal of justification for keeping the sexes apart?—I think it is inevitable.

13441. It is not a merely puritanical stupidity that prompts it?—I think there is a good deal of puritanical stupidity about it. Take for instance the rule that any man seen talking to a member of the opposite sex will be dismissed; that sort of rule is an incentive to everything that is bad in one's nature. But apart from that, I think it is absolutely essential, while this herding together of the sexes is a condition of employment, that the sexes should be separately accommodated.

13442. In a sense, with the exception of those extreme cases such as forbidding a man to talk to a woman or girl, speaking roughly you feel that, much as you dislike the idea of the separation of the sexes, it is inherent in the system?—It is an inevitable part of the system.

13443. And it only increases your dislike to the system because you know that you cannot remedy it?—Precisely, it is an inherent failure of the system.

13444. You have laid great stress—and I am sure we all appreciate it—on the moral side of this question. Now again, I want my mind to be thoroughly clear; I have not noticed in your evidence the slightest indication—indeed, we should not expect it from what you have said—of anything like immorality in the houses themselves?—Oh, no; that is impossible, on account of the crowded nature of the bedrooms.

13445. Is not that some sort of security to the mother, who can say, "at any rate my girl need not get into any evil, in the place itself she is protected"?—I should like to say to the Committee here, that there is a kind of immorality of the mind which is infinitely worse than the immorality of the body. These young girls who go into these bedrooms, they cannot be immoral in the generally accepted sense of the word, but they have to listen to immoral stories, they have to listen to all kinds of experiences, fancied or real, that are engendered in a system of this kind, and their minds are poisoned, their sense of cleanliness, of beauty, of purity, is laughed at; they are ridiculed when they come up fresh from the country, because they blush at lewd jokes, until they become perfectly hardened. Frankly, from my point of view, actual immorality would not be so poisonous and injurious to all that is pure and best in life, as the kind of atmosphere which so many young girls are brought into in these living-in barracks.

13446. Just let us separate your statement there. So far as regards conversation not being quite as it ought to be, I suppose that is incidental to any case of people working together; for instance, in a tailor's workroom where girls work together, where there is no living in at all, the fact of them being together possibly creates that danger?—No; I have had experience of different classes of working girls, and, although they may be coarse and rude, and very frequently vulgar, there is not that same kind of nasty-mindedness that you get in this kind of existence. I am sure the explanation lies in the fact that the environment creates an over-sexed condition of mind and body rom which the ordinary workgirl with her rompings in the street, and her very much rougher life perhaps, is entirely free.

13447. What do you say on the whole to three or four young ladies sleeping in a room together; are you for or against that?—I am against it; I think it is quite wrong, especially as they have absolutely no choice of their companions.

13448. I suppose you do really regard that as a very serious thing—having no option as to your bed-mate?—Oh, very serious.

13449. You may have just the sort of people you do not want, and you never have any privacy?—Just so; to all girls with any degree of sensitiveness left in them, that absence of privacy is a very real burden.

13450. Of course these are rather delicate questions, but I am sure that, as a woman of the world, you will pardon my asking them. What about washing arrangements, baths, and so on?—That is an exceedingly important point. Many young girls do not like to wash themselves all over in the presence of their room mates; they wash their face and neck; they sometimes do not even wash their feet; one reason why they do not wash their feet is very frequently because there is not a sufficient supply of water in the room. But apart from that, there is that natural shrinking against exposing their naked persons in rooms with people they know little about.

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13451. Have they not bathrooms?—No; the houses providing bathrooms are quite exceptional, and where they are provided they are quite inadequate.

13452. Do you give evidence that both as to young ladies and male assistants it is quite an exceptional thing to have a bathroom?—Quite an exceptional thing.

13453. Does the firm say something like this: "We give you to understand that there are public baths near, which are now fairly cheap, and you can go there," or is there no remark made?—Absolutely no remark made at all.

13454. I think you would say that whatever may be the actual motive of the employer, there is apparently a good deal of desire to protect the women folk. For instance, you told us about no man being allowed to approach women's quarters unless the watchman knew him and got the information about him. I take it that you agree that that is a wise precaution?—But I do not think the object of it is so much the protection of the young people as it is the protection of the respectability of the particular house.

13455. I am rather concerned with its effect. What do you say to its effect?—Its effect in the particular case I quoted is absolutely *nil* as regards safeguarding the girls' respectability.

13456. But I suppose no man ever does go into those quarters?—No man ever goes inside the doorway—except perhaps the window cleaner, when the girls are not there.

13457. Although it seems all very shrewish and so on, yet is not the net effect of that good for the girls?—I do not think it is good for the girls at all. As I say, it is inevitable in the nature of the system that it should be so.

13458. Throughout your evidence you have only told us about living in as carried on in great houses—in the main in the great houses—you have not touched that class of living-in which we come across every now and again, where there are just two or three assistants. Do you give any evidence on that?—Yes, I have embodied several instances of that here, but my colleagues have some more personal information, and they will deal with it; Mr. Seddon, I believe, will specially deal with that phase of it.

By Mr. Delevingne.

13459. You gave some long lists of fines. Is your evidence that those fines are actually enforced in practise?—Yes, they are spasmodically enforced. In all the houses whose rules I have submitted, fining is still in force and if one of these rules is broken the fine is inflicted.

13460. You would not say, then, that in many instances they were merely maintained *in terrorem*—that they were there to frighten the assistant and were not enforced in practice?—No. If they are not enforced in practice it is because the rules are not broken; they are actually enforced if the rules are broken.

13461. Even the most absurd of these fines would be enforced if the rules were broken?—Yes; that is where the injustice comes in as to the arbitrary power of the shop-walker. That rule about impoliteness depends entirely on the mood the shop-walker is in; if a girl offends the shop-walker she will be fined for being rude, although she may not have committed any business fault at all.

13462. Is it your evidence that the effect of the Act of 1896 has been beneficial?—In the main it has had a beneficial tendency, but it was not sufficiently drastic I think.

13463. Has your association taken much action under that Act?—Yes, since 1896 we have endeavoured to continue the agitation against fines, backed by the law, although it is a very ineffectual and feeble law, with the

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result that the best employers have recognised the justice of our contention and have voluntarily abolished fines.

13464. When you hear of a fine which is unreasonable, does your association take it up ?—Yes, and in several cases, notably U6 and W6, they remitted the fine. W6 was a case of a sixpenny fine enforced contrary to the Truck Act, 1896 ; the regular hours of business were 8.30 ; the employer asked the assistant to come in specially at 8.15, and he came in at 8.18 and was fined. That case we handed to a solicitor and the 6d. was refunded before the case was called in Court. In the case of U 6 we recovered fines extending over twelve months. We wrote to the firm to say that we should take proceedings in respect of the fines, and they promptly paid the back fines.

13465. I suppose the fact that there has been no authority, local or central, to enforce the Act as regards shop-assistants has been one of the reasons why it has not done more to put a stop to these fines ?—Exactly ; there has been no compulsion to send lists of fines to the Home Office, for instance.

13466. You do not complain that the penal provisions of the Act are ineffective ; it is rather the absence of means of enforcing them ?—The Act says that the fines must be just and reasonable ; well, there are a lot of fines inflicted which we consider are both unjust and unreasonable, but the difficulty would be to bring the employer into court—to prove that they were unjust and unreasonable in a legal sense.

13467. If you have never taken any case into court you are not in a position to give evidence about it ?—Exactly ; we are not in a position to give evidence as to the effect of court action, but our point is that the Unions efforts backed by the feeble Act of 1896 have had the effect of convincing the best employers that fining is unnecessary in business, and we now want the law to and say that it is illegal, so that the other employers may have to give it up.

13468. So far as your experience goes, it has been the absence of means of enforcement that has been the chief defect of the Act of 1896, so far as regards shop-assistants ?—I do not think the Act of 1896 would affect these rules. These rules are in conformity with the Act of 1896. Of course, in the case of the rules you mention—those peculiarly vague rules—if a fine is enforced under those rules we have always taken action.

13469. You have always taken these rules, except in one or two instances, as being in compliance with the Act of 1896 ?—That is as we understand the Act.

13470. You said that Q 3 had abolished fines ?—Yes.

13471. Afterwards you said that they still make deductions for breakages ?—It is not so much a deduction. What I said was that if an assistant broke something, and the buyer considered that it was of some value, the assistant would have to pay the cost price of the article, it would be entered up just as though she had purchased the goods.

13472. That is a deduction ?—Well, it is not considered a deduction.

13473. Do you mean that they do not consider it, or that you do not consider it a deduction ?—I was thinking of the Truck Act. Would it be a deduction under the Truck Act ? The goods are simply entered up as though the assistant had bought them.

13474. Section 2 of the Truck Act refers to deductions in respect of damage or injury to the materials or other property of the employer. That does not apply to shops assistants, so that it would not come in there in any case ?—No.

13475. You have treated breakages as being outside Section 1, but as coming under Section 2, and that does not apply to shop assistants ?—Yes.

13476. As to those books of rules that you handed in which contained the list of fines, are those signed by the worker ?—Oh, no ; they are handed to the worker ; that is, I think, all that is required by the Act in connection with fines.

13477. Does not the Act require a contract in writing signed by the worker ?—I think not. That only refers to deductions, does it not ?

13478. You may take it from me that the terms of the contract must either be on a notice posted up, or be in writing signed by the worker ?—Well, it is the notice posted up. These rules are usually posted up in the counting-house, or handed to the assistants as they are engaged.

13479. If it is handed to the assistant it is an individual contract which has to be signed ?—Well, it has never been understood in that way. The assistants take the book of rules, and they are not required to sign it.

13480. So that in that respect the Act is not being complied with ?—Not if that is the interpretation of the Act ; we have always thought that handing the rules to the assistant complied with the Act.

13481. Is the notice displayed as well in all cases ?—I would not say in all cases. For instance, in the case of those bound books they are not displayed ; but where the rules are printed on a sheet of paper the sheet is usually hung up in the hall or in the counting-house.

13482. Where the notices are posted up you say they are posted up in the counting-house ?—In some cases. It depends on the situation of the house. They are posted up in some place where the assistants can see them as a rule. I think in the case of E5 five years ago there was one copy posted up in the counting-house. It was certainly accessible to the assistants, but not easily accessible ; many of the assistants never saw the notice at all ; they could have seen it if they had asked.

13483. That was a contravention of the Act, because the notices must be posted where the worker can see them and read them and copy them ?—That certainly was a contravention, because they could not have copied them.

13484. Have you any kind of idea what number of assistants are affected by the living-in system ?—We roughly estimate that there would be between 400,000 and 450,000.

13485. What proportion would they bear to the total number of assistants ?—The total number of assistants is about 750,000. Our difficulty in getting figures is that the census returns classify together the distributors and manufacturers in so many instances that we can only guess. Take hosiery ; under hosiery there are the manufacturers and the people who sell the hosiery. It is the fault of the people who fill in the census papers.

13486. Is that so in the census of 1901 ?—Yes. We saw the census people about that point, and asked them if they could differentiate the distributive trade. They said that they would make an effort to do so, but we cannot yet clearly differentiate the distributive trade. For instance, where they say ironmongers, and where they say jewellers, it is not at all clear that they do not include the manufacturers of ironmongery and jewellery as well as the assistants. Guessing at those that are in doubt, we have estimated the total number at 750,000.

13487. That is, rather more than 50 per cent. are affected by the living-in system ?—Decidedly more than 50 per cent.

13488. Could you say the number of establishments which are affected by the living-in system ?—No, I could not give a guess at that ; there is no kind of table.

13489. One general question as to the difference between warehouse and shop. I suppose a large wholesale warehouse is very different from a big retail trader's shop in Oxford Street ; there is not the same rush nor the same strain ?—In some respects there is a greater strain, but in other respects the pettiness of pleasing customers and so forth is not felt at all in the warehouse ; they only deal with men and women trained in business.

13490. And there is not the same rush ?—In the season there is sometimes a tremendous rush, but it is not so continuous and not nearly such a strain on the health ; the hours are better in the warehouse.

13491. You said generally that the advantage to the employer of the living-in system was that it gave him the control over the workers ; would the control include the advantage of their living quite close to the shop ?—Yes.

13492. It is an advantage to the employer to have his assistants within a comparatively restricted area around his place of business ?—The advantage is in this way.

n many shops they work overtime without any compunction. They understaff their shop; they make the people who do the selling during the day stay at night to prepare the stock and so on, which they have not time to do in the day time. In a well-conducted shop that is not necessary at all, but in a shop where they are cutting down the wages and understaffing the shop the assistants practically do a double duty; they do the duty of stock-keeping and tidying up after the shop is shut. The fact that they are living on the premises makes it possible for the employers to keep their assistants in up to ten or eleven o'clock, or even till midnight, dressing windows and getting ready for the next day's sales. The sense of independence in the assistants would prevent the possibility of thus stealing their time if they were living out. In Scotland they do not work overtime like that. In towns in England where the assistants live out they do not work overtime like that.

13493. Let us take London. Would you say that the shop assistants who live out are not kept for overtime while the assistants who live in are?—No, I would not make a general statement of that kind; but I would say that the proportion of overtime worked by the assistants living out is infinitely less than the proportion of overtime worked by the assistants living in.

13494. What would be the effect of the abolition of the living-in system on that system of overtime?—I believe one effect would be a reduction of the amount of overtime now exacted from assistants living in

13495. Are they paid for the overtime?—No.

13496. Suppose the living-in system were abolished, it would be, I suppose, impossible for the assistants to get lodgings of the kind you describe within an easy radius of the employer's establishment?—I doubt if they would get it within a walking distance of the employer's establishment. In Glasgow they very frequently have lodgings within a penny tramcar ride.

13497. But the conditions of Glasgow or any Scotch town are very different from the conditions obtaining in London?—I was only illustrating the fact that many of the assistants lived quite long distances away from the business.

13498. Do they keep the same hours?—I think very few shops in Glasgow are open later than eight o'clock at night now.

13499. You said you anticipated no difficulty at all in the assistants finding lodgings. That would be a most important question if the living-in system were abolished; and you said that your experience with regard to other employments for women pointed to the fact that there would not be any difficulty. Were you specially thinking of factories and workshops?—I was thinking especially of a class that I know intimately—the civil servants. There are a large number of girls, for instance, who work for the Post Office in various departments; they have no difficulty in finding suitable lodgings.

13500. But their hours are rather different?—I think the question of hours does not affect the question of finding lodgings.

13501. Does it not, if the girl has to be at her place at half-past eight in the morning and stay till half-past eight in the evening?—I do not think so. Take the ordinary working girl who has to be in at eight o'clock; she comes quite long distances sometimes, but I do not think that she would necessarily come long distances.

13502. Your definite recommendation, as contained in your statement here, is that the Truck Act generally should be applied to shop assistants?—Yes.

13503. Including the section which you specially refer to, Section 23 of the Act of 1831?—Yes.

13504. That does not quite tally with your very strongly expressed opinion that the living-in system should be swept away altogether?—Then I have misunderstood the Truck Act.

13505. Let me refer to Section 23 of the Act of 1831. It says, "Nothing in the Truck Acts shall prevent the employer from supplying to his workers any victuals dressed or prepared under the roof of the employer, and there consumed by the worker, nor from making or contracting to make any stoppage or deduction from the wages of the worker in respect of such victuals." So that under Section 23, which I observe you do not quarrel with in your evidence, it would be quite possible for the employer to have an arrangement by which, subject to the contract which forms part of the conditions of Section 23, he boarded his assistants, and supplied them with food?—Precisely; but that makes all the difference in the world; it is not a condition of employment; the assistant would be as free to give the employer notice as he would if he were living in a lodging.

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13506. But, practically, would not the assistant in many cases be more or less coerced into accepting the employer's conditions on a point like that?—Probably it might be better even to oppose that; but our Executive Committee read through the Truck Act and the point of principle they want established is that the assistant shall have full payment of wages in current coin of the realm; that is what I understand the Truck Act lays down for workmen—payment of wages in current coin of the realm, in full.

13507. Subject to such deductions as are authorised by the Act?—Subject to such deductions; but the idea is that they shall not be paid in kind or in goods, but that they must be paid in money. Now, we assume that they are paid their full wages—I am explaining the interpretation which our Executive placed on the Truck Act in making this recommendation. Of course, if you say that our interpretation is incorrect, our recommendation is modified to that extent. The view that our Executive took of the Truck Act was that it made it illegal for an employer to pay wages in goods or kind; he must pay the full value in money; that the employer should have absolutely no control over the spending power of that money; that the assistants should be entitled to spend it as they chose, without reference to the employer. In connection with Section 23, what our Executive understood was this: Take the case of X&. They had their premises rebuilt not very long ago—five years ago, I think. Previous to that they had living in; they decided to rebuild their premises and separate the top three floors from the business part of the premises, with a separate exit and entrance. The premises are arranged in a series of flats. A person applies; the rent is so much, and any person who chooses to pay the rent and is satisfactory, is entitled to rent the flat, on the terms of tenancy of an ordinary kind. The shop assistants at X& are not expected to take these flats, but if they wanted to take them they could, if they felt that they could afford them. That is what our Executive had in mind; if the employers wish to run lodging-houses, we want a safeguard against its being made a condition of employment that the assistant shall take these lodgings.

13508. Just two points upon that. The first is this. There is such a thing as implied conditions?—Quite so.

13509. An employer may say, "I will give preference to those who will come and live in my lodging-house." Can you suggest any way in which that kind of indirect pressure can be avoided?—Well, frankly, it would be a matter then for trade union organisation, I should imagine.

13510. Generally the intention of your recommendations is that every worker should have her full wages paid over to her in cash?—Yes.

13511. That whatever arrangement is made by the employer for board and lodging should be paid for by the worker voluntarily out of that sum?—Precisely; and entirely apart from the conditions of employment. If that is not made clear in our recommendations, I hope the Committee will take it that that is the sense in which our Executive made them.

13512. But Section 23 does allow deductions?—Then they have slightly misread the section; because that is what they had in their mind.

13513. Now, suppose the living-in system were abolished it would be almost a necessity that the assistants should take their dinner and tea on the premises, would it not?—I do not think that necessarily follows. In fact, I think it would be an extremely good thing, and a most necessary thing, that they should have a break away from the business premises during the day. At the present time one of the most serious grievances is that they do not have sufficient time for their meals, and do not get any fresh air.

13514. And one of your recommendations would be that a full hour, or at any rate a reasonable time, should

be allowed in the middle of the day to the shop assistants in the same way as to the factory worker or the workshop worker?—Yes. We have a Bill before the House at the present time in which it is proposed that it shall be made compulsory to provide an hour for dinner and half an hour for tea.

13515. You do not think in many cases it would be necessary, if not almost inevitable, that workers should take their meals in?—No, I do not think so. I again quote Glasgow, where there are quite as big establishments as in London. All the Glasgow houses allow an hour for dinner; and the assistants go away from the business premises to have their dinner.

13516. Is that the case in England, too, where the assistants live out?—In many cases where the assistants live out—in the majority of cases—they are allowed an hour, and where living out obtains they always go out for meals.

13517. Even in the middle of the day?—Yes, there are one or two houses in the city provide meals for their men in the houses; there are also, it may be interesting to know, some shops now that close their doors; there is a shop in Bournemouth and one in the North of England, the name of which I forget. The shop is shut from one to two, just as a factory is shut, and they do not lose any custom thereby. It is quite possible to imagine that that system would grow if they found it more convenient, and the community would soon get used to it.

13518. Did I understand that in some cases the employers themselves sold extra articles of diet to the assistants?—Yes, that is, the representatives of the firm.

13519. Or is it an independent caterer, like the housekeeper, who has no connection with the firm?—It is not always easy for the assistant to find out who is really responsible; if it is the caterer who does it he does it with the knowledge and sanction of the firm.

13520. But my point is, is there truck? Does money pass between the firm and the assistants for goods supplied?—That would depend upon whether the firm did the catering personally. When there is a caterer or housekeeper the money would undoubtedly pass between the assistants and the caterer, but the caterer would be responsible to the firm; where the employer personally does the catering the money would be handed over to him, but that does not often happen.

13521. When you said that the assistants could live as well on 10s. a week, or whatever the figure was, outside as in, were you thinking of their living in separate lodgings or in boarding-houses?—I was thinking generally without relation to either lodgings or boarding-houses. Boarding-houses in America specially cater for the working class, but in London they do not; the boarding-houses are largely residential in character, and more expensive.

13522. Such experience as you have had has been in lodgings?—Yes, so far as London is concerned.

13523. Have you ever approached the local authorities on the question of the sanitation of these living-in houses?—Yes. We applied to the St. Pancras Borough Council in connection with a case in London; we received the information that this was a private house, and that unless we were prepared to make a definite complaint of a nuisance they could not take steps to enforce an inspection. The assistants who brought their grievances to us (it was a case of general over-crowding) were not prepared to make a definite complaint of a nuisance; they were afraid that it would leak out that they had been the informants.

13524. You said that, in many cases at night when the house was shut up, the doorkeeper was unable to hear the front door bell when it was rung?—Yes.

13525. Suppose fire was noticed from the outside and somebody wished to give the alarm, they would be unable to make anybody inside hear?—Yes, I think it is extremely probable that they would be unable to make anybody inside hear.

13526. You put it as high as that?—Yes. It is very difficult, of course, to generalise, because the conditions are so varied. In some houses they have a caretaker's room or lodge close to the front door; there, of course, the bell could be heard; but in other cases, such as the case of C6, their lodges are grouped all over the place, and if fire happened in one lodge the caretaker might be somewhere else; but it is also possible that in a case like that the assistants could be roused from outside.

By the Chairman.

13527. I suppose you do not object in principle to the convenience of catering inside for dinner or tea, so long as the freedom of the employee is left unimpaired that she may go there and supply herself at the rates charged or go outside?—Quite so. I have no objection to the establishment of a dining-room by the employer, provided it is quite understood that the assistant is free to go outside if she wants to do so.

13528. If catering were provided inside, it follows that that would enable the employee to have a larger radius from which to select lodgings?—Yes. On the other hand, the rule in some houses now is that the assistant may not leave the business premises during business hours. That is what we want to have altered. There ought to be a break in which the assistant could get out of doors in the middle of the day.

13529. I see in one of the papers you have laid before us there are various quotations made from the Rev. Dr. Clifford?—Yes. I have here a sermon of his, in print, with a preface in which he states that after the sermon was delivered he received a large number of letters from various parts, and he had only got his convictions confirmed. I should like to place this pamphlet before the Committee as evidence.

13530. So far as you know, what personal experience has Dr. Clifford of this matter?—He states here that he has been for (I think it is) nearly fifty years in connection with Westbourne Grove Park Chapel, and that during that time his congregation has been largely composed of young men and women drawn from the business houses in Westbourne Grove, Oxford Street, Regent Street, and different parts of London. He is also intimately acquainted with employers, and has personally visited a very large number of business houses, and has been the confidant of hundreds and hundreds of business people.

13531. It is that last that I was wanting to get at. Do you think that Dr. Clifford is a man who during those long years has not only heard rumours of what was going on, but has had personal contact with the operation of the system?—Oh, undoubtedly.

13532. I suppose, if the living-in system were abolished, you would anticipate, to begin with, in reference to what my friend Mr. Maddison said, that there would be a certain cramping or depletion of the scale of wages, taken altogether?—Yes, probably that would be the immediate effect.

13533. Now, do you think it is worth risking that to begin with?—Emphatically, because that would give an immediate impetus to the movement for a fair standard.

13534. Would it give an impetus to a system of co-operative boarding upon the approved Hull House system of Chicago?—Yes, I believe it would. I think the union itself would take the initiative in endeavouring to make that system thoroughly well known.

13535. Mr Maddison has opened that chapter, and it is very interesing. Just to bring it to a point, assuming that this Committee recommend the total abolition of the living-in system, you, I think, must concede that if you proceed upon an estimate of the present wage, including two things—namely, let us say, the £20 the assistant gets in money, and the £25 which is reckoned the equivalent in cash for keeping himself—you would assume that under the new system the assistant would not get more than £45 a year. Have I made the point clear to you?—When you deal with the question of wages so far as our trade is concerned I am immediately confronted with the inequalities that exist, and it is difficult for me to make a general statement.

13536. I do not want to press you about this unduly, because I see that it is a new point to your mind; but may I take it that you would not be surprised if the immediate result, at all events, was that there would be a gross wage of a smaller amount, if it was all paid in cash, than the estimated amount of the present board plus what is now paid in cash?—Yes, I should not be surprised if that was the immediate effect.

13537. Still, you think that that would right itself on economic rules afterwards ?—Yes, I do, most profoundly.

13538. And in the meantime you think a better use could be made of the cash by individual freedom, and also that it might incidentally promote co-operative boarding amongst those people left to their own resources, with the assistance of their organisation ?—I think it might, incidentally.

13539. At all events, your mind would tend in that direction ?—Yes; personally I am of opinion that incidentally it would give an impetus to the system of co-operative boarding.

13540. Finally I want to say to you this. So far as I can gather, I do not myself see, if these assistants have to pay out of their wages a certain amount in supplement for their food and also to clothe themselves, how it is possible for them to save ?—They do not save at present.

13541. When discharged from employment, for instance, and dishoused under the existing system, are they practically cast penniless on the world ?—Yes; it is generally assumed that they have not enough to keep them for a week.

13542. In those circumstances they are not very well able, except under the protection of the union, to make a good contract in their own interests ?—Exactly; they rush into the very first place that will take them. It is a fearful thing, this terror of being out of work. It drives them to a lower wage than they had before.

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By Mr. Maddison.

13543. Just one further question. You have rather left the impression that Hull House in Chicago was doing the thing on a big scale. I was in Chicago once, and it did strike me that Hull House was just a kind of Toynbee Hall ?—I have left the Committee, perhaps, under a misapprehension. Hull House has nothing to do with the matter beyond the fact that there Jane Addams formulated her scheme.

13544. My impression was that there was not much in Chicago in the way of co-operative homes ?—I do not know that they exist in Chicago; but Jane Addams of Hull House formulated a scheme and worked it out on a satisfactory economic basis, and that scheme was adopted in different parts of America by different groups of working girls, with great success—not necessarily in Chicago.

By the Chairman.

13545. Could you give us any literature upon that subject ? The Committee is rather anxious to be of public assistance on this portion of the inquiry ?—I will get as soon as possible the latest information with regard to the Jane Clubs in America.

FIFTIETH DAY.

Wednesday, 3rd July, 1907.

PRESENT.

Sir F. Cawley, Bart., M.P. (*in the Chair*).

E. A. Brotherton, Esq., M.P.
Malcolm Delevingne, Esq.
Mrs. H. J. Tennant.

T. E. Bettany, Esq. (*Secretary*).

Mr. FRANK TILLEY, called; and Examined.

By Sir F. Cawley.

13546. Will you kindly tell us on behalf of whom you are giving evidence, and what is your position ?—I am a draper, in business on my own account in a small way, at Horsham, in Surrey, and am giving evidence on behalf of the National Union of Shop Assistants, Warehousemen and Clerks.

13547. You have come to give evidence in regard to some situations that you had previously to going into business on your own account ?—That is so, and with regard to my general experience of the living-in system.

13548. How long is it since you left employment as an assistant ?—Since 1903.

13549. How many years were you living in the West End ?—In the West End I was one year.

13550. Will you tell us briefly the whole of your business experience ?—I was apprenticed—living-in—in Leicester, for three years. I was in London in the west end, at Y 6. From there I went to Derby, where I stayed twelve months Z 6. Then I went to Birmingham A 7 for about three months. Then I went to Leamington, and stayed about six months. Then I went to Hitchin B 7; I was there over twelve months. Then I went to King's Lynn C 7; I was there over twelve months. Then I went to Uxbridge, and from there to Kettering; I was at those two places about four months. Then I went for seven or eight months to Tunbridge Wells. From there I went to Lincoln D 7; I was there for five years in the same place. After that I started on my own account.

13551. In all these places you were living-in ?—Yes, with one exception, where I slept out; the firm found my rooms and paid for them.

13552. You have only been in the West End of London for one twelvemonth?—Quite so.

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13553. Now will you read us your evidence ?—The following statement of evidence is based on my own personal knowledge and experience of the living-in system as applied to shop assistants during the thirteen years, 1891 to 1903, inclusive.

"My experience of the living-in system includes eleven different houses in the retail drapery trade, all situated in different towns, including London (West End and suburban), large provincial centres, and small market towns.

"*Living-in*" *a Condition of Employment.*—From my experience there can be no possible doubt that in England generally, but more particularly in the Midlands and south, including London, "living-in" is practically a condition of employment so far as the drapery trade is concerned, the few assistants "privileged" to live out being buyers or managers of departments, who are usually married men. The rank and file, including men and women up to thirty-five and forty years of age, are single, and live in, although, on the other hand, it is by no means rare (and I have met several cases) for married men to live and sleep in the house as single men, while their wives and families live elsewhere, there being no option in the matter—they must live in, or lose their chance of employment. This fact is sufficient, I consider, to prove how much "living-in" is a condition of employment in modern shop life. I may add that, in my own case, during the whole of my experience, "living-in" was a condition of employment.

Board and Lodging as part Payment for Services Rendered.—During my experience as an assistant, I never met or heard of any firm in the drapery trade, when

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engaging employees, to quote any specific amount as being the value of the board and lodging provided; the form of contract varies according to the methods of business of the respective firms. In many cases a contract of service is entered into without any mention of board and lodging, it being taken for granted by both parties that the wages agreed upon are based on the assumption that the firm will provide board and lodging, but the usual method is, for a stated wage, say, £20 per annum and premiums and "live in." By this form of contract it will be seen that, although no particular amount is stated, a certain "value" is attached to "live in." or in other words, board and lodging, and they thus form a part of the wages under the contract. No attempt is made to define the quality of the food, etc., by the firm; but if the assistant should ask (which he seldom does) as to the quality and quantity of the board and lodging provided, he is told that a good table and comfortable lodgings are always provided, etc.

Such is the form of contract in general use in the drapery trade. From this statement it is evident that an assistant "living-in" under this or similar contract, has a right to be provided with good and sufficient food, etc., and if he does not get it, he or she is being defrauded by his or her employer of a part of the wages agreed on.

The Board and Lodging Provided—What They are.—In the matter of the quality, etc., of the board and lodgings provided, I have found a great difference, according, I suppose, to the character of the employer, or the ability of the cook, or the honesty of the housekeeper—all circumstances over which the assistant has no control. But my experience goes to prove that to one house where the general conditions of "living-in" are good, there are at least six where they are bad; thus good conditions are the exception, bad conditions the rule. The following are a few "samples" of what I have met with:—

The breakfast provided by Y 6, in 1894 and 1895, consisted of thick bread and thin butter, and very bad tea and coffee, with no addition, not even on Sunday morning. On this fare, young women, youths, and grown men had to work, and work hard, up till 1 o'clock, 1.30, and, at certain times, 2 o'clock in the afternoon. It is worthy notice that at this establishment it was a custom of the housekeeper to supply eggs on her own account, and sell them to the assistants ready cooked. Many of the young people took advantage of the "offer," which proves that in this case the food provided by the firm was not sufficient for the needs of the assistants.

Dinner consisted of meat, vegetables, and bread, and beer, with puddings added twice a week. This was the only really decent meal in the day.

For tea we had thick bread and butter and tea, with cake added once a week.

For supper, bread and cheese, and beer or milk, and occasionally tarts.

Please note the bread and tea, which formed an important part of the diet, were both of inferior quality. This menu is above the average as far as my experience goes.

At the late D 7 (a provincial house where I lived for five years), the menu was as follows:—

Breakfast.—Thick bread and margarine and tea.

Dinner.—Meat in various forms, vegetables on alternate days.

Tea.—Same as breakfast.

Supper.—Bread, cheese, and water.

The meat was invariably badly cooked, and the bread of inferior quality. After much agitation, meat was provided for breakfast on alternate mornings during the last year I was there, in 1903. Thus the firm here admitted that meat was necessary for breakfast, else why give it at all? And yet they withheld it three days out of the week, thus defrauding the workers of a part of their wages.

Before leaving the food question, I would point out that in houses where bad conditions prevail, the menus do not give a correct idea of what the food really is; they appear much better on paper than they are in reality; for, generally, I found the food was inferior in quality and badly cooked and served; and margarine, inferior meat, and very stale bread are to be found daily on the tables of the assistants in many houses in the drapery trade. The lodgings provided for the employees in this trade leave much to be desired. In some cases, even now, only double beds are used (the evils of which are obvious), and the bedding and coverings both insufficient and dirty. I have seen, at D 7 three such beds crowded into a comparatively small room, with only one small window for ventilation and light, occupied by six youths. In this same establishment (where over twenty assistants were engaged and "living-in") no bath-room was provided, and sitting-rooms were devoid of ordinary comfort and decency. The bedrooms were situated on the third floor, windows opening on to a small courtyard, entrance through same, the yard being entirely surrounded with high buildings, and impossible of access for a fire escape. There was no provision in case of fire—in fact, it was a veritable death trap had a fire occurred. I would like to add that there was no provision when I was there; but I urged the matter on the attention of the firm, and just before I left they put a rope to one of the bedroom windows—a rope that could be thrown out. In another house, in Birmingham A 7, where I lived in 1896, I shared a bedroom with five other assistants, the only furniture in the room, excepting the beds, being one small deal table, 3 feet by 2 feet; no such things as carpets, floorcloths, or window-blinds were indulged in. The windows were whitewashed over similar to those in factories. A more desolate lodging it would be hard to find. The sitting-room provided for the male assistants was so small that, had we all been in together, we could hardly have stood upright in it.

Bad ventilation seems to be a feature of the bedrooms in many "living-in" establishments. In some instances they have no direct communication with the open air, but open on to corridors, the light being obtained through a pane of glass in the wooden partitions dividing corridor from bedrooms; some of these rooms are more like cupboards than rooms. Such are to be found more particularly in old buildings which have been altered to accommodate a growing staff of assistants. I occupied such a room in 1894–5 at Y 6.

Lack of Proper Supervision and Entire Absence of Protection for Young People under the Living-in System.—It is claimed for "living-in" that young assistants are safeguarded from the dangers and temptations of lodgings. The following case (which is one of many) will prove that this popular idea is entirely against facts:—

In 1897, I lived with B 7. There were ten assistants engaged, male and female. Mr. S. and family occupied the private rooms attached to the business premises, and rented a small private house in the town for the employees some distance from the shop. For the assistants of both sexes in this house there was one general staircase, on which all the bedrooms opened in the usual close proximity. Thus temptations were absolutely thrown in the way of the young people. Please note in this case the supervision or protection consisted of a very old couple, a labourer and his wife, who acted as "caretakers"; the woman was practically stone deaf, the man was "conspicuous by his absence." I only saw him on two occasions during the twelve months I was there. I am pleased here to testify that, greatly to the credit of the assistants, and not at all due to any care exercised by the firm, the assistants conducted themselves with self-respect.

The Sanitary Arrangements.—Some of the so-called "sanitary arrangements" I have met with during my experience are a disgrace to the drapery trade, and prove, to my mind, that the authorities or the inspectors in some towns are not doing their duty in this respect. I have known the late D 7——

13554. You say "the late" D 7; are they extinct now as a business firm?—Yes, in Lincoln. One of the firm has started business again in Scarborough.

13555. But this particular firm you are speaking of is now extinct in Lincoln?—Yes. That is a house where the w.c., urinal, and mess-room doors respectively all opened into a small passage about 12 feet long, the assistants all having to pass the doors of the two former to get their meals.

"Living-in" and Marriage.—I have reserved this point in my evidence until last, it being, in my opinion, the most important. Not only does the "living-in" system operate against the physique of the young assistants, it also debars those of maturer years from marriage and the home life. I think I have shown that "living-in" is practically a condition of employment for the rank and file of shop-workers; this being so, celibacy also becomes a condition of employment. And here we are faced by the greatest of the many evils which arise from this pernicious system. I do not intend to labour this point, for the results of enforced celibacy must be patent to all thinking persons.

It will suffice to say that my own observations during my thirteen years' experience go to prove that the deplorable immorality so common among male shop assistants is mainly due to the unnatural social position into which they are forced by the "living-in system."

In conclusion, I would add that my experience of shop life has convinced me that it is not only advisable, it is absolutely essential for the physical and moral welfare of the assistants that "living-in" should be abolished. The old order of things has changed; the personal element between employer and employee is gone; and the assistant of to-day finds himself bound and fettered with this 'legacy of feudal days,' which the capitalist is using for all it is worth to exploit the labour of the employees in this and kindred trades; and the emancipation of the shop-workers of this country can never come until they are rid of this "living-in" system, which is robbing them of freedom of action, individuality of character, and the political and social rights of Englishmen.

13556. What would you consider is the equivalent in money for the board that is generally received?—I do not think it exceeds on the average £10 a year.

13557. You do not mean to say that it only costs these people £10 a year when they give four meals a day. You say there is breakfast, dinner, tea and supper; do you contend that any master could provide those meals all the year round for £10 a year?—I am speaking of what I consider the cost to the employer, not what it would cost the employee to buy the same amount out.

13558. Take the cost to the employer; you do not contend that the employer for £10 a year can house an assistant and give him four meals a day?—I was not reckoning in lodging; I thought you referred to the food only.

13559. I mean board and lodging which the employee receives besides his wages?—I think that on an average the food would cost probably about £10 a year, and you could not value the lodging in many cases at more than 2s. 6d. a week.

13560. There is the service and so forth?—There is absolutely no service in some places. There is, of course, the domestic arrangements, but in many cases these are not worthy the name of "a service" and would only add a trifle to the cost per head of the board and lodgings. The conditions are worse than I give here in some houses; others are better.

13561. Cannot you give an opinion as to what you consider would be the equivalent, take a concrete case, take Y 6, who provides four meals a day and lodgings; what would you consider was the equivalent to the assistant—never mind, what it costs Y 6—what should you have to pay for equal board and lodgings if you had to get it outside?—I do not know what you would have to pay, because I do not know where you would get lodgings of that description, you would have no criterion to get at the value of the thing.

13562. How much would it cost you per annum for such lodgings as you would have to get if you did not board and lodge with your employer?—I take it that it would cost you in the provinces to live out and board yourself out £45 a year, and in London I should think it would cost £55; the extra I am allowing is for travelling and that kind of thing.

13563. And really it would be a very small wage that you would receive. You say £50 a year?—I have not given any amount that I received; I started with £15 a year after my apprenticeship and lived in with Y 6.

13564. In that case your wages would be equivalent to £60 living out. It would cost you £45 to live out?—No, it would not cost me that amount to live out in the way we lived in there. I could not say what it would cost; I do not think you could get lodgings that would be equivalent to those; what I mean is this; I am taking my own experience when I lived out. When I started in business on my own account, and lived out it cost me £45 a year

13565. Do you know anything of living out besides that?—No.

13566. Do you think that the assistants who do live out live any better so far as food is concerned?—Yes, decidedly.

13567. They feed themselves better than they are fed in the establishment?—Yes, decidedly, I know the difference in my own case.

13568. Do you think that for the physical well-being of shop assistants fresh meat is necessary more than once a day?—I do not know about fresh meat, but I think meat is necessary for breakfast and dinner.

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By Mrs. Tennant.

13569. Would you say in your experience there is a general resistance on the part of shopowners to abandoning the living-in system?—I believe that it is general; but I also think there is a growing tendency in favour of it; at present, however, I should say the resistance on the part of the shopkeepers is general.

13570. Have you yourself any experience of the reasons which have led those firms who have abandoned the system to do so?—No, I have not.

13571. You have never yourself been in any firm which has abandoned the system?—No, I have not.

13572. You said in reply to Sir Frederick Cawley that you estimate the value of the room as distinct from the board at about 2s. 6d. a week?—Yes.

13573. That is the bedroom?—Yes.

13574. I suppose you could hardly distribute the value of the sitting-room over a number of assistants?—No, because if you worked it out I do not suppose it would be worth a penny a week in some cases—if you took the value of the room to be so much to each assistant.

13575. In your estimate there would be, roughly, a difference of about £20 in the cost to the employer under the living-in system and the cost to him if he had to make it up in salaries to the assistants under the living-out system?—Quite so.

13576. That, I suppose, would naturally operate with employers against a change?—Yes. I believe it is simply a question of £ s. d. with the employers; I think that is why they are opposed to it. I believe that progressive employers have seen for some time that the living-in system is against the assistants; I think it is only from a profit point of view that they uphold the system. I have heard one employer in Lincoln say that he wished the system done away with, so far as he was concerned. He had the assistants living in, and he lived on the premises himself. He said it was a great nuisance to him to have to sit up sometimes later than he wanted to; he had to stop up to see that the assistants were in. He said he would be heartily glad to see the system abolished. His argument was that he could not afford to abolish it. I think that is rather a bad argument when you look at the dividends that are realised, especially by the larger firms.

13577. Could you say at all whether the majority of shop owners have their assistants living over their premises, or whether the majority have to take other premises for sleeping accommodation for the assistants?—I think in the large houses it is more usual for them to take premises for the assistants to live in. In the small houses I think the majority live with the firm on the premises; that is, where they employ three or four assistants; when it gets to eight or nine assistants the employer very often takes a small private house.

13578. On the whole, I suppose there would be less resistance to the change on the part of employers who had to take premises outside than on the part of employers who had premises available?—Yes, very much so. The argument is: they have got the rooms there, and why not occupy them?

13579. On the other hand, I suppose if extra rooms were available it might lead to the expansion of their business?—Certainly.

13580. And no doubt it would ease the situation with regard to the requirements of the factory inspector or the sanitary inspector for more workroom space?—Yes. That is a very big point really. That is a way, I think, in which they could use these rooms. I have known many cases where bedrooms have been turned into workrooms, and the assistants have had to go into other places.

13581. In your experience, were there any men assistants who were sufficiently well off to marry and live outside, or to manage to keep a wife outside?—Yes; I have known two cases of married men living in the house and their wives living out; I have known one

case in London and one in Derby. With reference to the one in Derby I did not know at the time I was there that the man was married. I found it out afterwards. When he had been with the firm for two or three years his wife was recognised, and he admitted that he was married.

13582. Did the firm enable him to take a house—I mean did the firm pay for his house ?—No. I do not know what advance he got in his wages, or if he got any at all. The firm engaged him as a single man, and he divulged afterwards that he was married and he was allowed to live out.

13583. Do you believe there are many cases of men living in who are married without the knowledge of their fellow-assistants and without the knowledge of their employer; is it an extensive practice ?—No, I should not call it an extensive practice, perhaps 1 per cent., not more, I should think.

13584. That is the aspect of the matter to which you attach most importance ?—Yes. I do not attach much importance to whether the assistants get margarine or butter—I mean, whether they live well or badly. I think the whole thing is against the development of character of the assistants. They seem to lose all individuality. I have met with miners, and carpenters, and mechanics, and so on, and I have compared them in my own mind with shop assistants, and I consider that they are far and away more intelligent and more capable altogether of managing their own affairs; they know the value of things better. An assistant who lives in never handles part of his wages, everything is done for him, he is treated like a child, and it discourages the growth of all manly and womanly characteristics in shop workers. There is no such thing as privacy; perhaps there are usually two sitting rooms, one for males and one for females; it is not often that you have the luxury of a bedroom to yourself; there is no kind of privacy unless you join a club or something of that kind outside.

By Mr. Brotherton.

13585. I notice at the beginning of your evidence that you have been engaged in quite a number of places ?—Yes.

13586. Rather an unusual number, I should imagine; is it usual for drapery assistants to change as often as you appear to have done ?—Perhaps I have changed rather more than usual, but not very much. I think twelve months is now considered quite a fair reference in the drapery trade. They change, I believe, more than in any other trade that I know of in the distributive trades.

13587. How would you account for that ?—Personally, in many cases I was so dissatisfied with the general conditions; in fact, one or two places were so bad that I was very undecided whether to unpack my box at all; for instance, in Birmingham I only stopped two or three weeks and left as soon as I could get something else.

13588. Is there much difficulty in obtaining employment if you want a change ?—Not usually. I have been out sometimes a matter of three months, but that was when I have not troubled myself—when I wanted a holiday.

13589. Have you been with large firms as well as with small ones ?—The largest firm I was with employed about 100 assistants.

13590. Was there living-in there ?—Yes.

13591. Do you think the surroundings are likely to be so disagreeable or so undesirable in the small firms as in the larger ones ?—Yes, I think they are quite as disagreeable. In fact, I prefer a large firm. In a small firm you are constantly running up against your employer and his people in the house after business hours; there is a kind of social distinction that I cannot very well explain, but it is most disagreeable.

13592. I hardly follow that ?—I mean, one is constantly running up against the employers or their children; the domestic arrangements are not comfortable.

13593. In your opinion, living-in is most undesirable even in the smallest places ?—Yes, I think so.

13594. You look upon it not so much, as I understand your evidence, from the material side or the side of comfort or discomfort, but from the moral side ?—Yes; that I consider the most important by far.

13595. There is the mental depression that comes over the employees owing to being always in one place, and not having any change ?—Yes, they are always in one place, and have only the same society, practically, in and out of business.

13596. They go as young people, I suppose, possibly at sixteen or eighteen years of age ?—Yes, even younger sometimes.

13597. When they get adults do they still continue in the same place; do you find middle aged men and middle-aged women in the same business ?—In the drapery trade there is a comparatively small percentage who stop in it after they are about thirty-five; there is no room for them. If there is anything in them, and they determine to alter their condition, they have to go out of the trade altogether. There are very few indeed employed in shops over thirty-five or forty years of age; just here and there in the country towns you will find a man of fifty or fifty-five or sixty, but that is the exception, not the rule. What they want is young people of twenty or twenty-five; at that age they can get berths easily, but it is a very difficult thing for a man over thirty-five to get a berth, particularly if he is married; that stops his chance at once.

13598. When they get old what seems to become of the majority of them ?—I cannot say what does become of them. Some start in business on their own account, but now the conditions are so changed that it is very, very difficult. The large firms seem to attract the public, and it is more difficult each year for assistants to start in business on their own account. That is one argument I consider in favour of doing away with this living-in system.

13599. You cannot tell me what becomes of the majority of the assistants ?—They go into almost every branch of industry.

13600. They leave the drapery trade ?—They leave the drapery trade entirely, some I know get inferior situations. You will find many old drapers' assistants driving cabs to-day; they go into almost every branch. You often find in the advertisement columns, among advertisements for general all round men, that they advertise for a draper—for insurance agents and so forth—I suppose it is because the draper's assistant meets so many different classes of people, and handles such a great variety of goods.

13601. The living-in system is considered more economical to the employer, is it ?—Decidedly, that is the one reason that is perpetuating it.

13602. It might be hard on the small employer if the system was entirely abolished ?—I do not think it would be a serious hardship; it would cost more decidedly; but taking everything into consideration, I think they would get better men and women in the trade; they would command a better class of assistants, who would do better for them.

13603. You have every reason to suppose that the employees could obtain convenient lodgings ?—There is no doubt about that whatever.

13604. Whether in London or in the country ?—Yes. In London they would of course have to go a little into the inner suburbs, but there would be no difficulty. I can quote the case of my own brother; he was in a living-in house, and they decided to have living-out; the assistants had no difficulty whatever in finding suitable lodgings.

13605. The hours of the employees are usually early and late. It might be a hardship on them to have to go to their lodgings some considerable distance away late at night, and also a hardship to arrive at their place of business at the same time that they get there now ?—No, I do not think it would be a hardship. In London the methods of transit every year are better; there are cars and cheap tickets, by means of which you can travel very quickly. Then when you got home you would get fresher air, and so on, and that would more than make up for the short time occupied on the journey.

13606. It might be an appreciable time if you had to go some distance in London. What are the hours, would you say, of shop assistants in the ordinary way ?—They vary considerably; most of them start at half-past eight or nine, and close in the best West End houses from six to eight.

13607. In the country they are very much later than that, are they not ?—Well, I find generally in the country the best houses close at seven, and others at eight or nine. Of course, in the East End of London, Stratford and so on, the hours are very late—I believe nine and half-past and later.

13608. Are the houses under inspection; did you ever see an inspector come down to any of the places you have been in ?—I did not actually see one, but I have known inspectors to come.

13609. To inspect for what ?—I suppose it would be for the sanitary arrangements and with regard to the hours of employment in the workrooms. It was generally inspection of workrooms, the hours worked by the assistants in the workrooms as distinct from the shop.

13610. Your evidence has been almost entirely with regard to living-in; you have not said anything with regard to fines or penalties; perhaps you have not been asked to give evidence as to that ?—I did not consider that that was so important. I have given my evidence according to my own experience, and that did not come prominently before me. Some of the rule books that I have had given me in various shops have contained absolutely ridiculous fines; some were enforced and some were not. I have known one ridiculous fine: some young ladies were fined 2s. 6d. for looking out of their bedroom window at a fire.

13611. What was the rule ?—I do not know that there was a rule to that effect at all; I do not think there was; I think it was simply a fine that was imposed for throwing the window open; there happened to be a fire in an adjoining timber yard, and those girls threw up their bedroom window and looked out. The firm saw them and they were fined 2s. 6d.

13612. The fine was imposed ?—The fine was imposed, yes.

13613. Have you any other instance that you would like to mention ?—Nothing occurs to me at the moment. There is one thing I should like to point out to show you the condition of the rooms. At Lincoln, where I was five years, we were infested with rats. I have been sitting in the sitting-room after the regulation time for the lights to go out—I was the senior assistant and had to put the lights out myself—I would often sit in the room after the lights were out, perhaps in the winter time, with a fire, and the rats would be running about the room in less than five minutes after the lights were out; I have known them go across the room while we have been having dinner. There were no proper steps taken to get rid of the rats; they had one or two terriers, but that did not keep them down; they did not go to any expense to stop it; it was quite a nuisance.

13614. Then you would say that the employers appear to you to be very indifferent to the well-being or the comfort of the employees ?—Yes, very indifferent indeed.

13615. And that is the prime reason why you would make it impossible for such a thing to continue ?—Not quite. As I say, my idea is that the morale and the character of the assistant suffer. That is the point to which I have always attached the most importance. Of course, if a man cares to live on an inferior diet and be badly housed he must please himself; but these things do exist, and I believe the employers are making a great deal out of the assistants. But my point is that living-in, interferes with the development of the assistants all round; it cramps their individuality.

13616. Will not that be recognised by some of the employers. Is it not for the advantage of the business to have the employees fresh and bright, and brisk ?—Yes, and I believe the best employers are recognising that. I believe C11, have the assistants out, and from what I know of the general character of the head of the firm there, I think that is a point that would appeal to a man like him.

13617. Can you tell me what the tendency is—is the tendency for the living-in system to increase, or is there much tendency to decrease ?—I think if anything the tendency is to decrease; that is just latterly.

13618. You will not know the whole of the trade, but that is what has come before you ?—Yes; I am speaking now of the last four or five years. Living-in, of course, was unknown perhaps in the early history of the trade—I mean "living-in" as we know it to-day.

13619. I am talking of the present time. You think the tendency is to decrease rather than to increase ?—Yes; I think there are gradually a few firms providing for the assistants out. *Mr. F. Tilley.* 3 July 1907.

13620. Employers recognise that living-in is undesirable ?—Yes. Then again we get the multiple shop as a new feature in shop life, and they, of course, have their assistants living-out in most cases.

By Mr. Delevingne.

13621. Do you belong to an association of shop assistants ?—I belong to the National Amalgamated Union of Shop Assistants, although I take no active part now, as I am in business on my own account; that debars me from any office whatever; I am simply an ordinary member.

13622. Is there any special section of your organisation for the drapery trade ?—No.

13623. Can you say how many assistants in the drapery trade are members of the association ?—No, I cannot. I believe there are about 20,000 to 22,000 members of the union, but I do not know how many are in the drapery trade; I could not give you an idea.

13624. How many assistants are there in the drapery trade altogether ?—I could not say.

13625. The evidence you have been giving us is entirely your own personal experience ?—Absolutely.

13626. But you would contend, I suppose, that it was representative ?—Yes, I think it is a fair average and representative.

13627. Have you discussed it at all with other members of the Union who belong to the drapery trade ?—Yes, very freely.

13628. Is your evidence here put forward by the Union as typical of the whole drapery trade ?—It is in this way: I have been on the Executive Committee of the Union, and my opinions, I believe, are the same as the opinions of the organisation as a whole; but this experience is my own experience, and may be taken as typical of drapery trade where living-in prevails.

13629. What I want to know is, how far is your experience representative. Is it usual in provincial drapers' shops to have rats running round the bedrooms, for instance ?—Well, that is rather extreme, and I have not quoted it in my printed evidence; I gave it you because I was asked as to the value of the board and lodging provided, and I say you cannot put much value on a place where rats are running about. I have discussed the matter with assistants innumerable in my time, and the huge majority are opposed to living-in.

13630. Is your experience rather worse, would you say, than that of the majority of drapers' assistants ?—It is a very good average, I should think.

13631. You said in answer to Mr. Brotherton that the assistants came into the business at a very early age. What would be about the average age at which a youth would come into the drapery trade ?—I went at fifteen; fifteen to sixteen is a usual age for them to start their apprenticeship.

13632. May I ask what induced you to enter the drapery trade ?—It was like this: I did not care much about it; I wanted to go in for literary work; but my father was accustomed to business, and it was on his recommendation that I went into the distributive trade; it was a question between grocery and drapery; I applied for both at the same time; we considered that the conditions of the drapery were better, and I went in for that. But, mind you, I was only a lad at the time, and I knew nothing of living-in or what it was like; had I my choice again, I should not do it.

13633. What is the attraction to the large number of youths who go into shops ?—I believe the attraction lies rather with the parents. The parents have the idea that it is a nice light, gentlemanly business; some think if their sons or daughters are not very strong, this is just the work to suit them: they will not be exposed to the inclement weather, and that kind of thing. I think myself that it takes a very strong physique indeed to stand the drapery trade

13634. I suppose the conditions of the living-in system and the work in shops are perfectly well known to these people ?—I do not think they are well known to the

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parents and guardians, particularly in the villages, although they are now getting more enlightened on the subject and I know in the town of Lincoln several of the large firms there have a very bad reputation, and everyone knows they have a very bad reputation. The last ten years there is more difficulty in getting assistants and apprentices; there is a great deficiency since the conditions are getting better known. Twenty years ago the conditions were not known, but now that the assistants are organising there is more deficiency in the supply: that is very marked all over.

13635. More deficiency in getting assistants?—Yes, apprentices particularly.

13636. With the result, I suppose, that the shopowners have to offer better terms?—Well, the deficiency arises principally in getting apprentices; and to meet this employers accept them now cheaper than they did; they will accept apprentices now without premiums. Years ago, when I went as an apprentice, I had to pay a premium. I have two brothers in the trade; my elder brother went into the trade four years before myself; he paid £30; I went in 1891 and paid £10; a brother younger than I went in for nothing five years later.

13637. How long does the apprenticeship last?—Three years in most cases.

13638. Do you receive any wages during the apprenticeship?—No, only commission.

13639. What sort of wages do you begin at when the apprenticeship is finished?—I started at £15 and premiums.

13640. I suppose the majority of assistants, in the London shops at any rate and in the big provincial towns, come in from the country districts?—Yes. The West End shops consider that it is a very good thing at the present moment to get assistants from the country. In fact there is what is known as the "Welsh salary" in the drapery trade in the West End of London; they get a tremendous lot of drapers from Wales (and many of them come to the front, too). They come to London simply for experience, and accept a merely nominal wage.

13641. What are the prospects held out when a lad is apprenticed to a draper; is there any prospect of promotion; what is the future which a lad or his father has in view when the lad becomes a shop assistant: you have told us for example that there are very few assistants in drapers' shops above the age of thirty-five or forty; everybody knows that? it is a matter of common knowledge, I suppose?—It is now, but it is only quite recently the public have realised this, hence the shortage of apprentices at the present time.

13642. We are talking of the conditions as they exist now. What is the prospect before a youth who goes into a draper's shop at the present day?—There is only the prospect of perhaps one in twenty rising to be a buyer or manager of a department; if he gets that position and lives out he is very well off.

13643. The other nineteen have no prospect at all?—Practically none. Of course as they go on they get dissatisfied, and they go to other branches of industry as opportunities turn up.

13644. But the prospects according to you are so extremely bad; there is no prospect at all for a man's future; what I want to find out is what induces this large number of youths to go into the business at all?—I do not know, I am sure. As I say, there is a deficiency now in getting them.

13645. Are these lads mainly of the same class as the joiners, and carpenters, and mechanics with whom you have compared them in your evidence?—Practically so; many of them are the sons of small tradesmen, who think, perhaps, that they will have a prospect of getting their sons into business on their own account, and helping them to start. In years gone by that was the idea, but now, with these colossal firms, it is almost impossible for a man to start in a small way with any reasonable chance of success.

13646. Taking the life of a mechanic or carpenter or an ordinary artisan, their life is a life of independence compared with that of the shop assistant?—Quite so; it is a different existence, if you believe me; you cannot realise the difference unless you have lived in, and I have lived in.

13647. But can you suggest any reason why these youths do not become mechanics and artisans?—Well, they think it is easier; they think it is rather nicer to be selling dresses, and so on, than handling bricks and mortar.

13648. Is there any attraction in the black coat?—Probably so.

13649. You say that as a class the shop assistant becomes a less intelligent man than the mechanic; that you say is the result of the system?—Yes, that is my experience. When I say less intelligent I mean he does not take things so seriously. He may be smarter on the surface, but he has not the stamina and the more accurate knowledge that you find among mechanics generally; he probably is more adaptable, and what you might call cuter, but he is not so well-informed I think, either economically or politically, nor so independent.

13650. How does the ordinary shop assistant spend his evenings?—Most of them go out, they play billiards, and so on; some of them go to the public-house, some to clubs; some of them go in for healthy recreation, such as cricket and football.

13651. I suppose in most towns there are clubs and associations and so on; the shop assistant is not thrown on the streets?—Oh, no. It depends on the man himself to a great extent.

13652. Even in the smaller provincial towns there are clubs and associations which provide rooms and accommodation for young men to spend their evenings?—Yes; the firms do not provide them, but they are there of course.

13653. It is not a case of the assistant having no choice except between his uncomfortable sitting-room in the shop and walking the streets?—Oh, no; no one is bound to walk the streets to-day, I think.

13654. There is provision made of one sort and another by outside agencies?—Yes.

13655. What is the hour at which the male assistants are usually required to come in at night, in the drapery trade?—My experience has gone from ten to eleven.

13656. Do you not think it is some advantage, if a youth begins as an apprentice at such an early age as fifteen, that he should be under something like parental control?—Yes; but I do not think you get that so much under the living-in system as you would if they lived out. In my own case, even when I was living in, my father took me there when I started; you will find that that is usually so; the parents take the young fellow or girl who is going to be apprenticed, and they find him or her rooms in the town or they adver ise in advance and they are much more likely to get proper control there, and good home influence; whereas, living-in, they are herded with men and women more or less vicious.

13657. Quite apart from the abuses of the living-in system, do you think that is really the case? A boy of say fifteen, goes up from the country to a big town; his father may find him lodgings and put him there under some sort of supervision; but that must be often of an entirely nominal character? The control which a lodging-house keeper can exercise over a boy of fifteen to eighteen would be practically *nil*?—I would not suggest that they should go to a general lodging-house.

13658. I mean lodgings—rooms?—Yes, where they take in one or two lodgers; that would be the usual thing.

13659. But what supervision can be exercised over them there?—There can be just the same exercised as there is living-in to-day

13660. Surely not, because the shopkeeper has a hold over his assistant, a control over him, which the lodging-house keeper cannot have?—You are speaking of apprentices specially?

13661. Or the young shop assistant?—I take it the parents would see to that; they would arrange with the people where the assistants lodged to keep an eye on them generally.

13662. From your knowledge of youths in general, do you think it at all likely that that would come to anything?—Oh yes, I think so. When I went into business on my own account I had rooms; there was a young mechanic about fifteen or sixteen also lodging in the

house; he had no particular time to be in at night, but his mother corresponded with the lady of the house regularly and everything seemed to go well. That is my own experience of it.

13663. That is the alternative you suggest; you think that if the living-in system is abolished, parents would be able to exercise, by one means or another, sufficient supervision over their lads in distant towns?—Yes, I do think that.

13664. Now, you said that an assistant in a provincial town would require about £45 a year to provide himself with suitable board and lodging?—Yes.

13665. In addition to that, the money salary that he receives at present would be about £15 or £20?—No; I am not going to say that the assistant to-day is getting £15 or £20; a fully qualified assistant gets more than £15 or £20.

13666. Shall we put it at £25?—Take my own case, for instance; when I left off I was getting £75.

13667. In addition to your living-in?—Yes; but the average I believe is about £50 living-in; that is the general amount allowed, I believe, for average fully qualified assistants.

13668. Do you think, from your knowledge of the trade both in the provinces and in London, that the employers would be able to afford to pay anything like that £45 in addition to the present money wage, if living-in were abolished?—Yes, I do. Considering the dividends that these big firms are declaring—such large dividends; I think they would do it quite comfortably.

13669. Do not take the case of the big prosperous firms; take the small drapers' firms, especially in the provinces; take the cases you have mentioned to us in Lincoln, Hitchin and Uxbridge; would they be able to pay £30 or £40 in addition to what they are paying already?—Yes, I think they would.

13670. They are making sufficiently large profits?—I think so.

13671. How about your Lincoln employer who said he would like to abolish the living-in system, but could not afford to do so?—Well, he had to contend with other firms who adopted the living-in system (he was not my employer, by the way), and he could not afford to abolish it unless the others did the same.

13672. Your contention is that the employers would still be able to make a decent profit, if they abolished the living-in system and paid their assistants a sufficient living wage instead?—Yes. Why I think so is this. Suppose it added, say, 10 or 15 per cent. to their working expenses; it if was general they would have to get a bigger profit, if they found it necessary, on their goods; one would be treated just the same as the other in that respect; so that they would not have an advantage over each other; whereas to-day, some living-in and some living-out, one has an advantage over another

13673. Are there more assistants employed, do you think, than are necessary?—No.

13674. They would still have to keep up the same staff; they could not reduce the staff?—I do not think so, not in many cases.

13675. Is there any improvement going on, would you say, in the living-in conditions; are things better than they were?—I have had no experience of them in the last four or five years.

13676. Take the last ten years?—I should consider they are rather better in the sense that they give more attractions after business hours now, in the big houses, in the way of libraries, and so forth—although they nearly always make the assistants pay for them.

13677. You do not think that the growing scarcity of assistants, and the fact that you are organising them, and so on, will lead to a steady improvement?—It should do so.

13678. Do you think there is a chance that it will—I mean an improvement all round, both as regards living-in, and the conditions of work?—I am afraid it will not with the living-in; because it is such an advantage to the employers that they will stand very fast on it.

13679. Has your association tried any propaganda? I understood from Miss Bondfield last week that meetings are regularly held in different centres for the purpose of considering the living-in system?—Yes, that is so. *Mr. F. Tilley.* 3 July 1907.

13680. Surely, if there is a growing scarcity of assistants and a growing disinclination to submit to these living-in conditions, is there not every reason to suppose that things will more or less right themselves automatically?—Well, they might, in a very long time; it would be a very slow process.

13681. S me reference was made to the workrooms attached to these drapers' shops; the hands who work in workrooms are not of course shop assistants, usually?—No.

13682. Do they also live in?—Only occasionally. Perhaps the head dressmaker and the second hand and so on will live in, but the rank and file live out.

13683. They are different altogether from the class of shop assistants?—Yes.

By Sir F. Cawley.

13684. In regard to these small shops in country towns where they employ three or four assistants, do not the employers then exercise some personal supervision in the old way?—Very little; the personal element is almost dead. In the case I quoted (and that is only one of many) they could not exercise supervision themselves when they were living in a different house.

13685. But in small towns in England where a good many of these shop people are trained, is it not the fact where they have two or three assistants that the shopkeeper himself or his wife really does exercise some kind of supervision?—Possibly he does a little. I have not lived in a house quite so small as that, only with three or four.

13686. Do you not think it is a great attraction to parents in sending their sons or daughters to this business that they shall be looked after to some extent?—I do not know, I am sure. That may be the attraction, but it is because they do not know the conditions; it is a false idea that they have got.

13687. But they do have some hour for coming in?—Yes.

13688. Apart from that there would not be any hour; I am speaking not of apprentices, but of assistants who come up from the country to a large town. They take lodgings, and they are not obliged to be in by a certain hour if they live out?—No.

13689. Do not you consider that the fact of living in is at least some check upon them?—No. I have seen grey-haired men of fifty trooping in at ten o'clock at night and I have thought it a disgrace to them.

13690. But in the case of young people, say twenty to twenty-five, do you not think it would be better for them that they should be tied to be in at some hour of the night, rather than please themselves; I mean young people coming from the country?—Not at that age, I think.

13691. Is it not any deterrent to them going wrong. I am referring to young men rather than young women?—No. I think they may say to themselves: "We have only got from eight to ten, and we will make the best use of it."

13692. But the moral effect?—The moral effect is no different whether they are indoors or out if the conditions of the house are bad.

13693. But the society outside may be quite as bad?—Perhaps so; it depends where they go to.

13694. They cannot stay outside as they like; they have to go in at a certain time?—They have to go in at a certain time, but I do not see the advantage. If they want bad society they can find it between those hours.

13695. But do not parents think that they have supervision?—Parents think so; that is true.

13696. And therefore there are more coming into the drapery trade than would otherwise do so if they did not live in?—I do not know that that is true to-day. I believe it has been true in the past, but I cannot say if it is now. The conditions have so altered even in the last

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ten years. It was so, I believe, twenty and thirty years ago.

13697. You think that there are more young people coming into the business because of the living-in system than would if they were living out?—I believe that was so in the past.

13698. Is it not so at present?—I do not know; I cannot say that it is.

13699. You think that the masters would have quite as much choice of assistants if they lived out?—Yes.

13700. Do you know anything about Glasgow?—No.

13701. Are you aware that they live out in Glasgow?—Yes.

13702. And are you aware that their wages are practically lower in Glasgow through the living-out system?—I do not know. I know that they do live out in Glasgow.

13703. Would you be surprised to hear that they do not get the wage equivalent of the living-in?—I should be very surprised to hear that.

13704. And do you think that if the living-in system is given up, the assistants would be able to get what is the equivalent of their board and lodging now—a fair equivalent for their present board and lodging?—Do I think that they would get the fair equivalent in wages?

13705. Yes?—Oh, yes; I think they would do better for themselves.

13706. Why do you think they would do better?—If the system was abolished, the masters must still have the assistants, and they must pay them a fair wage if the assistants so demand. That will rest with the assistants entirely.

13707. You mean they would be more free to join the union and to demand more wages?—I think that directly they were unfettered it would be a new life to them, and they would see things differently, and they would join the national union or other labor organisations that might be open to them in increased numbers; in short they would organise and come into line with the other workers of the country; whereas to-day they are practically outside the ranks of organised labour.

Mr. P. C. HOFFMAN, called; and Examined.

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13708. Will you kindly tell the Committee what are your credentials?—I am representing the Shop Assistants' Union; I am organiser of the Shop Assistants' Union and have had ten years' experience of living in in London.

13709. In what trade?—The drapery trade.

13710. Are you at present engaged in the drapery trade?—No; I am now an official of the Shop Assistants' Union.

13711. Will you place before us the evidence you have to give?—There cannot be the least doubt but that the living-in system is a survival of truck, and the board and lodging is looked upon as part wages. That it is thus looked upon by both employer and employee is proved by the following, taken from advertisements in the *Daily Telegraph*, of March 21st:—

"Accustomed to select trade and assisting with windows, £50; indoors."

"Send photo, full particulars, and salary; live in."

Also it is proved by the fact that wherever it is done away with, varying amounts are paid to the employees in lieu of board and lodging. Thus C 11 abolished the system, and paid the employees £45 per annum extra, D 11 paid the men 14s. and the women 12s. 6d. per week extra, E 11 paid their employees 13s., and F 11 10s. juniors, and 12s. 6d. seniors per week extra. That the system is not necessary for the good conduct of business is proved by the fact that these firms have got rid of the system, and with many others in the drapery trade it has no existence, such as K 10. It still survives in the grocery trade, in isolated cases such as E 7, who have twenty branch shops in South Wales, and F 7, who have many branch shops in London and the South of England. But in such trades as ironmongers and jewellers it is almost non-existent. In some establishments—X 6 for example—the assistants merely have their dinner and tea on the business premises, and sleep out. At O 7 the men sleep out and board in; the women live in. It is in the drapery trade that the living-in system mostly flourishes. The reason for this, in my opinion, is mainly due to the number of persons employed in one building which makes it possible to provide them with board and lodging at a considerable profit to the firm. The greater number the employer can cram into the available sleeping place the greater the profit. The lower the quality and quantity of the food supplied the greater his profit also, and the more he can curtail the time spent over meals the less number he will have to employ, and so still the greater his profit. And the tendency is rather towards the lower than the higher standard in these matters. In my opinion, based on an experience extending over ten years of "living-in," 5s. to 6s. per head is about the average cost per week in board to the employer. The caterer of K5 when recently charged with appropriating £3, the moneys belonging to his employer, stated that he had to supply the assistants with four meals per day at a cost of 9d. per head. At Q3, the cost works out at about the same figure, though the buyers of the various departments are charged up at the rate of from 12s. 6d. to 15s. per head per week. Should the assistant go home for the week end, etc., no allowance is made for the meals he does not receive. The assistant, in theory, contracts to be supplied with board and lodging as long as he is in the employ of the firm, week days, Sundays and holidays. Yet, when—particularly in London—hundreds are regularly absent from Saturday afternoon until Sunday night, it is obvious that the gain to the employer is considerable. The curtailment of meal times means a huge saving also. Where assistants live out, the usual time is one hour for dinner, half or three-quarters of an hour for tea. Living-in, the time allowed is twenty-five to thirty minutes for dinner, and fifteen to twenty minutes for breakfast and tea. In some firms there is no specified time, the employee being expected to eat his food as quickly as he can, and return to the counter. When it is understood that the assistants are timed from leaving and returning to the counter, and at the dining rooms are often either up long flights of stairs to the top of the house, as at Z5, or down in the basement, as at Q3, and then sometimes there may be a long wait before one is served, it will be seen that the time allowed is not sufficient for the proper consumption of food. The daily rush from counter to dining-room and back to counter without even a breath of fresh air, obviously, must be injurious to health. Often the food provided is unappetising, cooked, and carved very roughly, served in dining-room situated in the basement, artificially lighted, and without proper ventilation, as for example G7 and H7. The atmosphere in these basements is very often absolutely nauseating, the close smell of cooked food mingling with the smell from the lavatories. The food provided varies greatly in different houses. Whilst by some firms fairly good food is provided, in the majority of living-in houses the very opposite is the fact. Many influences bear upon the quality and quantity of the food supply—the size of staff, humanity of the employer, efficiency of the cook, and knowledge of the housekeeper or caterer. But the assistant is at the mercy of all these, or the lack of these qualities, and has to take what is provided, or go without. Should he complain, he knows that it may mean dismissal, with possibly a note put into his reference about his discontent. I myself have again and again been unable to eat the meat placed before me, and have had to make a meal of bread and cheese. I7 and Q3 are places where this has occurred. I remember well one Sunday at Q3, the pressed beef placed before us glittered with all the colours of the rainbow, and smelt very offensively, and the murmurs were so prolonged and loud that the caterer came in and apologised for the absence of quality in the product; but we got no compensation of any kind. Breakfast, as a general rule, everywhere, consists of bread and butter, or margarine, with tea or coffee, or chicory and

coffee, drawn from huge urns. Though some firms do allow some little extras, or, as they are sometimes called, "luxuries" for breakfast (such an one is N5, where they are allowed cold ham, herrings, sausages, or two eggs for the men, and one egg for the women), the sameness of the menu becomes positively wearying. One always knows what there is for dinner by the day in the week, or gets to know the day of the week by what there is for dinner. An assistant at K7 reports that they seldom get two vegetables. The young ladies at L7 inform me that they never get a second vegetable served them, so on Saturday some of them club together in order to purchase peas, etc., for Sunday's dinner. At M7, the assistants get cooked dinner twice weekly, shift dinners other days, often uneatable. Sometimes dinner consists of half a haddock each with bread and tea, or a boiled Spanish onion has been placed before them. At N7 the assistants complain that food is badly cooked, poor in quality, and small in quantity. At O7 they complain of inferior quality and badly-cooked food. For tea there is the same provision as for breakfast, but without the coffee urn, although at some places, very occasionally, cake or jam may be added to the tea tables once, or maybe twice, a week. For supper, the usual dietary is bread and butter, or bread and cheese, and as this latter has to be taken immediately after business, assistants who can afford it prefer to go without the house" supper and purchase their own at the time they need it. This is the general rule everywhere. In a large number of cases the food provided is insufficient for the physical needs of the employee; so insufficient, that varying amounts of from 2s. to 6s. per week are spent in adding to the food supplied. The surprising thing is that different firms admit this by supplying extras to the assistants at a price, as at K5 and Z5. At Q3, the waiters at the tables receive £10 per annum as salary, and are told they will be able to make so much extra by selling things to the assistants. Thus rashers of bacon are sold for 2½d. and eggs 1½d. each, small pats of jam 1d., two sardines 1½d., and so on.

The assistants of P7 made the following estimate of the amounts spent by them in extra food:—

	Per week. £ s. d.
F——'s Dining Rooms (breakfasts)	7 10 0
S——'s Dining Rooms (breakfasts)	5 10 0
—— Y.M.C.A. (suppers and tea on Saturdays)	3 0 0
C—— Dairy Company (lunch)	1 5 0
"D——" Coffee Rooms and A——'s Coffee Rooms (breakfasts)	3 0 0
—— Social Club (suppers)	0 15 0
Mrs. L——'s Lodge	0 10 0
Mrs. R——'s Lodge	0 6 0
Mrs. M——'s Lodge	0 4 0
Mrs. A——'s Lodge	0 2 0
Total	22 2 6

Equal to £1,062 per year.

The above estimate is a good deal below the minimum amount spent in food.

There are numerous lodges we are unable to get information from, although knowledge is at hand that breakfasts, and on Sundays dinner and tea, are provided. Also the men who breakfast on the firm's premises on Sunday provide themselves with a relish. This has not been taken into account. At least 100 men breakfast there on Sunday. And let it be clearly understood these men contract to be supplied with board and lodging—full board—board that should be sufficient for their needs. If it is not that, then they are being robbed.

Q3 and Z5 have restaurants for the convenience of customers, which the assistants are allowed to visit between 9 and 10 a.m. to purchase cups of tea, coffee, stale buns, cakes, etc., for lunch. On Sundays at Q3 rather than obtain the breakfast provided, many will go to a neighbouring restaurant. Many young ladies prefer, on a Sunday, making their own tea and cooking eggs over spirit stoves in the bedrooms. Some employers express a strong objection to assistants bringing in anything from outside, the assumption being that assistants are thereby made discontented, and will not rest satisfied with the bounteous repast placed before them. Thus one of our members was discharged from R7 for bringing in a bun for tea, and eating it in front of his employer, who informed him that he was making the others discontented. An assistant was discharged from S7 for a similar offence.

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To show that this is not an exaggeration, the following is an extract from a letter over the signature of A. G. Grantham, appearing in the *Grocers' Gazette* for May 4th:

"As a trade we do not countenance young men and women buying 'extras' to supplement the table, and, personally, I should consider it a gross insult for an employee to do so."

The sleeping apartments are often very bad, some shocking cases of overcrowding coming to our notice. The idea seems to be to crowd the assistants in wherever space can be found for them. At P7 the apprentices and porters sleep over stables, the whole stables and courtyard being covered with a glass roof. The rooms are artificially lighted. The stable fumes, and the want of proper ventilation makes the air sickening. The employees, for the most part, are housed in lodges; each house or lodge is in charge of a woman, to whom the firm pays 2s. 6d. per week per bed. With this sum she provides the bed, pays the rent, lighting, and cleaning. At M7 in one room seven occupants slept in three beds, two women sleeping in two beds, and three in the other. In this room is one washing-stand for all the inmates.

I have received the following letter from an assistant lately employed at E7, grocers, having twenty branches in South Wales:—

"On being admitted to E7, I was told that I should have to live in. When I got there I was told that I should have to sleep with a lad who was employed in the warehouse, and never shall I forget the horror of that night, for no sooner had we got into bed when he began to scratch, scratch, and it was scratch all through the night. I complained, and was told to sleep with another lad, who had had to go home with it, but was getting over it; but, alas! it was too late, for I began to experience that same feeling of scratch, scratch. About this time I was transferred to Merthyr, and had to sleep with another fellow, and before long my body was covered all over, and my fellow-bedmate caught it; then the desk boy had it, and it passed all through. It was most horrible, and it was months before I got over it. As regards the rooms at Pontypool, the dining room was over the shop, a bare room with a fixed table in the centre and ricketty chairs all round, and a very small fire as well, which was inadequate to warm the room. No pictures, no comfort, not even an armchair to rest after a hard day's work Certainly, there was a sitting-room, but woe betide the fellow that dared to go there. All in at ten o'clock, and it was a very rare thing to get an extension till 10.30. The w.c. was in the warehouse, or rather where they hang the bacon, etc."

At T7 there are two rooms with two beds in each, two in each bed, and two small rooms, one bed in each, with two in each bed. One room, with four men sleeping in it, is very badly ventilated. There is one bath for assistants and the family. The fifteen assistants are allowed to use it once a week. At U7 there are three double beds in each room; the bedding is not kept very clean, and there is no bathroom. The assistants are allowed jugs of hot water weekly, and do the best they can with these. At W7 there are two beds for four young men in a small, very damp room, the floor space of which allows barely room for their boxes.

Sleeping two in a bed is customary also at M5, X7 Y7, and Z7.

At Q3,300 men sleep in a huge barracks. There is no bath for them. It is a square brick building, with a stone staircase in the centre, leading up from the basement to five floors. The floors are partitioned by varnished matchboarding into rooms, each of which contains three beds, except the two end ones on each floor, which contain, I think, five beds. In the basement is the sitting-room and smoking-room, both devoid of comfort, and seldom used. In the basement also are the chambermaids' bedrooms. When the rains are at all heavy, the whole of the basement is flooded. At the other end of this basement is situated a Social Club, the only comfortable spot in the whole place. But membership of the club is limited to about 100, the cost of membership being 1s. per month. The club is governed by the members, and liquors are retailed, together with tobacco, bread and cheese, etc.

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The bedrooms are devoid of any furniture except the beds and one stool ; the walls are bare with the exception of a small mirror, screwed into the matchboarding. There is a set of drawers fixed on to the wall for each one, but devoid of locks.

A recent instance of loss of property owing to lack of properly-secured drawers is given in the *Shop Assistant* of April 13th :—

" A man was engaged at a drapery firm, and in August of last year he was suddenly taken ill, and had to go into St. George's Hospital. He was suffering from an exceedingly painful complaint, and had very few friends in London on whom he could call for assistance. Just previous to his illness he purchased a suit in the tailoring department of the firm, and had only worn it once when he was sent to the hospital. Now, this man " lived-in," and there is no lock-up drawer in the dormitories where his property would be safe. In fact, the only men who have a lock and key are those who have fixed them themselves. When this man came out of hospital (after being there for six months) he discovered that his suit was gone. The price of it had been deducted from the money due to him. He tried to see the manager, who put him off three times before he granted him an interview. Eventually he saw him, and he said he would think the matter over and see what could be done. Twice more he put him off with the same vague promise. Another interview was finally arranged, at which the manager said he could do nothing, and this after seven or eight journeys, costing the man sixpence each time."

In these drawers everything must be deposited ; anything left about is taken away. In these rooms there is but little space to move about ; the beds nearly touch. As for escape in case of fire, there are two iron ladders fixed in the wall on each side of the main entrance, but these fall short of the ground by about 20 feet, and they may be eaten away with rust, as they are seldom, if ever, tested. Inside there is a shute on each floor, but very few know this. They have never been used or practised with during the last four years, and as the assistants in the rooms where they are frequently stand bowls of water on them, they may be absolutely rotten by now. There is a stand pipe and hose on every landing, but they are never used or practised with. The hose is never unrolled, and the taps are difficult to turn ; two of us tried once, but could not move them. If a fire occurred on these premises, I am confident there would be great loss of life. The enormous amount of thin woodwork, and only one very narrow exit for such numbers would make escape almost impossible. The doors are closed punctually at 11 p.m., and the electric light turned off at the main at 11.15. There are no independent switches in each room. If one be on the wrong side of the door after 11 p.m., he can ring as loud as he can, but he will not be let in. I have been locked out more than once ; at times when I have had no money except a copper or so in my pocket, I have had to walk the streets all night, a cup of coffee purchased at a coffee-stall being my only available comfort. At Z5 some live above the premises, some in converted mews and some in premises outside. The premises outside are approached through a narrow doorway, where a man sits who books the assistants in and out. The narrow passage opens into a court in which is situated sleeping accommodation for about seventy assistants. A high wall surrounds the premises. The baths, washing and w.c. accommodation are situated in the basement, which is lit only by a shaft or well between the high wall and the building. The ground floor and the first floor are partitioned off by matchboarding half way up to the ceiling. In the portions partitioned off are two and four beds, all very close together. There are windows front and back, but the atmosphere even then is very fetid. There is one chest of drawers for two assistants, but apart from these no ornaments are allowed, though occasionally cuttings from illustrated papers may be found tacked on to the partition. Needless to say, one noisy person disturbs all. If one snores he disturbs all ; in fact, I have helped to hurl over the partition all kinds of things at the one whose snoring has kept me awake. In this house, also, there is no safeguard against fire ; while in the main building volunteers are trained in the use of fire appliances to safeguard the stock, here even appliances are lacking.

Sufficient bedclothing to keep one warm in winter is unusual. The assistants will often pile their overcoats and other clothing upon the bed in order to get comfortable. This I have done frequently, and have even laid brown paper between blanket and counterpane ; brown paper, because after experimenting with it and newspaper I found that the former was the more grateful and comforting.

The sitting-rooms are often devoid of all comfort, and of all inducement to keep one indoors. For example, at E7 the fire is lighted in the sitting-rooms on Thursdays and Sundays only. If they wish for warmth on other evenings they must go to the kitchen. At S7 and M7 the dining-rooms are used as sitting-rooms. I have in mind the sitting-room for men at A8 : one or two broken chairs, bare floors, and wallpaper very dirty ; the table a ping-pong board on trestles ; a piano which, I was informed, had been paid for by the assistants over and over again.

With all these abuses the system is rightly condemned as an evil one, degrading to both men and women employed under it. The much-vaunted moral safeguards break down utterly when tested. As long as enforced celibacy is the rule, and men are herded together—good and bad, young and old—this must be. I say enforced celibacy, because unless permission is granted by the employer, the assistants are not allowed to get married and remain in his employ. I have a letter from one of our members who was employed at B8, who states that before going on his holidays he asked permission of his employer to allow him to get married, and arranged terms for sleeping out. He went for his holidays, and during that period arranged with his young lady the marriage day, and so on. When he returned he was informed that his employer had changed his mind, and *withdrew his permission.* Our member is no longer employed with the firm, of course, but it is an illustration of what happens. This sort of thing leads to secret marriage I knew a case of a shopwalker being married living in, and visiting his wife at week ends. I knew of a case at Q3, where one young lady in the post order department was secretly married to a clerk in the same establishment. The young lady lived in ; he lived out. This arrangement continued for nearly twelve months.

There is less chance of getting employment if married. At Oxford a man had been secretly married for some years. He " lived in," and saw his wife at week ends. When the firm heard of it the man was summarily dismissed. At the Central Office of the Union we have had letters from men stating they have made a false declaration on the membership form by stating they were single because they dare not risk letting the local members know they were married—it might get back to the firm. When being engaged, the question is invariably asked by the engager " Are you married or single ? "

I vividly recall my early experiences in a house where the older men would take out young apprentices and make them drunk, by way of initiating them into manly ways. One case in particular I remember, of a lad who was, one Saturday night, taken out " pubbing " by two of the senior hands. Just before twelve that night (doors were open until 12 p.m. Saturday nights) they brought him in limp, helpless, and speechlessly drunk. They laid him on his bed (one of six by the way), and departed, laughing at the thought of how they had " sewn him up." He was as pale as death, and began to be very sick. We undressed him, carried him nude into the lavatory, laid him on the zinc floor, and then deluged him again and again with water, until he came round a little. I look back on that incident now with the more horror, because I remember we were laughing and joking all the time, and next day spoke of the incident more in admiration than disgust at the " manliness " one of our fellow-apprentices displayed. " By jove, you were blind last night," conveyed a spice of flattery which one was not slow in meriting again. And this is the moral atmosphere many employers are doing their best to defend.

Young boys are separated from home influences at a time of life when their characters are being moulded ; they are compulsorily intimate with men who, through the living-in system, have become habituated to loose or obscene conversation, coarse jests and immoral practices ; their innocence and natural youthfulness is ridiculed, until they are ashamed to blush at lewd jokes, until they

in turn become the evil influence of the next influx of country lads.

In my opinion, and I speak also for the great majority of men in the trade, the only remedy lies in the abolition of the system.

In conclusion, I have endeavoured to show that under the living-in system there is no such thing as privacy; no opportunity to study; and for ordinary comfort, pleasure and enjoyment, the assistant is forced to go outside to the street, or, for solace, to quarters which are questionable. Home life and home influences are broken down, which, in many cases, leads to moral and physical degradation.

13712. You are very strongly of opinion that the living-in system ought to be done away with ?—That is so.

13713. You say that various amounts are paid by employers where this system has been done away with. Can you quote any other place or give us any other information than you have given in your evidence?—One has occurred just recently at C 8, in the Rhondda Valley, in South Wales. There were only thirteen young ladies employed there; ten of them just had their dinner and tea in, and the others lived in entirely. They approached the organisation—they were all members of the union—and we approached the firm, with the result that the living-in system is done away with there. The young ladies who were living in entirely receive 13s. a week in lieu of board and lodging and those who lived in partly receive 10s. a week in lieu of board.

13714. Do you consider that if living-in were done away with there would be a fair equivalent of board and lodging given by most firms ?—The better class firms, I think so; in the case of the others, it will depend whether the assistants are organised or not.

13715. Do you think that far more people would join the union if they lived out, than if they lived in ?—That is bound to be so in the long run.

13716. And you think by that means you would be able to organise almost the whole trade, and so compel employers to pay fair wages ?—Yes.

13717. Is that really one of the principal reasons for your being so anxious to have living-in done away with ?—That is one of the reasons, but, of course, there are many others. We are of the opinion that the living-in system, particularly in the drapery trade, is the root-evil of all the grievances in shop life, or a very large number of them.

13718. We have had evidence that it cramps the intellect, and that the man engaged in the draper's shop and who lives in the place is not so much of a man as the man who lives out ?—That is perfectly true.

13719. And you think that when they become more manly by living out they will exert themselves more and be able to better their own condition ?—They will certainly have that opportunity, anyhow.

13720. You would not suggest that the living-in is bad at all these big places, say, in London ?—No, I do not think so. I do not say that the living-in is bad everywhere. In some establishments, for instance, the employers will treat their assistants fairly well; but we object to the whole system as such—the system itself.

13721. Have you complaints amongst your members from these places where the living-in is good ?—Yes.

13722. What do they complain of ?—For instance, we have a case now in Cardiff M 5, a very big draper's there. The assistants are very anxious to live out, but they have nothing at all to complain of, as far as the food is concerned; what they want is their liberty; they want to be free to do as they please with their wages, to go where they like, and to have an opportunity of living free and independent lives—as far as they can.

13723. I suppose that is the root cause of a great many of the objections to living-in ?—Yes.

13724. As far as the large drapery establishments in London and elsewhere are concerned, do you consider the sanitary arrangements, and the cubic air space in the sleeping apartments are against the physical well-being of the assistants ?—Yes, I can prove that in very many cases. I have a lot of cases here; I do not know whether you would care to hear them all.

13725. Will you give us the cubic space in the rooms; take one of your worst cases ?—Here is a place I have visited recently at Plymouth D 8. There is a room 14 feet by 21 feet. There are two windows at one end, with six hard beds in it, two washstands, and two cans for water, and one chest of drawers for all six; the decorations round the room consist of clothes, trousers, and so on, hanging on pegs.

13726. That was for six people ?—Yes.

13727. You do not know the height of the room ?—It is 10 feet. We measured it at the time.

13728. How many assistants were there there altogether ?—There would be about 120 assistants altogether. They do not all live in rooms such as this; this is the only one I saw.

13729. Do you consider that if these living-in houses with a certain cubic space allotted to each person were all inspected by Government inspectors it would be a great advantage ?—I do not see how it can be done. It certainly cannot be effectual; the system is so universal, in the country places as well as town.

13730. But take one particular case; it would be quite possible for an inspector to see that each assistant had a certain air space in his sleeping apartment ?—I dare say that would be possible.

13731. Then it would be possible for an inspector to see that the sanitary arrangements were adequate and suitable; that would be a great advantage, would it not ?—That would be some improvement on the system, of course.

13732. But your great contention is that the assistants should be free and be in a better position to get fair wages ?—That is so.

13733. You speak of K 5 here. Is not their food good and sufficient ?—There have been complaints, I know. I have not lived in K 5 myself, but there have certainly been complaints; and the caterer, in giving evidence in the case I refer to, said that he had to provide four meals a day for 9d. a head for his assistants. In this case, he was charged with appropriating £3 and other moneys, I have the newspaper cutting here: "The money referred to represented amounts which it was alleged the defendant had collected from the assistants at the prosecutor's stores, in payment for breakfast luxuries supplied to them. These payments were said to amount to between £2 and £3 a week, and it was the defendant's duty to pay the money to the general manager"; that is to say, the assistants would purchase fish, eggs and bacon, and so on, and the firm would supply the assistants with these what they called luxuries, at a price.

13734. At a low price, I suppose ?—I do not know about low price; that was not my experience; I have had to pay for a rasher of bacon at Q 3 2½d., and 1½d. for an egg.

13735. This is supplementary and more or less in the way of a luxury ?—Yes, if you call it a luxury.

13736. It depends upon how much they get of it ?—The firm supply just bread and butter for breakfast.

13737. Now you say: "I remember one Sunday at Q 3, the pressed beef placed before us glittered with all the colours of the rainbow, and smelt very offensively, and the murmurs were so prolonged and loud, that the caterer came in and apologised for the absence of quality in the product; but we got no compensation of any kind." I presume that did not often happen ?—No, it dare not, either.

13738. I suppose it is the sort of thing that might happen in any well-regulated family ?—Quite so, but in the well-regulated family, they would be able to get something in the place of the pressed beef, but here we got nothing at all.

13739. For that one meal, I suppose ?—Yes.

13740. As to that one meal, you really had to do without it because the meat was not good ?—That is so.

13741. You do not contend, because K 5 or Q 3 or any others do allow assistants to purchase what they call luxuries, that it is any proof that they are not properly fed ?—Yes, it is a proof that they are not properly fed.

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13742. Why ?—It is a proof that the firm see that the food which they are supplying is not sufficient for the assistants. I have a case again at E 8, where we are taking up the question of living-in. Since the agitation started there, the firm have added just recently bacon for breakfast, and they had tart as well last Sunday for dinner, for the first time for fifteen years.

13743. Have you had pressure brought upon them by your union ?—Yes; we are asking for the abolition of the living-in system there.

13744. But without asking for the abolition of the living-in system there, your union is having a very considerable influence for good in regard to the quality of the food supplied ?—Yes. Instead of doing away with the system, it is so profitable to the firm that they will do anything for assistants in order to keep it going, and will add these little things in order to try and make it more comfortable for the assistants.

13745. Your opinion is that it is not because you represent things to them, and they wish to meet you, and better the conditions of the employees, but that they did it because they do not want the living-in system done away with ?—That is so.

13746. Is not that rather attributing bad motives to them ?—I do not know whether one can say that. If making profit out of the assistants, and as much profit as they possibly can, is a bad motive, then this is a bad motive.

13747. But when your union makes representations to a firm, and when they listen to you and act on your advice, or grant what you ask them, do not you think it is because they wish to benefit the assistants, and not always because they want to make living-in profitable ?—We ask in every case for the abolition of the living-in system, and though we do not even ask that the assistant shall have another rasher of bacon for breakfast, these additions are given voluntarily by the employer. What we desire is the abolition of the system itself.

13748. You tell me that on your representation in one place they had made the living-in conditions better ?—Yes; since we have asked for the abolition of the system they endeavour to bribe the assistants to keep the system on by giving them a little bit better diet.

13749. Have you not asked for better conditions of living-in ?—Yes; the union has asked, but not within the last twelve months. The last twelve months we have been going in for the abolition of the system, not for improving it.

13750. Then you consider it is rather against your aim for the living-in to be made very good ?—Yes; we think the system itself is bad, and we want to get rid of the system.

13751. Then your union does nothing whatever to better the conditions of the employees ?—We do not intend to do so. We have no intention of asking for improved diet or improved sleeping quarters

13752. You do not intend to try and better the conditions of living-in in a shop ?—No, not as far as living-in itself is concerned.

13753. Then what is your reason for having a union except that you want to do away with the living-in system ? What else do you do ?—There is the hours of labour, there is the secret reference question, there is the wages question and so on. There are heaps of other grievances.

13754. But living-in is part of the wages question is it not ?—Yes, where they do live in. Of course there is an enormous number of shops where there is no living-in at all.

13755. You give it as the intention of your union now not to try to improve the conditions of living-in, because you think it may tend to perpetuate that system which you wish to do away with ?—That is so.

13756. However good the system of living-in may be made, it may be perfect or as near perfect as it could be got in every particular, you would be dissatisfied with it and try to have it abolished ?—That is so.

By Mrs. Tennant.

13757. Your opinion is that, however much the living-in system might be improved in its material aspects, it could not be improved in its moral aspects ?—That is so.

13758. Do you know of any shops in which there is no sleeping-in and in which also no meals are taken in ?—Drapery establishments, yes; I give one or two instances here.

13759. In which no meals are taken on the premises at all ?—Yes; there are many drapery establishments in which there is no living-in at all, more in the provinces than in London. Thus C 11 abolished the system, and paid the employees £45 per annum extra. D 11 paid the men 14s. and the women 12s. 6d. per week extra, E 11 paid their employees 13s.; and F 11 10s. juniors and 12s. 6d. seniors per week extra.

13760. You give one example of D 11 where no meals n the premises; what time is allowed for dinner there do you know ?—One hour for dinner in nearly every case where the assistants live out. One hour for dinner and half an hour for tea is the usual rule.

13761. Do you know what time is allowed at C 11 —I do not know what time is allowed there.

13762. I am thinking of a difficulty which may be alleged in certain cases, perhaps more in the provinces where there would not be so many restaurants as in London—the difficulty of getting a quick service for the assistants in an outside restaurant. Is it your opinion that if the system were abolished, restaurants would be started to provide for the assistants ?—Yes, and I think other things might happen. It is quite possible that in the places where there are large establishments the local branch of the union could establish institutes or something like that. The question is being mooted now in Cardiff. We are taking rather an active part in Cardiff against living in, and in two houses E 8 and M 5 the assistants are prepared to go to extremes if need be in order to do away with the living-in system; that question has arisen about accommodation for getting food and so on, and it has been suggested that the union could presently establish an institution on the same lines as in some of the Post Offices, where they run co-operative restaurants. At K 10 the assistants have a co-operative restaurant. The firm grant the floor space, and the assistants can purchase their food or go outside if they like; but the restaurant is run on co-operative lines by the assistants themselves.

13763. Would you like to see the abolition altogether, not only of the living-in system, but of the provision of meals by the shopkeepers to the workers ?—Yes.

13764. You do not object so much to meals on the premises, provided they are secured by the workers themselves, as you do to the provision of meals by the employers ?—We should want the assistant to be perfectly free in the matter. If he wished to take his meal on the premises he could, but if he wished to go outside he could also.

13765. You have no objection to the system at K 10 in which there is that co-operative restaurant ?—No objection as long as they are free to go outside if they wish; it must not be a condition of employment that they must have their meals on the premises.

13766. If that condition were imposed in such a case it would be, I presume, to secure punctuality, not for any other reason; I mean the employer would have no other interest in the shop assistant taking his meals if he did not himself provide them ?—Yes, he would; if he could cut down the meal time——

13767. That is what I meant my question as to punctuality to cover—that he might wish to have him back at his place within fifteen or twenty-five minutes ?—That is not sufficient.

13768. I do not consider it sufficient, but that would be the only reason presumably that would operate in the employer's mind if the assistants themselves provided their own meals ?—I should think so.

13769. You attach importance to the provision of an adequate time for meals ?—Yes.

13770. What time do you consider should be provided for tea ?—Half an hour for tea.

13771. In your experience in the case of firms such as C 11—there are no doubt others—who allow an hour for dinner and half an hour for tea, have they any difficulty in meeting the demands of their customers ?—I do not think so; I have not heard of any case. There is rather an interesting arrangement in some places ; I came across it particularly in Bournemouth. There is one firm there that close up their shop altogether for one hour at midday, that is H 11. They close up altogether for one hour and I think it is working very well.

13772. They do not complain of competition from others who do not close ?—No ; the firm is well established and they would not complain of that. After all, my experience behind the counter has been that there is a falling off about that time always ; there are not many customers in the shop about those times.

13773. Would you say that equally of dinner and tea? —Yes.

13774. It is arranged, of course, in shifts ?—Yes.

13775. In your experience is it a common practice for the catering to be given to a housekeeper on the lines of which it is done, say, at K 5 ?—There is a caterer in the large establishments, and in the small ones there would be a housekeeper ; it varies a lot ; it depends upon the size of the establishment.

13776. The caterer and the housekeeper, I suppose, may be one and the same person ; I mean the housekeeper, in addition to doing the duties which are normally associated with a housekeeper, might also be a caterer ?—That depends upon the size of the house. In smaller houses the housekeeper and caterer and possibly even cook would be one and the same person. In Q 3, for instance, there would be a caterer, whose sole business would be to cater. I have heard—of course you can never get at the facts or figures in these cases, but I have heard that the price which he is allowed is the same price as the caterer at K 5 is allowed, 9d. a head. He has to provide the meals of the assistants ; that is his sole duty. Most of the provisions and so on are bought on the establishment through the various departments ; the grocery in the grocery department, the greengrocery in the greengrocery department, and the meat from the butcher's department and so on.

13777. He is a person like one's picture of an ordinary caterer ; he is really on the premises ?—He is really on the premises.

13778. And he is at hand if an assistant decides in the morning that she wants an egg for breakfast. In the newspaper report you read I gather that the caterer in that case (that was at K5) made so much not merely from his 9d. per head, but from the supply of extras to the assistants ?—Yes, but that opinion is different in different houses. At Z5, for instance, these extras are retailed by the firm, but at Q3 they are retailed by the waiters, who supplement their wages ; their wages might be £10 or £15 a year, and they supplement these by what they can get out of the goods provided to the assistants. Let it be clearly understood that we do not allege that the caterer would make a profit for himself out of the 9d. per head allowed by the firm. The caterer is a salaried servant whose duty it is to look after the feeding of the assistants, and he has to keep himself within the limit allowed by the firm, *i.e.*, 9d. per head for four meals per day.

13779. At K5 that was done by the caterer himself ?— By the firm through the caterer. In this case, K5, the caterer had to supply these extras and the cash received was handed to the firm, and in this case he omitted to hand over a matter of £3.

13780. Have you read Miss Bondfield's evidence with regard to fines ?—Yes.

13781. Do you support that generally ?—Yes—the abolition of all fines.

13782. Does the system of fines in your experience press less heavily upon the men assistants than upon the young ladies ?—No, I do not think so. It very largely depends upon the shopwalker whether he is of an amiable disposition or not. As a rule the fines are in the hands of the man in immediate authority, the shopwalker or the buyer ; it depends whether he has any animosity against you or not ; if he has not, you will get off scot free ; if he has, you are fined from morning to night.

13783. To turn again to the living-in system. Have you any recommendation to make in case the legislature decided to regulate the provision of meals on the premises, whether they were provided by the assistants themselves or not, as to the inspection of the rooms in which the meals might be taken. Take the case of K 10 the assistants are now having meals which they themselves provide in a room provided by the firm ; in your opinion ought that room to be inspected ?— Yes, I suppose it ought, like all restaurants and so on, because that is practically what it really is.

13784. And the kitchen in which the meals are prepared ?—Yes.

13785. Would you also like to have a perfectly clear provision as to the time which should be allowed for meals ; that it should be, say, an hour for dinner and half an hour for tea ?—Yes, I suppose so ; but that largely depends upon what form the legislation takes. For instance, we have a Shops Bill, as you know, before the House in which the time for meals is regulated as one hour for dinner and half an hour for tea.

13786. That is your standard ?—Yes.

13787. You are quite clear that it ought not to be less than one hour for dinner and half an hour for tea ?—Yes, I am quite clear upon that.

13788. Have you contemplated the situation in which the assistants would be late ; would you exclude the possibility of their being late ?—You mean late for their meals ?

13789. I mean late in their service of the shop ?—In the morning ?

13790. No, I mean being kept late ?—Overtime, you mean ?

13791. Not necessarily overtime, but being kept late at work ?—Well, that would be overtime, would it not ?

13792. There is nothing that is called overtime in the Shop Hours Act—there is no regulation of that kind at all ? —Not in the old Shop Hours Act, but in the Shops Bill there is. We count overtime, for instance, after an assistant has worked sixty hours a week including meal times ; overtime is counted after then.

13793. That is at the end of the week ; I was thinking of a daily regulation not a weekly regulation ?—In the daily regulation overtime would start within half an hour after the shop was closed at night.

By Mr. Brotherton.

13794. Will you tell me what your official position is ? —I am organiser for the Shop Assistants Union—an officer of the Shop Assistants Union.

13795. And they embrace warehousemen and clerks— primarily, perhaps, shop assistants ?—Yes.

13796. You have been closely associated therefore with the system of living in ?—Yes.

13797. I have looked over your statement of evidence. I have not perhaps the whole of it in my mind, but I gather from what I remember that you can see little good in the system ?—I can see no good in it at all.

13798. Nothing but evil ?—That is so.

13799. In one part you speak of the employer as being very inconsiderate—that he would cram all the available sleeping space, and that the quantity and quality of the food is very different to what it ought to be ?—That is the tendency.

13800. But would it not appear that the employers who do that are very shortsighted ; would it not mean that the employees would be incapable of attending to their ordinary duties with any satisfaction ?—That is what I think too. And really it is what happens. A young lad is apprenticed, from the country say, and so becomes used to the system from the very beginning. But because of the evil conditions which are inevitable with such a system, the insufficient air space, the meagre dietary, he

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gets used up very quickly, his youth and energy is sapped from him, he becomes too old at thirty. The result is, you find all young people employed behind the counter, right through the country you will find scarcely any old men are employed.

13801. In your official capacity I do not know if you have had occasion to take out the death rate ?—No, I have not had occasion to do that at all.

13802. You say in your statement that the tendency seems to be rather towards the lowering of the standard of living and accommodation than the reverse ?—I do not mean that. I think there is a gradual improvement in the conditions of living-in. What I meant was that the tendency both in accommodation and dietary is towards a lower rather than a higher standard. As their premises have grown they have added small shop to small shop, and this is where the greatest evil with regard to one complaint, viz., overcrowding, is ; but when they rebuild their premises they make provision for better accommodation.

13803. You say that the living-in system is an evil, and even if the air space or the food or the ordinary surroundings could be improved, still you would condemn it ?—Yes.

13804. You have nothing, in fact, good to say of it ?—No, not as a system.

13805. One would suppose that there were certain advantages ; for instance, one would suppose that young girls would, for the sake of spending money on finery and what not, perhaps give very little attention to their diet ; that is, they might economise in one way to be lavish in another ?—Yes, that is done now.

13806. Whereas in living-in they have the meals provided for them, quite independent of what they wish to save out of their wages for other things, or quite independent of any manner in which they want to dispose of their wages ?—Quite so.

13807. It is a guarantee that there is at least some food provided ?—Yes.

13808. And there is a guarantee in most cases where there are good employers that the food is proper in quantity and quality ?—Yes.

13809. Whereas can you not suppose that some foolish young persons might give little attention to their diet and spend their money in an undesirable way ?—It is quite possible that foolish young women would, but all young women behind the counter are not fools, and they get to learn and understand. To-day even in some of the best houses many young ladies will spend money after business hours—even in the best houses—on food.

13810. It is not spending money on food that I had in my mind so much as spending it on articles less desirable than food. I can suppose that if we had never known anything of the living-in system you, in your capacity as representing this particular association, might come and say that the living-out system is an iniquitous thing, that the employers ought, with the means at their command, to provide a common table ; you might point out that employees would be under supervision ; they would have less expense in feeding and in lodgings, and you might say that the common board had many advantages, economical and others ?—We might possibly say all those things, but we are faced with the fact that the organised millions of the land ask for no such advantages.

13811. One does know that when food is provided in common it can be done more economically, and if it can be done more economically it could be greater in quantity and better in quality ?—Yes.

13812. I point that out to you in order to show you that there is possibly another aspect different altogether from the view you take ?—Yes, we quite realise that.

13813. There is a possibility of advantages arising from living in ; but you do not throw any light upon any such advantages ?—My experience is right against any advantage at all.

13814. Is it not possible that you hold a brief for your Association, and that you have that much in your mind ?—I have got my own experience in my mind ; I have got ten years' experience of the living-in system behind me, and I know what it has meant to me and what it has meant to my health. I remember when I was apprenticed, for instance, we had to be out of our bedrooms on the Sunday at ten in the morning and not to be in them again until nine at night. One Sunday when I was out in Hyde Park in the afternoon I got wet through. I returned to the business premises, and I had to sit in my wet clothes all the time till I could get into my bedroom at nine to change. The consequence was I was laid up with rheumatic fever for ten weeks.

13815. You might have had fever even in lodgings ; but I see your point. You say that these restrictions are of such a personal nature that they become unbearable ?—That is so, and if I was in lodgings at least I should have been able to get into dry clothes.

13816. What I would have liked to have from you, if you could have given me any particulars, is, what in your experience the advantages of living in have been ?—I really do not know of any.

13817. You are viewing it from the point of view of the employees, but I presume there must be advantages to the employers, or it would not be so prevalent. The system has grown up because of certain advantages to the employers ?—That is so. It is very profitable to them. The assistants are compulsory lodgers.

13818. Those advantages are, that they have probably encouraged young people to come into their service ; that in the case of young people coming from some considerable distance (you have mentioned Wales) those who have had the welfare of the young people at heart, say their parents, have felt some satisfaction at their being under some general supervision ?—Quite so, but they have not understood that supervision ; that is the trouble ; I mean, the supervision is really such in name only. It is best to go by one's own personal experience, and I can give mine. When I was at Q3 perhaps I would be late one night, say 11 o'clock ; I should be locked out and have to walk the streets all night. Again, I can well remember when I was an apprentice, we were not allowed out at night ; we were only allowed out on Saturdays until nine, other nights we were not allowed out at all. But we used to get out. There was only a steward who was supposed to have watch over us. I used to sing comic songs ; I well remember several nights I was engaged at night clubs and was out all night ; one of my fellow apprentices used to turn down the bed in the morning as though it had been slept in. So that supervision is such in name only ; there is no such thing.

13819. Will you tell me about what you are doing at Cardiff. You intimated to the Committee that you are taking some active steps in Cardiff towards doing away with the living-in system there. What line are you taking ; are you agitating, or are you dealing directly with the employers yourselves ?—Yes. The male assistants for years have been members of the union, and recently they have begun to get dissatisfied with the system as such, and have approached the organisation. Several meetings have been held, and at last they have asked the union to see their employers—that is E8 and M5. We saw M5 last Friday. He was not going to let his assistants live out ; he said "No, I will not ; I will let things go on exactly as they are" ; and the only reason he could give for the keeping on of the system was that he had been used to it ever since he had been in the trade, that it had grown up as a condition of employment in the trade, and that he did not believe in anybody being out after eleven at night ; that if they were out after eleven at night they could not be out for any good purpose. Apart from that, he did not attempt to defend the system at all.

13820. What do the prospects appear to be there ?—Oh, we are bound to win in the end ; public opinion is quite sufficient in South Wales to condemn the living-in system.

13821. In what way do the public view the living-in system ?—They condemn it everywhere ; our meetings have simply been unanimous.

By Mr. Delevingne.

13822. How long have you been organiser of the union ?—Three years.

13823. We were told by Miss Bondfield that the total membership of the union was 22,000 ?—That would be about it.

13824. How do you account for that very small proportion of shop assistants being members of the union ?—Very easily. In the first place, a large number of assistants have in years gone by hoped to be in business upon their own account. They have considered themselves to be superior to the ordinary worker, and it is only as businesses are growing up larger and larger and the distributive trades are becoming more highly organised that they are beginning to understand that they are a permanent wage-earning class, and never will perhaps be anything but assistants; and so they are—just now, anyhow—rapidly coming into the union. We have only been started about fifteen years.

13825. What is the number of new members that you get now every year ?—3,000 or 4,000; they are joining at the rate of over 1,000 members a month now; we do not of course keep all who join.

13826. You say in your evidence that the living-in question is principally a drapers' trade question ?—Yes.

13827. Are we to take it that there is practically little living-in in any of the other trades ?—There is some in the grocery trade, but nothing appreciable.

13828. How do you account for its being a drapery question alone; if it is so profitable for employers in the drapery trade, why have not other employers adopted it ?—In the grocery trade the tendency has been to decentralise, in the drapery the tendency is to centralise. For instance, instead of building up a big store, the grocer will rather have three or four branch shops in a town; so you do not get the number of employees employed together under one roof. That is the only way I can account for it.

13829. How about other trades ?—In other trades there are no big stores. You occasionally find it in smaller places; in pawnbroking for instance you will find a good deal.

13830. You have not prepared any statistics at all as an Association either as to the trades in which living-in exists or as to the number of shop assistants affected by it ?—No.

13831. You made some reference just now to the effect of the living-in system upon health. Have you prepared any statistics for the information of the Committee on that point ?—None at all.

13832. You have no statistics as to sickness or as to length of life ?—No, I have not. Shop life is not a regulated trade; employers are not compelled to furnish statistics to the Board of Trade.

13833. We were informed by the last witness that there is a great scarcity of assistants, that they are more difficult now to get in the drapery trade; do you confirm that ?—Yes. I can remember the time when, on engaging day at a big firm like Q3, there were hundreds and hundreds waiting to be engaged; if you see a dozen now in the season it is quite a lot.

13834. Can you account for that ?—Yes; the agitation which we have been conducting of recent years up and down the country has simply stopped the supply of assistants.

13835. Does that scarcity enable assistants to get better terms ?—Not yet.

13836. But you expect it will, of course ?—Yes, by and by.

13837. The last witness also informed us that an assistant begins as an apprentice at about fifteen years of age ?—Yes, fifteen or sixteen; I started at sixteen years of age.

13838. If all these disadvantages exist that you point out, what is the attraction to a lad to go into the drapery trade at all ?—There would be no attraction if he was aware of the conditions beforehand.

13839. What are the prospects in front of him ?—Nothing, except that he may be a buyer in a big department, able to command £300 or £400 a year, or a manager, or something like that; those are the plums at which they aim; or if he can find or scrape together sufficient capital to start in business for himself, but the chances of success in this direction are becoming beautifully less.

13840. I suppose only one in twenty reaches that position ?—One in about fifteen or twenty.

13841. If that be so, what is the inducement to a lad to go into this occupation, when there are others in which he has the prospect of better wages and an independent life ?—It looks clean; it is a clean trade; the assistant looks genteel always.

13842. He goes into it because of its supposed superior social position ?—That is so. In South Wales I myself have come across, amongst the miners, an enormous number of old shop assistants; they leave shop life when they get disgusted, and sooner go down the pit because the pay is better. You will even find coal-trimmers at Cardiff who have been shop assistants; it pays better.

13843. What is your proposal as to legislation with regard to the living-in system; do you simply advocate the extension of the Truck Acts ?—Yes.

13844. You are aware, of course, of the provision in the Truck Act of 1831 which allows an employer to contract to supply his employees with lodging and food; you do not object to that ?—No. Well, we cannot object can we ?

13845. You simply ask for the application of the Truck Acts ?—Yes.

By Sir F. Cawley.

13846. I want to ask you in regard to fines and deductions; does your union take any notice of that matter ?—Yes; we try to get the abolition of all fines and all deductions. At some firms there are no fines at all.

13847. Have you a concrete case in which you have ever made representations to a firm ?—Yes; there is S5.

13848. What did you do in that case ?—We asked for the abolition of all fines.

13849. They did it ?—Yes.

13850. Why do you not ask for the abolition of all fines at all places ?—When the assistants are organised we shall.

13851. Do you think that a small fine for being late, for example, is any hardship ?—Well, I do not think it is necessary at all, not even a small fine for being late. At Q3 what they do is to publish a "black list"; a black list is posted up, and the assistant makes it a sort of point of honour to be there in time, after a bit, because he does not like to be on the list. If he is on too often for being late, he will be discharged.

13852. Do you not consider that that is a more onerous condition of service than a fine ?—No, I do not; I think it is much preferable.

13853. We have had it in evidence that very few people remain in the drapery trade after the age of thirty-five ?—That is so.

13854. What becomes of them ?—I do not know; it is a mystery; they simply sort of slide out into all sorts of branches—insurance agents, booksellers, and things of that kind.

FIFTY-FIRST DAY.

Wednesday, 10th July, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq., (*Secretary*).

Mr. J. A. SEDDON, M.P., called ; and Examined.

By the Chairman.

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13855. Your attention has been called to the matters that have been remitted to the Committee now sitting ?—Yes.

13856. They include, as you know, the subject of living-in ?—Yes.

13857. We are glad to have you here, but you might kindly tell us in what capacity you appear ?—I am Parliamentary representative for the Shop Assistants Union.

13858. What is the Shop Assistants Union ?—It is a society composed of shop assistants, warehousemen and clerks, about 23,000 or 24,000 in number ; it is a trade union.

13859. Do you hold any official position in it ?—Yes, I am an organiser for them.

13860. Where do you sit for ?—For the Newton Division of Lancashire.

13861. Has your union considered this subject of living-in ?—Yes, for some years.

13862. Now would you tell us in the first place in what parts of the country living-in most prevails ?—London, I should say, and the large provincial cities, such as Manchester, Liverpool, Leeds, Newcastle, and many of the smaller towns in proportion are quite as guilty of it as London.

13863. We had evidence from Miss Bondfield and others with regard to Scotland, where it does not seem to be in existence at all, except I think, in one or two cases in Edinburgh ?—That is so.

13864. Miss Bondfield seemed to indicate that there was no case for interposing there, because the conditions seemed to be on the whole sound, if the system itself was sound ?—That is so. The only danger is that it might extend to Scotland, owing to several English firms extending their operations to Scottish cities.

13865. You are aware of the evidence that was given by Miss Bondfield ?—Yes.

13866. Speaking generally, do you concur with that evidence ?—Entirely.

13867. Then I need ask you only more general questions, In the first place do you approve of the system ?—No, absolutely. I object to it on every ground.

13868. Would you kindly state as specifically and precisely as you can, for the purpose of our notes, the reasons why you object to it ?—Historically, there may be much to be said for the system. I have no desire to cover the same ground as other witnesses from my union have done. All I will say is that from this point of view any goodness the system may have had is destroyed by modern conditions of shop life. It will best serve the purposes of the Committee, and save time if I chiefly concern myself with personal experience. I was apprenticed to the grocery trade at the age of thirteen, board and lodging being all the return for my services during my five years. For the greater portion of the time, I being young, and of good constitution, suffered no ill effects. Later on my health certainly did suffer. The confinement and the necessity of eating quickly brought sickness in their train. There were no regular meal hours ; we had frequently to leave our food to attend to the counter. During my apprenticeship illnesses were very common, both among assistants and apprentices.

13869. Pausing at that point, will you tell us how many people were in that employment ?—There were thirty-four living in.

13870. What part of the country was it ?—Liverpool and the neighbourhood. We had several branches. We had one living-in establishment, and we had branches, and we had to give our services at the different branches as required. The living-in place was at Prescott, near Liverpool. The sameness of the food told upon all. We had the same menu week in and week out, all the year round. We had roast beef on Sunday ; we had it cold on the Monday ; ditto cold on Tuesday ; hashed on Wednesday ; boiled bacon on Thursday, warm ; cold on Friday ; soup and a kind of mixture of potatoes and hash on Saturday. That was the food all the year round.

13871. That was the principal meal of the day ?—Yes ; then there was bread and butter for breakfast, bread and butter for tea, and a glass of milk or water for supper. No one got supper, because we had to have it before we went out ; our hours were long ; we opened at half-past seven in the morning and closed at nine at night ; if we had any supper it meant that we could not get out till 9.30, and we had to be in at ten o'clock, otherwise we were carpeted and reported to our parents.

13872. Were there cases of illness arising from this kind of life ?—Yes. All the apprentices suffered more or less in health ; the weakest naturally suffered most. There are several reasons for it. The chief is the congested state of the bedrooms. The room I slept in was just an ordinary bedroom ; there were three beds, and six persons occupied them, two in each bed. My bed companion for two years was suffering from chronic asthma ; in fact he died from it two or three years after finishing his apprenticeship.

13873. There were men and boys at this place ?—Men and boys altogether ; if I may go on a little further you will find I elucidate that point. The moral effect was even more serious than the physical effect. It needs no words of mine to picture the evil of men and boys occupying the same bedroom. The men have to live in a state of celibacy. The boys are often looked upon as a kind of moral policemen ; the men know this, and often, not from vicious motives, but for self-preservation, they entice the boys into habits and company disastrous to the young, merely to shield themselves. The result of my experience was that the habits thus contracted, in many cases, left their mark in after life. The crowding together in bedrooms is a danger to health. As I have just said, I slept in an ordinary bedroom with six persons in it, two in a bed—often a man—and some of the men were anything but manly in their habits. To this and to long hours, I am convinced, that the diseases among shop assistants are due. Dr. Bowie, in giving evidence before a Committee of the House of Lords said that 38 per cent. of shop assistants suffered from consumption——

13874. When was that Committee ?—In 1893. Mr. Crossley, who is a Member of the House (sitting for the Altrincham Division of Cheshire) and who has started a sanatorium in Cheshire, stated some time ago that 50 per cent. of the girls who entered that sanatorium with consumption had been or were shop assistants.

13875. On this question of health, would you recommend in any case that, even although the system were continued under the sanction of the law, there should be some kind of independent inspection ?—Naturally what I want to see is its abolition ; short of that, I should certainly advocate a most stringent inspection, and at

least the same regulations as those which we have now for model lodging-houses with regard to cubic space; and there ought to be some selection; I believe the law ought to make some restriction as to the mixing of healthy and unhealthy persons. We know that a good many diseases are contracted by mere association, especially consumption; and incipient consumption seems to be the most prevalent disease among shop assistants.

13876. You would favour a system of separate cubicles, I understand?—Yes, on all grounds.

13877. That is adopted now in the case of model lodging-houses?—Yes.

13878. Now will you proceed?—Living in leads to deception. Numbers of married men, in order to get berths, declare themselves single, visiting their wives secretly. This creates a double evil; often the man suffers, and the wife not infrequently suffers also.

13879. Have you known of cases of that kind?—Oh, yes, quite a number.

13880. It being a condition of employment that they must live in, they have to represent themselves as bachelors?—Yes; and in two cases it has been disastrous to both of them; the wife has contracted bad habits and the husband as well, and it has meant the destruction of what ought to have been, not only home life, but the relationship of man and wife.

13881. Then I gather that even although these objections to the system were removed, you would strongly object to the system itself?—Yes.

13882. You have given us the physical grounds of health, food, and the like, pretty much on the lines of Miss Bondfield's evidence?—That is so.

13883. And you think on moral grounds it is a thing to be avoided?—I do. I object to it; and if all the disadvantages such as food, sleeping in, and the lack of choice of companions—which is certainly a very desirable end for most people—if all that was removed, I object on moral, social, physical, and political grounds. I think it not only impairs the health, but deprives men from taking any part in the life of the community; not having votes, they are cut off from the political life. The barrack life destroys the finer feelings developed in home life, produces despair, and often leads both men and women to secret drinking, which completes the destruction of manhood and womanhood.

13884. Do not they have the service franchise?—No.

13885. They could not be under the lodger franchise because they lodge together?—That is so; they do not hire rooms and they are not classed as service men or women. They are really domestics in the eyes of the law, except under the Workmen's Compensation Act.

13886. Now what are the average hours of employment. You gave the grocery trade, in which the hours seemed to be the round of the clock almost?—Of course, it is some years since I had experience. Immediately I was able to elect I refused to take any situation where living-in was a condition. I served five years, and at the age of eighteen I became an assistant, and I spent eleven years behind the counter as assistant and manager.

13887. Take a grocer boy or a boy in a tailor's shop; when is he free in the evening?—It just depends. There has been a considerable reduction in hours in a good many provincial towns. The town where I last worked was St. Helens. We used to open at eight in the morning and close at eight at night; half holiday per week—Thursday afternoon, closing at one; Friday we closed at ten, and Saturday we closed at eleven.

13888. When had you to be in at night to get the shelter of the living-in system?—Most houses in the provinces make it ten o'clock week nights, and nine o'clock on Sunday. In London the hour is extended.

13889. Suppose the young fellows want to educate themselves, and better themselves, what opportunities are there?—None whatever. There is supposed to be a library, which is generally without books, and a common sitting-room, where games are permitted to be played such as dominoes and draughts, and in some places they allow cards; but there is no possible chance of self-improvement inside the house, because if a man goes to his bedroom it was a frequent occurrence that someone wanted to go to bed immediately they had finished; they were tired or not feeling well, or something of the sort.

13890. To that extent the separate bedroom or cubicle would be some advantage?—Certainly.

13891. You put it that they are never alone in the sense of being the complete masters of their liberty?—No, never, and from my experience the great evil is this. It is done to the boys. I was no better probably and no worse than the apprentices, and most of the apprentices during my time suffered from a disease contracted, and probably the only reason that I escaped it was because the senior apprentice to me contracted a very loathsome disease, which always made me fearful and in terror. Boys contract the habits of men. The whole atmosphere is contaminating. It begins with conversation between the men. I do not say that the men purposely poison the minds of the boys, but they get in the habit of talking freely upon subjects which boys ought to know nothing about. Then, the boys are looked upon as I said just now as a kind of moral policemen. The employer puts the boy to watch for secret drinking, the boy very often is given some himself to keep his mouth shut, and in that way he contracts the habit of intemperance as well.

13892. Now, suppose there were substituted regular lodging, with life under home conditions, that of course would be very superior to what you have described?—Certainly. I think that both boys and girls lose a great deal by the loss of home life.

13893. Do you think in practice there would be difficulties in obtaining the suitable kind of lodgings for people in the grocery or other trades?—I never had any difficulty at all. I was able to find lodgings according to my salary. When I first became an assistant, of course, my salary was low; I was in receipt of 24s. a week; I got very decent lodgings for 12s., and board. When my salary went up, I got better rooms, and of course had to pay more for them.

13894. I am thinking of the case of boys—or girls for the matter of that—brought in from the country?—Except in England, Wales and Ireland the living-in system is not in existence. It does not exist in America; it does not exist in any of our colonies; it does not exist in Scotland. The moral guardianship is a misnomer under modern conditions. The shop assistant or the girls and boys brought from the country are subject to a housekeeper chiefly. The employer, except in a few provincial towns does not live on the premises, and therefore there is a housekeeper. In my case we had a housekeeper, an old lady, who was very deaf. She was very particular about us being in at night, but she never exercised any care whether we stopped in. It was quite a frequent thing for one of the boys to be put up to tell the old lady we were all in and that she might lock the door. Immediately she had gone in they could go out and spend half the night wherever they liked; she was no wiser, and she simply trusted to the honour of the boys, who became deceitful through the terror that the men exercised over them or anxious to do as older people than themselves did.

13895. Will you tell me now about the wages earned. We shall take the man like yourself, out of his apprenticeship, and entitled to 24s. a week. He gets that, as it were, when he is a free agent. Now suppose he was taken on as an assistant where the board and lodging was found; what would he get?—I stayed six years with the firm I served my apprenticeship with, as an assistant. I got £20 a year for the first six months and board and lodging; I had to pay for my own washing out of that and I got £20 a year. The first berth I took without living-in, I received 24s. a week.

13896. So that you had 16s. 0d. plus your old wages?—Yes, I was 4s. better off in coin by the change, because I got all for the 12s., both washing and food and lodging.

13897. Now, suppose in this case of boarding under the living-in system there is any complaint as to the food, what is the proceeding?—You have to appeal to the housekeeper, and if it is very bad, there is a possibility of its being slightly improved. In the grocery trade men are different from other trades; you come in contact with so much food that if you do not get it at the table you can take it from the counter; there is no stopping it; there are biscuits and so on; so that the shopkeeper knows that he will have to give you fairly good food, or else he will lose more by what you take when you get the opportunity.

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In the drapery trade there is not that advantage, and the assistants living-in the drapery houses have to spend a great deal of their money in purchasing what would be termed small luxuries, which are really necessities. It does not affect, you will understand, the grocery trade, because the youths and men can help themselves, and they do.

13898. Do you remember cases where the state of matters inside the living-in establishment has been brought to the knowledge of the proprietor of the business?—Yes, I have done it myself on more than one occasion. In fact, for three days I absented myself because of the food, and I got a slight change, but it did not last for very long. You like to keep friendly with the housekeeper; that is one of the first essentials to having a little licence—and I suppose, we all liked that more or less—consequently you will put up with a good deal so far as food is concerned without complaining, in order to keep in the housekeeper's good graces.

13899. What do you think would be the effect of the total prohibition of this system?—There would be a slight dislocation, and I should be prepared to concede a time limit for its abolition; and after that it would settle down into a normal manner; the employer might certainly have a little less profit, but he would have much more satisfaction from the work of his assistants.

13900. That is the industrial effect of it, and I was going to ask you about that. Do you think there would be a better state of matters so far as regards the work itself?—Yes, I do. I speak from my own experience, that continually being confined produces a feeling of tiredness all the time, even in healthy boys. I was considered to be fairly strong and healthy, and fairly rosy in the cheek when I went behind the counter, but in eighteen months I was as pale as this paper, because of the confinement, and it produced that feeling of tiredness. That is not good for the employer himself, the work is not done as efficiently as it would otherwise be done.

13901. May I put it this way to you; that there would financially be a little heavier on-cost, but you think the industry would be a gainer?—That is so, and of course there would have to be a revision of the distribution in the distributive trade, just the same as all other branches of industry have had to be revised by Act of Parliament. Under the old truck system the employers made huge profits out of providing their workmen with food from shops which they kept themselves. The Truck Act put a stop to that, but it did not destroy the industry of the country, it simply improved the *status* of the workmen without destroying any legitimate profit which the employers were entitled to. The profit that is made out of the living-in system at the present time would find its level probably by an increase in the price of commodities—a slight increase—or probably by better methods of conducting the business, but it would find its level in course of time. The only evil that I can see that would arise would come from the immediate cessation of living-in; it would have to be gradual, and, as I say, I am quite prepared so far as I am concerned to give a time limit, believing in its abolition.

13902. There is one particular case I want to put to you. You know, of course, the argument that is generally used about this, which is the protection particularly of young girls who come from the country?—Well, I say that that is merely an echo of what living-in used to be. I quite agree that under the old conditions before the introduction of huge emporiums and multiple shops there was a personal contact between the apprentice and the employer. Take the firm that I was with. Before they developed from one shop it used to be the custom that all the apprentices and assistants had to go to church with the employer, and we had seats provided for us in church; we had prayers every morning and evening; but with the extension of the business and the employer leaving the premises and going to live in the country that was dropped.

13903. Is there nothing like family worship in any of these concerns?—There are very, very few cases. It is just in the case of small houses where two or three are living in; it is only those which bear a relation to the old idea which brought living-in into existence, which was that the employer became the guardian of the apprentices, and looked after them, physically and morally as well as religiously.

13904. Do you think speaking generally that that paternal relation or the relation of the guardian has substantially disappeared?—Oh, it is dead. The system is simply continued because it is an annexe to the profits of the business—for no other reason.

13905. Your view is that when human lives are concerned they should be dissociated from that commercial side of the business?—Yes; I think there is nothing so valuable, and everything should be done by Act of Parliament to protect human lives.

13906. There is one other matter I am anxious to get your views upon. Of course, any general law about this would operate comprehensively, and it might rule out any case which survived where there is, say, a respectable grocer in a country town who takes a boy to live with him; he lives practically in a family relation with him, as one of his own children. Have you any proposal or suggestion to make with regard to that?—Well, under those conditions I believe it would be quite easy to make some provision; that is, that the employer should declare what is the coin value of that that he is giving in lieu of wages—the board and lodging; and that the employer when he makes that statement ought to be subject to some sort of inspection to prove that he is carrying out what he stated he would do when he entered into the contract; that is with boys and apprentices coming in. He would then become more a lodging-house keeper plus the supervision of the youth than he is at the present time.

13907. I would be glad if you could help us to some sort of general rule. I will take the case that I gave you of the small merchant who takes, we shall say, a small crofter's or farmer's boy, and brings him up as a member of his own household; or take the case of a dressmaker in a town who takes the daughter of a similar family; she lives with her employer, and everything is of the best kind. Could you guide us in any way with regard to a general rule that would avoid such cases?—I think that any person who takes an assistant or an apprentice with that idea and with the sense of moral guardianship and giving the apprentice the same house and table as they have in their own family would have no objection to stating the coin value, which would be superior or equal to any lodging-house fare that was given, superior to the conditions of any lodging-house. So far as I am concerned, if there was strict supervision, and if it could be proved that the employer did exercise that guardianship, I have no objection to his having the right to board the individual, always on the understanding that the monetary value was declared when the engagement was entered into.

13908. There is this to be kept in view, that even in such cases, which, stated as you and I have been stating them, are of the very best, there may be opportunities for considerable oppression?—That is so, and I suppose all Acts of Parliament must operate with some little severity on the minority; I suppose it is the fate of minorities to suffer, and in that case the small employer might be hit; but the amount of good done by the abolition of the living-in system would more than compensate for any injury inflicted on those individuals.

By Mrs. Tennant.

13909. You would rather see the system abolished altogether than provision made for such a case as that which the Chairman has been describing?—Yes, I would entirely abolish it.

13910. If the provision were made for the very small firms, would you rather it were confined to people taking one apprentice?—One apprentice, yes.

13911. You would not like to see it, for example, extended to two apprentices or three apprentices?—No, I think you would be opening the door for a continuation of the evils of which we are complaining.

13912. Some of those are evils which in your mind I gather would not be met by inspection?—No; I do not think you could possibly do it; because a good deal of the evil arises from the secrecy which springs up between men and boys who are occupying the same apartments; and the evil, I think, is much greater than anybody who is outside it has any idea of.

13913. Assuming that cubicles were required, would you still say that such an evil as secret drinking might remain ?—Yes, if the cubicles were adjacent. I mean, in one place where they have established cubicles, that is down in Lincoln (the firm is not in existence now), the cubicles were open at the top ; there was a long dormitory, the ordinary bedrooms being divided into cubicles, and these were open about a foot and a half from the top. The men used to converse with one another, and if they wanted to transfer what they were going to drink, one simply stood on the bed and handed it over to the man in the next cubicle.

13914. The system of cubicles generally implies communication by way of passage ?—That is so.

13915. It is easy to communicate ; the inmate of one cubicle can communicate with the inmate of another ?—That is so. It is not the same as a bedroom where you can lock the door and you are alone.

13916. Even assuming that you can lock the door and be alone, if you do not wish to, communication is easier than it would be on different landings and with different passages ?—Yes.

13917. Have you considered the possibility of any disadvantage which would correspond to the advantage you look for in the abandonment of the living-in system ?—Probably I am an extremist. I do not see that there is any advantage in it at all. I think it is all bad, and it could not be worse under any change of conditions. But it is highly probable, in fact it is certain, from my point of view, that it would be better ; that the bulk of the assistants from every point of view would be better. They would have more self-reliance, they would have choice of companions. I believe it is safe to say that the best assistants in this country are Scotchmen, and I put it down to the fact that they do not have living-in in Scotland.

13918. Has it ever been put to you that the assistants in certain circumstances enjoy a form of club life to which they would not have access if they were not employed under the living-in system?—Yes ; there are one or two places in Liverpool, I know, where they make good provision for their assistants so far as club life is concerned ; but the same young men would be catered for by other agencies which would be more honest. They would know what they were paying for, and what value they were getting for their money ; whereas under living-in it is all lumped together, the food and lodging, and these aids to recreation are all put down at a price, and you cannot get a true estimate of their value ; whereas if you went to an ordinary Young Men's Christian Association or a club, you would know what you did and what you were getting.

13919. Then there is another form of club life upon which I wish to have your opinion. It has been stated to me that assistants have the advantage of a rowing club or a cricket club, which they would not have if they were not living in. Have you anything to say with regard to that ?—With us in Lancashire and the inland towns, cricket clubs are kept up by the house, but the assistants have to provide all the tackle themselves ; and that would be met by the ordinary clubs in the district.

13920. Even if it were not met by the ordinary clubs in the district, do you see any reason why the assistants should not maintain those clubs without any recourse to the living-in system ?—I believe they would continue them if the living-in system were abolished ; they would keep the clubs on ; they pay for the clubs themselves, and there would be no inducement for them to give them up.

13921. Do you see anything belonging peculiarly to the living-in system which encourages such clubs ?—No, I do not.

13922. Have you made any comparison between the wages paid in Glasgow and in Scotland generally, and those paid in shops of corresponding size in England ?—So far as Glasgow is concerned the wages are slightly lower than in the living-out establishments in this country as to the reason of that, I put it down to want of organisation.

13923. That is between one living-out establishment and another living-out establishment ?—Yes.

13924. But as between a living-out establishment and what you would add as the proper corresponding sum for board and lodging in a living-in establishment ?—I should say the minimum that we lay down in lieu of board and lodging is, for the provinces, 13s. The assistants in Glasgow would get a monetary value, living-out, equal to the average wage paid, plus 13s. that we consider the minimum for the board and lodging supplied. I believe you may take 24s. a week as a fair wage, and I should say the average wage in Glasgow for a third counter hand would be equal and superior to what I have described when I was a third counter hand myself—£20 a year, plus living-in.

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13925. You see no reason, therefore, why the assistants should suffer under the abolition of the living-in system, either in wages or in any of the facilities in club life which exist at present ?—No.

13926. Have any other possible disadvantages which might follow from the change of system been put before you ?—There would only be the temporary disadvantage of finding the establishment or houses where they might live in proportion to their income, but that would be a temporary disadvantage only, because it is proved by other workers who live out that they have no great difficulty in getting lodgings. I quite agree that several thousands being thrown looking for lodgings might for some little time create disadvantages.

13927. But that you propose to meet by giving a time limit ?—That is so.

By Sir F. Cawley.

13928. Do you wish the entire system abolished, both the feeding-in and sleeping-in as well, or do you make a distinction between the two ?—Well, I wish to see both abolished under present conditions. I am quite prepared to say that if the employer can cater for the food—suppose he can provide the mid-day meal cheaper than the assistants would get it outside, he ought to have the right to do it, but it ought not to be a condition of the employment that the assistant must have his food on the employers' premises.

13929. But would not it be very awkward for a large establishment say in Oxford Street, London, to have the assistants going out in the middle of the day with a lot of customers coming in ?—No. I assume that you agree that an assistant ought to have a reasonable time for his food.

13930. What do you call a reasonable time ?—I think an hour for dinner and half-an-hour for tea is not an unreasonable demand.

13931. What have they now for dinner in living-in establishments ?—Half-an-hour, most of them.

13932. Would not it be really rather awkward for an employer to give much more than half an-hour ? I can quite understand that if they had to go out an hour would be necessary, but is it not your opinion that it is more to the interest of the employer and possibly more to the interest of the employed if the food is good that they should have the meal on the premises, even if they had a little less time ?—No, and I will tell you the reason why. During the holiday season they take their holidays in batches ; they get no extra assistants ; the work has to be done by the people who are left behind, kind of helping one another during the holiday period. Exactly the same with meal hours. I have found where the assistant went out for his food and had the full hour the work was done just as efficiently as in the place where I worked where we did not go out at all, and much more efficiently.

13933. In itself you have no objection to the employer having a dining-room and the assistants getting their dinner there ?—If they have the choice.

13934. But you do not want it to be compulsory ?—No.

13935. Not even the one meal a day ?—No.

13936. In regard to the vicious habits that they sometimes acquire, do you consider that any greater proportion of assistants acquire those habits in living-in places than they do living-out ?—I am convinced, speaking from my own personal knowledge. At fourteen I knew as much as I ought to have known at twenty-four, and perhaps I ought not to have known as much then. Men talk—you cannot get away from it. Whereas if you had boys and men living-out, I suppose provision would be

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made for the boys to live separately and they would sleep in rooms by themselves.

13937. But I take it that there is no system at present by which they could live out excepting in the lodgings that they themselves might provide?—No, it is just the opposite. The parents would look after the lodgings of the boys. When the parents put a boy to any particular trade they would find it part of their parental duty to see that the boy got to decent lodgings.

13938. Do you think that is always the case?—I do. You take the bulk of shop assistants; they are taken from the better end of the working class people, and the lower end of the middle class, who have a considerable interest in the welfare of their sons and daughters. The old idea was to give them a better start than the father had; if the father had been an artisan, they were going to make a gentleman of the son by putting him behind the counter. They had more interest in the boy.

13939. But even if he is put in lodgings there may be more than himself at the lodging-house; they might have two or three; might not he contract the same habits in connection with a number of men in the lodging house as he would with a number of assistants in the living-in establishment?—Well, he might, but the danger is intensified where there are a number of grown men, and the boy has got to fraternise whether he will or not. The apprentice goes to serve for five years; if he complains he makes himself disagreeable to the people he is working with, and the parents will not very often believe him. Take my case. I was supposed to be put into a kind christian home, and because of the reputation of the firm I do not suppose my parents would have believed anything I told them about the house; they would have thought I wanted to get out of it. They would have said: "Oh the reputation of the house is too good, we cannot trust even your statement."

13940. Do you not think in the case of boys living in London they would often on account of cheapness have to go where they would have to sleep together, sometimes even with strangers?—No, I do not, when a boy leaves home, he generally comes from a home where he has had home comforts, and they do not leave him all at once. Of course there are exceptions, but you cannot legislate for exceptions; it is the general rule you must think about The bulk of parents would feel the same responsibility in lodging their boys in lodgings, as they do in getting them into the best firms where they think all this guardianship surrounds them.

13941. Even after they have come out of their apprenticeship would it not often happen that they try to do with the cheapest lodgings possible so as to have more money to spend?—That is not my experience. I can only speak from my own experience. When I got more money, I looked out for better rooms.

13942. I am only just asking you on these points because your evidence goes to show that they would be very much better off living out in regard to their physical welfare. I am not now dealing with your contention that they would be better off in regard to independence of character or otherwise. My point is this. Having found rooms for themselves they would very often not get the same amount of nutritious food and often would be worse lodged outside than they are in?—So far as that is concerned I do not think they would, because assistants usually, and workmen generally, when they look for lodgings, generally get board and lodging at so much a week, and to avoid their meals would be no advantage to them. Of course they might be some who would be foolish enough to go without food so that they might have more money to spend either on pleasure or something else.

13943 No doubt you are aware that this drinking and the other vicious habits that young men contract are not at all peculiar to shop assistants?—Oh, no. I quite agree.

13944. And you are aware that very often where shop assistants live out, they are subject to the same vicious habits contracted by their associations with undesirable characters outside the shops?—That is quite true, but the temptation is not the same. A man has the choice of his own companions outside, and if he goes wrong then he is to blame himself. But a boy enters an establishment where drinking goes on and he is asked to partake of the drink and very often he does it because he does not want to be looked upon as less manly than the other boys who have gone through the same process themselves.

13945. Does not that show that the assistants in shops are rather worse than the others?—No; I say we are no worse and no better; the morals of clerks and the morals of the artisan are just as good as those of the shop-assistant and the morals of shop-assistants are just as good as theirs.

13946. My point is this, that they would meet quite as undesirable people outside as they do in, very likely?—But they can select outside, whereas there is no selection inside.

13947. I will not pursue that any further. Now in regard to getting rid of the system altogether I presume there are certain places that have been built specially for boarding and lodgings the employees?—Not built specially. There are a number of places that have been adapted, but in fact, in the bulk of places—the rooms used for the sleeping accommodation are rooms that could not be used for business purposes, at the top of the building.

13948. There are some large places—take a shop like D 5; was not that built with the idea of providing proper accommodation for the people that live in?—I do not know the firm at all, but speaking broadly the places that are used for sleeping are generally unsuitable parts of the premises for business purposes. There is a case I have in my mind at the moment in Gloucester. They have built up an annexe to the original building where business is carried on, for the shop assistants to sleep in. It is over a stable, about three storeys high, there is a wooden gangway from the shop and the main building to these dormitories that have been built, and they have no means of getting out, except by this wooden passage from one end of the dormitory. In case of a fire in the main building burning that, they would have no means of getting out except by a fire escape, which could not possibly get to the back of the building. It is a veritable death-trap. Only last year at a place in Cornwall, two girls lost their lives through exactly the same thing. They were housed in a part of the building that was not used for business. There was no consideration about the comfort or the health of the assistants; there was simply a bed shoved in the room and they had to sleep there because the rest of the building was of use to the employer.

13949. Mr. Hoffman, I think, said that the union now has given up trying to better the conditions of the assistants, because they wanted to abolish living-in?—Given up trying to better the conditions of the assistants?

13950. Let me read you the portion of his evidence that I had in my mind. This is at Question 13751: "(*Q.*) Then your union does nothing whatever to better the conditions of the employees? (*A.*) We do not intend to do so. We have no intention of asking for improved diet or improved sleeping quarters. (*Q.*) You do not intend to try and better the conditions of living-in in a shop? (*A.*) No, not as far as living-in itself is concerned. (*Q.*) Then what is your reason for having a union except that you want to do away with the living-in system? What else do you do? (*A.*) There is the hours of labour, there is the secret reference question, there is the wages question and so on. There are heaps of other grievances. (*Q.*) But living-in is part of the wages question, is it not? (*A.*) Yes, where they do live in. Of course there is an enormous number of shops where there is no living-in at all. (*Q.*) You give it as the intention of your union now not to try to improve the conditions of living-in, because you think it may tend to perpetuate that system which you wish to do away with? (*A.*) That is so. (*Q.*) However good the system of living-in may be made, it may be perfect or as near perfect as it could be got in every particular, you would be dissatisfied with it and try to have it abolished? (*A.*) That is so"?—I quite agree so far as the living-in system is concerned. We say the system is wholly bad; and, believing that, it would be idle for us to try and improve a thing that we think is wholly bad and can only be beneficial by its abolition.

13951. You agree with this—that you do not intend to try and improve the system of living-in at all?—No, absolutely, we are fighting and will continue to fight for its abolition.

13952. And any improvement in the system of living-in would really be rather detrimental to your aims than otherwise ?—Well, it possibly would be. From the union point of view we are advocating the abolition of the living-in system, and any improvement naturally would continue it for some little time.

By Mr. Walsh.

13953. Sir Frederick asked you as to whether it would not be difficult for many of the large establishments in London to close during the dinner hour. Do you know of any large establishments that do close during the dinner hour ?—There are three firms I am told (I do not know them personally) one in Harrogate, another I believe in Lincoln, the other Newcastle way. This is only what has been told me. In Harrogate, I believe, it is true that the firm closes the shop altogether from twelve to one.

13954. I understood a previous witness to say that the living-in system does not exist at all in connection with the co-operative societies ?—No, it does not.

13955. No co-operative society has living-in arrangements ?—Not what you would call a co-operative society. There is in South Wales one place, I believe it is Treorchy, where the manager is given a percentage for the working of the establishment ; it is a so-called co-operative stores ; it bears the name of a co-operative stores, but that is the only relationship it has to the co-operative principle.

13956. But we are speaking here of societies that are really registered as co-operative societies, and that are under the wholesale society so to speak ?—I only wanted to be free from any mis-statement, because it might be brought up—it might be said, " Oh, there is one society at any rate where there is living-in," but real co-operative stores have no living-in.

13957. May we take it in general terms that the living-in system is unknown in connection with the Wholesale Co-operative Society and the branches connected with that society ?—That is so.

13958. Now many of these societies are very large establishments ?—Yes.

13959. Do they close in the dinner hour ?—No ; they do it in relays of the staff. There is no necessity to close except that it suits the convenience of the firm, because where you have got more than one assistant, any hour of the day, except at the week end when there is a rush of business, one assistant can keep the thing going till the other assistant comes back again.

13960. Has your acquaintance been very large with the co-operative establishments ?—Yes.

13961. Are you aware of any of these that do close during the dinner hour ?—No, I am not aware of any ; they all take it in turns ; I know a number of them who work eight hours a day.

13962. I can give you several cases where they do close the entire dinner hour ?—I do not know them ; they do not in St. Helens, and we have a very big stores there with a matter of 10,000 or 12,000 members. I do not know any that do close for the dinner hour ; I do not say there are not any.

13963. Would you anticipate any serious difficulty if they do close ?—No.

13964. That is to say where they remain open the effective performance of the work might be a little suspended because of the relays having gone to their meal ?—Well, that might be so in some cases, but speaking broadly that is not so ; it seems to work automatically.

13965. But you will not have the same despatch of business during that particular hour ; the despatch will be a little less, will it not ?—Yes, but the hour is generally selected when the rush of business under normal circumstances will not be so great.

13966. So that after all if the establishment was to be closed entirely for that hour would you anticipate any serious loss of business ?—No ; no serious loss of business, there might be some little inconvenience to the public.

13967. But the public, you think, would readily accommodate itself to the change ?—In time, yes.

13968. Have you instituted any recent comparison between those cases where wages are paid entirely in cash where there is no living-in, and the cash and the assumed value of living-in where that system obtains ?—Yes, as an organisation we have done so. My society have taken evidence from both sections of the distributive trade, and on the whole the ones that live out have the best of it even from the £ s. d. point of view.

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13969. Have you gone into the question what is the percentage of loss that you assume to the assistant living in ?—It is very difficult to get, because it varies so ; you will find in one shop ten men doing the same work, and they have ten different scales of pay.

13970. You have not instituted comparisons over large areas so to speak ?—No, we could not, because in the distributive trade hitherto there has been so much secrecy ; one has been underselling the other and accepted such low wages that they have been ashamed to tell their own shopmates, let alone telling anyone asking for information ; there has been no attempt at a standard.

13971. So that the cash value attachable to the board and lodging in living-in establishments is quite in the air so to speak ?—We say that the cash value is outrageously expanded beyond what it really is. Take a typical case. A man is engaged at £30 or £40 a year plus living in ; the employer assumes that that is worth anything from 12s. to 18s. a week, and the man accepts that assumption. Suppose in the course of time that the man was to get married, it shrinks by at least 75 per cent. in value when he wants it in cash.

13972. Have you traced any of the cases. Take your own case ; you have done both classes of work ; you have both lived in and lived out ?—Yes.

13973. Have you instituted a comparison between the actual wages paid to you when you were living out as compared with the cash plus the theoretical value given when you were living in ?—Yes. When I was living in, I had £20 a year plus the living ; that is 8s. a week. The first situation I took I got 24s. in cash, and I got my board and lodging and washing (which was not included in the £20) ; I put that at 12s. a week ; so that I was 4s. better off ; that was the cash value to me.

13974. And were your abilities the same in both cases ? —Yes, I was doing the same work.

13975. You were not looked upon as an apprentice in both cases ?—No, I was third counter hand in both cases.

By Mr. Maddison.

13976. When you talk about the abolition of the living-in system you mean the abolition of it as a condition of employment ?—Yes.

13977. You do not go so far as to say that nobody should live-in under any conditions ?—No. If a man likes to make an arrangement with his employer he can do so, and pay his employer the same as he does anybody else.

13978. What would be the practical effect of that divided over the area of shop assistants' employment ; do you think it would mean the gradual extinction of the system ?—I am convinced that immediately you eliminate the profit the employer will cease to talk about guardianship.

13979. And you would say that about the smaller shops—even smaller shops that your experience has given you some idea about ?—Yes, I think it is a vicious condition of employment.

13980. I have in my mind a shop in my own neighbourhood, if I may be personal. There are two young fellows—they are men really—and they seem to be having a good time ; they live with the family and so on. Supposing this system was altered it would make no difference in that case, would it ?—Yes ; the employer would have to say, " These men are boarding with me and I pay them their wages in coin of the realm and they have elected to live with me ; it is not a condition of employment."

13981. But the practical effect in many cases would be that things would go on just the same ?—In very small places probably it would. I know there are assistants who are living in who are quite comfortable in the places where they are.

13982. What I wanted was to get in my mind whether I was not right in thinking that the barrack life which you and your colleagues have described so vividly does not hold good in any sort of sense in a large number of small

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shops where the assistants live in ?—No, it naturally could not, because there is no barrack life. Taking mere numbers alone it is obvious that you get more of the home life where you have only, say, two assistants living in.

13983. Take two, or three, or four ?—Yes, say four. A good deal of the evil that accompanies the barrack life certainly does not exist under those conditions.

13984. Therefore, what you are advocating here is really that living-in under the present system should be treated as truck, and that men should be paid their wages in full, which they are not now paid ?—That is so.

13985. And that afterwards they should make what arrangements they liked ?—That is so.

13986. That is to say you are not in any way attempting to prevent a full-grown man from either living in or living out so long as it is not a condition of employment ?—Yes, that is the attitude we take up.

13987. Now, again, on practical business lines would you tell us whether there are not some trades employing assistants where living-in does not prevail to any extent; let me give you one; take ironmongery. Does living-in prevail there ?—Only in very, very few cases.

13988. I suppose those men are shop assistants ?—Yes.

13989. In a place like Liverpool you know there are some very fine establishments, where, I take it, it practically holds good that they do not live in ?—Quite so, and it is practically abolished in the grocery trade now; there are very few cases except just small country shops where they live in at all now.

13990. Then it really comes to this, that in the main it is a drapery question ?—That is so.

13991. There is no living-in in Scotland ?—No.

13992. There is no living-in in Ireland ?—Yes, there is in Ireland. To some extent there is living-in in the grocery trade in Ireland. I was speaking of England when I said that it had been abolished in the grocery trade.

13993. Now, take places like Slater's. They have got a lot of girls, they open about eight or nine o'clock and close about eight or nine o'clock. Do those girls live in ?—No, there is no living-in at Slater's or any of the multiple firms.

13994. That kind of multiple firm have never tried living-in ?—No.

13995. And I suppose they have just the sort of conditions that the drapery and grocery trades have ?—Yes, and strong competition.

13996. Speaking as a practical business man you can quote cases like those—ironmongery and others—to show that really this living-in system is not necessary to the conduct of the drapery and other business where it obtains ?—That is so.

13997. Now, about the dinner hour. It is not part of your case is it that it would be necessary to close the shops ?—No.

13998. I was really thinking of the cases that Sir Frederick put—houses such as the large West End shops. I do not suppose you would suggest that they should close for an hour ?—No; we do not want to control the business of the firm at all. We simply say that the assistant is entitled to an hour for a meal, and that that ought to be an arrangement between the management and the individual.

13999. And as to the question of eating-in, rather than living-in, you would put that on exactly the same footing —that the man must not be compelled to eat in ?—Just so.

14000. Now, you have told us in veiled language, much the same as Miss Bondfield did, about the moral side of this question, which we all take a deep interest in, especially with the young. I take it your evidence really does prove that in mixing boys and men—which we do not need any elaborate language to go into—there really is a good deal of the moral evil going on ?—Yes, that is so, to a painful extent which people would not believe.

14001. I think the question has been put already, but your evidence makes one ask you whether, after all, you think that, in spite of that, shop assistants, as a class are more immoral than other classes ?—No It is the conditions.

14002. But if all this goes on, it ought to have its effects on the shop assistants. Would you say that the shop assistant under the living-in system is really more immoral than the man working in a fitting shop ?—I mean to say this; that what is probably passable for a man becomes hurtful to a boy. It is just at that period of boyhood growing into manhood when the mischief is done and probably their own sense of right and wrong when they are older leads them to forget a great deal and give it up; but the evil has been done; their mind has been poisoned, and they have contracted sometimes disease and sometimes habits which gradually draw them down instead of elevating them.

14003. With respect to apprentices, of course, there again you would still give a parent the same chance if he thought fit to allow his boy to live in, but it would have to be voluntary and not a condition of employment ? That is so.

14004. Taking your business generally, what do you think would be the effect of that; do you think parents would avail themselves of outside accommodation ?—Yes, I do. Scotland has been cited very often, and I can only apologise for referring to it again, because it is the only illustration I can give. In Scotland, I know, it is quite a common thing when they want an assistant or an apprentice that they advertise in some country paper; the parents then get into communication with some individual through the church to which they belong and make inquiries about it.

14005. Suppose Parliament ultimately agreed to abolish living-in as a condition of employment, should you want then inspection and regulations and conditions as to cubic space and all that, for those who did live in ?—Yes.

14006. You would still want these places registered ?—Yes, I think they ought to be.

By Mr. Delevingne.

14007. You gave the Committee some evidence on the subject of the illnesses of shop assistants. Has your association got together any health statistics to place before the Committee ?—I think that that is in process of being got together. It was probably very stupid, but we never thought about it until just a week or two ago. I think it was more an accident than anything else that we did think about it. One of our branches wrote to say that all the deaths they had had (I cannot give the figures at present) had been from consumption. That fact led to an inquiry, which is going on, as to the diseases and illnesses of shop assistants, and what are the principal illnesses and diseases from which they suffer. That will take some little time, but I believe it will be got ready in time for this Committee before you report.

14008. You attribute a good deal of illness, especially consumption, to what you call the congested state of the bedrooms. I suppose a very strong contributing cause would also be the ventilation and conditions of work in the shops ?—I said the living-in and long hours—that is behind the counter—in most shops they are unhealthy; there is gas and all that sort of thing.

14009. When you say long hours, you include not only the actual period of work but also the conditions under which the work is done ?—Yes; the confinement; the going from one vitiated atmosphere to another to sleep—working in a bad atmosphere all day, and then going into another bad atmosphere to sleep all night. My point is that the danger is not so great where they leave the bad atmosphere and get into fresh air.

14010. You mention the evils which result from men and boys being put to sleep in the same rooms. Is it your evidence that that is generally the case at the present time ?—I am speaking from my own personal experience.

14011. I know, but I want to see how far you will go ?—It is confirmed by conversations in every part of the country with members of my own union.

14012. You say that that is a common state of things at the present time ?—Everyone deprecates it. The men who are grown up all agree that it was an injury to themselves individually, and they would much prefer that the boys were separated from the men, for the boys' sakes.

14013. But is that a common state of things at the present time ?—As far as I know.

14014. There has been no charge ?—No, there is no separation.

14015. Does your evidence cover the case of big warehouses as well as retail shops ?—Yes ; you refer to F 8 and suchlike places, I suppose.

14016. Yes, the large wholesale houses of London and Manchester ?—A number of them have living-in places. There is one firm in St. Paul's Churchyard ; they have a place in ——— Street where they board their assistants ; I think ——— Street has not got a very savoury name.

By Mr. Maddison.

14017. Do you know whether they have the living-in system in the large Manchester warehouses ?—No ; it is confined practically to London, I think, in the case of the wholesale houses.

By Mr. Delevingne.

14018. Is it your evidence that the conditions are the same in the wholesale houses where there is living-in as in the retail shops ?—Yes. I addressed two very big meetings in the City this last month as a protest against living-in, and they all, warehousemen as well as assistants, are agreed that it ought to be abolished ; the conditions are bad.

14019. In what way do you suggest that the living-in system should be abolished ; would you be content with the simple extension of the Truck Acts so as to include shop assistants ?—Yes.

14020. Including in the Truck Acts the provision in Section 23 of the Act of 1831 as to certain deductions ?—Yes—that they should come under the Truck Acts exactly the same as any other workers.

14021. You think if that were done shop assistants would be sufficiently strong to prevent any direct or indirect coercion on the part of the employers to compel them to contract for board and lodging under Section 23 ?—We are hoping so, anyhow. That is the demand we make—inclusion in the Truck Acts.

14022. One question on the subject of the meal hour. Is your recommendation that Parliament should require a meal hour to be given not only to women and young persons but also to men ?—Yes. Of course, that is a matter of arrangement between the individual and the employer.

14023. Are you asking for Parliamentary interference on behalf of the adult men shop assistants as well as on behalf of women and young persons ?—Yes.

14024. You are aware that there is no similar provision in the Factory Act ?—There is no provision in the Factory Act ; it does not apply to male adult labour. *Mr. J. A. Seddon, M.P.* 10 July 1907.

14025. But you are asking for that interference ?—Well, we would be quite satisfied with it applying to women and young persons to begin with, because we believe that the strength of our union would force it with regard to grown people.

By Mr. Maddison.

14026. Are you now confining your remarks to the dinner-hour or are you referring to the general question ?—I took it that you were speaking about the dinner-hour.

By Mr. Delevingne.

14027. I was on the question of an interval for the midday meal being allowed to the shop assistants, a fixed definite interval ?—I think that would right itself.

14028. It is not a truck question at all ?—No, it is not ; that is perfectly true. That would settle itself, I believe, so far as adult males are concerned.

By the Chairman.

14029. When you describe yourself as being boarded and having £20 a year in addition, had you to have your washing paid for out of the £20 ?—I had to pay for my washing ; at least I should have done had it not been done at home ; it was done at home by my people.

14030. With regard to one shop in London of which we heard a good deal, Q 3. Are you able to confirm the evidence that was given with regard to the accommodation there ?—Not from personal knowledge, only from conversation with the people who live in there. A fortnight ago I addressed a meeting in the neighbourhood of Q 3, a large meeting at Dr. Clifford's Chapel of the employees of Q 3. They all agree that the conditions there are not what they might be, but they are better than some places in London. That is all I can go by.

14031. Then about the National Association of Grocers' Assistants ; do you know that body ?—There is such a body ; what their numbers are I do not know. I am told they are about 500 strong ; what they are I do not know.

14032. Have you any idea that they have a different kind of experience from your own ?—Oh, no. I mentioned that so far as the grocery is concerned there is very little living-in now

FIFTY-SECOND DAY.

Wednesday, 17th July, 1907

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

Mr. M. J. O'LEHANE, called ; and Examined.

By the Chairman.

14033. You have come from Dublin to give evidence here on behalf of the Irish Drapers' Assistants' Benefit and Protective Association ?—Yes.

14034. You are the general secretary of that Association ?—Yes.

14035. You have been kind enough and business-like enough to furnish a type-written communication which is in the hands of members of this Committee. It goes so much into detail, and is so clearly put, that I will ask whether you have any objections to the Committee simply resolving to incorporate the whole of that statement as your evidence ?—I have no objection at all to that being done. *Mr. M. J. O'Lehane.* 17 July 1907.

14036. You are able to state that the *prècis* in question correctly represents the view of your Association and is founded on actual experience ?—Yes.

14037. That *prècis* states your case ?—Yes. It is as follows :—

OUR CASE.—We object to the present system of boarding and lodging shop assistants for various reasons, some of which we give below under various heads.

FOOD.—In the first place it compels men and women to pay for board and lodgings in the selection of which they

Mr. M. J. O'Lehane.

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have no voice and over the quality of which they have no control. The result is that the food supplied is, in the numerous cases, either of an inferior kind or unsuitable. In some instances it is unfit for human use, and it happens not infrequently that the supply has to be supplemented out of the slender purses of the already victimised assistants. Under this system the dyspeptic has to accommodate himself or herself to fare suitable only to the robust, and is denied the privilege of selection in diet even though the dietary selected would not be more expensive than that ordinarily supplied. The time allowed for the principal meal, twenty-five minutes, is not at all sufficient, and even during this very limited time one is liable to be frequently interrupted by being called away to attend to customers. Under such conditions the most healthy constitution will speedily break down, and this is fully exemplified in what we must describe as a sad procession of young men and young women who are ordered home almost daily to the country in ill-health, in many cases never to return.

Bedroom Accommodation.—As lodging-houses, too the warehouse premises are to be condemned and not by any means on sentimental or theoretical grounds. We wish to treat of the matter from a practical point of view, and we cannot help saying that the conditions prevailing in some of the bedrooms are simply disgraceful. The sanitation is bad, the rooms are overcrowded, in many cases one bed is shared by two persons and in some cases perhaps a healthy person has to share his bed with a consumptive. In many instances a youth fresh from the country is put in a room with ten or twelve others of various ages ranging from fifteen to forty years. In our opinion the dangers to morals from this practice is very great, far greater than if the youth were allowed to obtain lodgings with a private family where he would see something to remind him of home, a place from whence the moral surroundings of his boyhood would not have been completely obliterated. It may be asked, if the present lodging accommodation provided for the assistants is not to be utilised by them what is to become of it ? We say that space in the principal streets of our large towns and cities is very valuable and that it can be utilised for warehouse purposes. We are also of opinion that as a result of sleeping off the premises the insurance risks would be considerably decreased and consequently the present high rates could be very much lessened also. We may mention that in a large drapery firm in Dublin where sleeping accommodation exists for over 300 assistants, an allowance of £10 to each assistant has been made recently to enable them to provide lodgings where they please. Other firms of Dublin and Cork have acted similarly during the past twelve months.

Fire Danger.—There is scarcely any provision made for escape in case of fire and in no case adequate provision. Fires occur with startling frequency in drapers' shops in Ireland, valuable lives are sacrificed and often hundreds escape miraculously. At the inquest on the victims of a fire which occurred in Dublin last July the proprietor of the firm said : " he was aware there was great danger of fire in his business," and when asked what precautions were taken for the saving of the lives of the inmates in his house in case of fire, replied that, " the matter was never considered to make provision," although he was aware that the happening of a fire was the likely event, and said : " well it never struck him."

Citizenship.—In a democratic age with an extended franchise when every man wishes to have a voice in the administration under which he lives, the tendency of the times is, as it should be, to cut adrift from feudal customs and institutions. But the thousands of intelligent men and women who are compelled to live in these drapery lodging-houses are completely disfranchised. They are outlanders in their own land. The " living-in " system means a serious curtailment of the personal liberty of those who have to submit to it. It is an infringement of their social rights and of their ordinary rights as citizens, and as men who are responsible for their actions. Men are timed going out and coming in, spied upon, fined, dismissed, and generally worried. in fact it is more difficult to conform to the various rules and avoid the pains and penalties attendant upon the " living-in " system than it is to go through the day's work. To this system also may be attributed the abnormally low marriage rate amongst those employed in shops. The average rate of wages in this country for assistants engaged at the drapery and allied trades is about £40 a year indoor. The employer debits his departments with £40 for each assistant as being the cost of board and lodgings. If this amount were allowed to assistants in lieu of board and lodgings about 40 to 50 per cent. of them could afford to marry, whereas at present 95 per cent. of them are not married. Under the stupefying influence of this " living-in " system the employee drifts along in a listless and unenterprising spirit, the meagreness of his pay deterring him from seeking a partner to share his joys and sorrows. He is treated as a baby to be fed and put to bed as his master chooses. The system is one that militates against the cultivation of the mind and against that social and domestic enjoyment which every respectable business person should look forward to when his day's work is over. We have no hesitation in characterising the system as a slavish and degrading one—another relic of the less enlightened days of the past and a business feature which is altogether out of keeping with the more civilised and progressive spirit of the present day. In a word we consider the " living-in " system is a disgrace to latter day civilisation and an enemy of the interests of employees—morally, mentally, and physically and we trust that the result of the inquiry will be to apply the remedy, viz.—abolish the system, and allow the assistants a living wage and let them cater for themselves as best they can.

Supplemental (*Bedroom accommodation*).—In many cases the rooms are overcrowded and badly ventilated. In rooms containing from five to seven beds the average cubic space for each person is about 500 feet. Adults share the same rooms and in some instances the same beds with apprentices. The bedding is not satisfactory. In some cases the sheets are not changed for three weeks, and we are aware of instances where the blankets have not been changed for four or five years. (*Bathroom*).—It is only in very few establishments that a bath can be obtained. (*Sitting-room*).—In many houses there is no sitting-room accommodation, and in scarcely any place is there anything like adequate accommodation. In winter especially this is a very serious matter, because in the absence of sitting-room and of a fire the assistant is often driven to seek the very dangerous and doubtful comfort of a public-house. In many cases sufficient w.c. accommodation is not provided, and the flushing is imperfect, and on account of the fact that many of the modern drapers' shops consist of a number of houses taken one after another as trade grows, the w.c.'s are in many cases inconveniently situated. (*Fire*).—There is scarcely any provision made for escape in case of fire, and with a few exceptions there are no night watchmen on the premises. (*Fines*).—Since the establishment of this association the fining system has decreased considerably, but it is still in vogue in some cities, notably Belfast. (*Stoppages*).—2s. 6d. a month is deducted for doctor, library and polishing boots, but we find that in many cases there is no library, and the boots are not polished. The staffs have not the appointment of doctors. (*Food*).—Please see general statement. (*Wages*).—The average wage of a drapers' assistant in Ireland indoor is about £40 a year. The amount calculated by employer as value of " living-in " is about £40. The value of " living-in " to assistants varies a good deal. In Dublin, if an assistant were to provide board and lodgings, it would cost him about 15s. per week. In the other cities and towns the cost of living is lower. Many assistants supplement present board to the extent of 6d. per day.

14038. I observe that your statement of evidence is signed by Mr. O'Sullivan, President, by yourself as General Secretary, also by Mr. P. G. McDonough, Belfast, Mr. E. Buckley, Cork, and Mr. J. C. Timony, Limerick ? —Yes.

14039. Do the drapers' assistants in these towns share the views expressed in your evidence ?—Yes, I could produce further evidence from these centres with reference to that.

14040. Suppose Parliament were to be of opinion that the system of living-in should be abolished, I wish to ask whether you are of opinion that, in places where it now prevails, accommodation could be got in other parts of the towns for the assistants who now live in ?—Yes, certainly.

14041. Have you addressed yourself to that question ? —I have no doubt sufficient accommodation could be

provided for all the people who are "living-in" at present.

14042. On the assumption that sufficient accommodation of a comfortable and responsible kind is provided, which is, of course, what you assume, do you think the condition of the workers would be benefited?—Oh, yes, decidedly.

14043. Do you think that the home associations under which the workers would then live are infinitely preferable to those set forth in your paper as existing under the "living-in" system?—Yes, I do.

14044. Do you think the efficiency of their work would be impaired?—No, I do not think so; I think it would be otherwise.

14045. You mean it would be improved?—Yes.

14046. What would be the effect on wages in your opinion if the living-in system were abolished?—Its abolition would tend, perhaps, at first to reduce the wages, but ultimately, I think, it would tend to improve matters. At the outset it might be difficult to get employers to allow the equivalent. We calculate that 15s. a week should be the minimum in lieu of board and lodgings.

14047. You think there would be a period at first when it would be difficult to get such an allowance as that?—Yes. In some of the Dublin houses they make an allowance for lodging, namely, £10 a year. A good many firms in Dublin do that at the present time, but none of them, so far as I know, have made an allowance for both board and lodging.

14048. Are you aware of any cases in which the living-in system formerly existed but has now been abolished by a particular firm?—Not completely abolished. I know of several cases where the lodging-in system has been abolished, but the boarding system has not been abolished in any of our firms up to the present.

14049. Suppose the system of living-in were to be continued, have you any suggestion to make with regard to whether the places where it exists should be under inspection?—Yes, most decidedly. If the system be continued there should be an altogether more rigid inspection. At present the places are exempt from inspection almost entirely, especially sanitary inspection, as a complaint must come from the firm or someone actually employed there before an inspector can visit. In one case a firm refused to allow an inspector admittance to the premises. We get complaints from a few of the girls of overcrowding, and also where no shop seats are provided. In one such case the shop seats inspector went there and got a declaration from these girls that they were perfectly satisfied and had nothing to complain of. I presume that declaration was written at the dictation of the employer and when the sanitary inspector got there he was not allowed to inspect the place at all. These establishments are looked upon as private dwellings, no matter how many reside upon the premises, and they can only be supervised in the same way as a private dwelling house is.

By Mrs. Tennant.

14050. Do you in your objections distinguish between the living-in system and what has been called the boarding-in system?—We object to the living-in system in its entirely, both lodging and boarding.

14051. If the assistants were to lodge out you would still object to their having their food indoors during the day, for example, their tea and dinner?—We would not object to their having their tea on the premises, but we object to the present arrangements whereby they have no voice in the selection of their own diet. We think they should have freedom to choose whatever diet they consider most suitable to themselves.

14052. If they had such freedom of choice you would not mind their having their dinners on the premises?—If they had a free choice and the matter was managed by themselves, we would not object to such a system as exists, I understand, in the Post Office and some other departments of the Government.

14053. You distinctly wish the catering to be managed by themselves?—Oh, certainly.

14054. I observe that what you give as the employers' estimate of the cost of living-in is about £40 per annum?—Yes.

14055. That would cover your estimate of 15s. a week?—Yes.

14056. Do you think you would have difficulty in obtaining the extra £40 which is the value now set by the employers upon living-in?—I think we would have difficulty in the beginning. For instance, if a man were paid £50 per annum we should have difficulty in getting that raised at once to £90. One large firm in Dublin when they abolished the living-in system stated that they were prepared to treat with us as an organisation in fixing the boarding-out allowance, but we have done nothing in the matter since.

14057. You have said that employers debit themselves with £40 to meet each case of living-in?—Yes. But it does not really cost that amount. The various departments are expected to show a profit, and if there are ten living-in in a department that department would be debited with £400 as the cost of their board and lodging; the department has to make a profit to meet that.

14058. Have you ever formed an estimate of what living-in does really cost per head to the employer?—In some of the good houses it costs about 1s. 1½d. each per day, as at G 8 in Dublin where the board is good. In some other houses the cost is anything from 6d. to 1s. per day. It varies, of course, a good deal in some cases.

14059. Does it fall in some cases as low as 6d. per day per head?—Yes.

14060. What is your view concerning the power of your organisation to obtain better wages than those which might at first be offered?—The wages at present on account of the living-in system are rather uncertain. In some cases they are regulated by uncertain commissions and by uncertainty as to what the board and lodging is worth. The assistant often does not know what is the value to himself which is put upon his services. We consider that the man or woman employed as an assistant should be allowed to spend as he or she likes every penny earned. They should have perfect freedom with regard to such expenditure, and it would be a question of organisation afterwards to raise the wages to a reasonable standard.

14061. You are prepared to risk a lower net wage in the first instance in order to secure the abolition of the living-in system?—Yes. Although we do not consider that there would be much of a risk. We think there would be compensating advantages, even if it should not be found possible at first to get an adequate allowance as the equivalent of board and lodging.

14062. You anticipate that at the start there would be some diminution in the wages paid?—Yes, that is possible, although, perhaps, not probable. We consider that £10 is practically sufficient for mere lodging—for lodging alone; that is now generally considered to be so in Ireland.

By Sir Frederick Cawley.

14063. I suppose that the £40 which you say the employers calculate as the cost of living-in per head is a mere matter of book-keeping?—Yes.

14064. The catering department debits the warehouse department with the charge and the catering department has to show some profit as well as the others?—Yes, it is often the best paying department in the firm.

14065. You mean because it debits the shop with more than the living-in really costs?—Yes. A profit is certain to be made by any department which has a number of guaranteed customers who must patronise that department whether they like it or not, and where the department is not in competition with other firms as regards catering.

14066. Is it not a matter of book-keeping in the same way that the counting house, although it neither buys nor sells, has some proportion of its expenses charged to the other departments and so may show a profit?—Yes.

14067. Did I understand you to say that the real cost of living-in is about 1s. 1½d. per day?—That is the highest standard.

14068. Does that include the lodging or only the actual food?—Both board and lodging.

14069. That only comes to about £20 a year?—That is so.

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14070. Then do you say that the catering department debits the shop with about double the amount that the living-in actually costs ?—That is so in some cases.

14071. Then the shopkeeper in order to keep himself in the same position as at present and avoid loss would really only have to give his shop assistants £20 more per annum than he pays now ?—We consider that firms are at present making an undue profit on the catering.

14072. In order to make up the 1s. 1½d. per day the employer would only have to give his assistants £20 each per annum more than he now pays, and out of that the assistant would have to pay his own board and lodging ?—Yes, if the assistant only got what the present system now actually costs the employer.

14073. Would that be satisfactory to you ?—No, it would not. We consider that the assistants should get at least 15s. per week extra.

14074. You think the employer should really spend about double the amount which you consider that the living-in system now costs him ?—The working expenses and the question of valuable space have not entered into my calculation.

14075. But you said the 1s. 1½d. included lodging, which, of course, means space ?—Yes.

14076. What are you asking the employers to do ? According to your own showing, the living-in system costs at present practically about £20 a year to the employers, or a little over, and you would like an allowance to be made of about £40 a year, being the amount which you say is now debited to the shop by the catering department ?—Yes.

14077. What you are really asking the employer to do is to give each of his assistants £20 per annum over the extra cost if they live out ?—I do not think the employer would have to go to so much extra expense. He would save the expenses of the catering staff and the space for catering, etc.

14078. I understood you to say that the 1s. 1½d. per day included sleeping accommodation and everything else, and not merely the bare food ?—I cannot be quite sure as to the precise figures, especially if the space value and general working expenses of the catering staff are taken into account.

14079. But you would make the employer go to considerably more expense ?—No doubt it might cost the employer more at first if he gave a reasonable allowance, but whether the amount would reach £40 instead of £20 I am not sure.

14080. It might represent a difference of £10 ?—Yes, it might.

14081. Then if an employer has 300 assistants that would represent a difference to him of £3,000 a year, or £1,000 per annum if he has 100 assistants ?—Yes.

14082. If the living-in establishments were properly inspected by law as regards air space, sleeping accomodation, sanitation, etc., do you not think that the living-in system is often really better for a young man or young woman coming from the country than to be placed in more solitary lodgings, possibly without any supervision ?—I believe they would be much better off living-out. That is the opinion of all the assistants I know.

14083. In what respect would they be better ? Do not you think it might be better for a young man or young woman to live in a properly regulated establishment rather than have to go out and find lodgings for themselves with no supervision ?—Even taking the case of a girl, I believe she would be better off if she were in lodgings. I am sure the men would be infinitely better off. Supervision is often practically impossible under the living-in system, and I do not believe the girls are better off. I do not believe it is good at all for a girl to be put in a room with five or six other girls, a room where there is little furniture and no pictures or anything to remind them that they will ever have more responsible positions. They have, as a general rule, at present no sitting-room whatever, and after business the girls go to their bedrooms, dress as quickly as possible, and go out. If they afterwards go into married life, they become practically useless for any kind of domestic duty after a few years in such establishments.

14084. Is there much difference in that respect between a properly regulated establishment and the case of two or three girls coming together and sleeping in private lodgings ?—The girls in every other walk of life do that.

14085. But, I repeat, is there much difference between the two cases I have mentioned, and is there any real benefit, morally, socially or in any other way in the case of girls who live in a cheap lodging by themselves without control as compared with those who live under some proper supervision in an inspected and well-regulated establishment ?—I believe that socially they would be much better off living-out. Whilst they live in the establishment they are cut off from all social ties whereas many of them could manage to stay with friends.

14086. Under the living-in system they are obliged to conform to certain rules and to be in at a certain time at night, but there would not be that control if they lived by themselves in private rooms ?—I believe that in the latter case they would often go home much earlier; they would live in the suburbs.

14087. You do not suggest that in such lodgings as they could get with their small wages there could be much in the way of decoration or works of art in the room ?—They might have something of the kind on a small scale, but nothing very elaborate.

By Mr. Walsh.

14088. I understood you to say that the average rate of wages in the country for shop assistants is about £40 per annum ?—Yes.

14089. Does that represent the actual cash paid ?—Yes.

14090. And you have said that the employer debits himself with £40 for each assistant as the cost of board and lodging ?—Yes.

14091. Which would give the double charge as £80 per annum ?—Yes.

14092. In referring to G 8 of Dublin, as one of the best firms, and as paying perhaps 1s. 1½d. per day in board and lodging, would that only apply to six days a week ?—No, to seven days a week

14093. Have the assistants to live in on Sundays ?—Oh, yes.

14094. Then the cost would be about £20 per annum ?—Yes.

14095. If the cost is about £20 per annum, is the extra £20 which is debited to the firms made up in cost of managment, etc. ?—Yes, I presume so. The department has to show a profit.

14096. The food would probably absorb one sum of £20 and the general charges of supervision, etc. would represent another £20 ?—That would be the only explanation, according to my mind.

14097. Have you ever gone into the question as to what is the average amount paid by a young man such as a draper's assistant for lodgings which he has to find in one of your large towns. If he lodges out, how much has he to pay for food and lodging ?—I know a number of young men employed in the Customs and Post Office who live under such conditions, and what they pay ranges from 10s. to 17s. per week; it varies in proportion to the amount they earn. Some of them earn from £1 to £2 per week.

14098. That is their wages ?—Yes, and they would pay from 10s. to 15s. per week.

14099. From £26 to £39 per year, or an average of about £32 per annum ?—Yes, probably, but the amount varies. Some assistants are well paid and some are poorly paid. One man may not object to pay 2s. or even 2s. 6d. for his dinner, but that is no reason why another, who cannot afford so much, should not be allowed to purchase his dinner for 4d. or 6d. or 8d. if he is so inclined. Considering the disparity in the wages paid, the assistants ought to be free to choose whatever diet they consider suitable, not alone to their constitutions, but to their purses and pockets.

14100. You submit that freedom is the right of these people ?—Yes.

14101. And you represent it as a hardship that those earning lower wages should be debited with the same charge for living in as those who earn higher wages ?—Yes.

14102. In the case of firms, who employ, as you say about 100 assistants, are these entirely male assistants ?—Not entirely; about 70 per cent. of them would be male assistants. H 8, in Dublin, employ about 300 hands, and three out of four of them would be male assistants.

14103. Do the female assistants live in ?—No, they do not sleep on the premises.

14104. How are they accommodated. Do they find their own rooms ?—Yes.

14105. Do the male assistants sleep in ?—Few of them do now. At one time the firm I have mentioned had sleeping accommodation for about 200.

14106. Do the girls come to Dublin in most cases from the country ?—Yes, in many cases.

14107. Is there any complaint of lack of supervision or of loose morals ?—None whatever.

14108. Is it at all likely that if the system which exists at H 8 were extended to other firms there would be any different result ?—No, in all the large firms now, or in nearly all of them, the girls sleep out. It is only in the medium or small firms that they usually sleep in, and the conditions in these are generally inferior.

14109. I suppose there would be no serious difficulty on the part of girls who come from Tralee, Limerick or elsewhere to Dublin finding there relatives or decent people to take care of them ?—I think there would be no difficulty. My experience is that from the moral point of view there is often more danger from the living-in system than from living out. I certainly do not believe that the morals of those girls who live in are any better than the morals of girls who live out.

14110. In this *précis* of yours, are any of the cases inclusive of establishments where girls do live in and sleed in ?—Oh, yes; some of them include living in establishments and others living out. It is a general statement dealing with both living in and living out. When I say living out, I mean sleeping out.

14111. But I am asking, have you any cases in this *précis* where the girls both live and sleep in ?—Yes.

14112. Can you give me a case where there are a large number under that condition ?—Not more than thirty in any house. In the larger houses where they employ sixty or seventy they all lodge out.

14113. Is there any system of inspection where there are, say, thirty living in ?—There is no inspection. I have known houses in Dublin and Waterford where there are no blinds in the windows, perhaps one chair in the room for four or five girls, and if one of those girls happens to get sick and lay up of a morning, it may be eleven or twelve o'clock before she is visited by the housekeeper or one of the servants and gets a cup of tea, and then she is rushed off to the hospital; it does not matter what is the matter with her, although she might be able to recover in a day or two, they will not keep her in the house; they simply run her off to the hospital immediately.

14114. Is it the general thing that the girls have a cubicle or a little room to themselves ?—No.

14115. They share the room with others ?—Yes, from two to five or six.

14116. In the case of the £40 a year debited as the cost to the employer for each assistant living in, do you think that that debit placed against the assistant has the effect of really reducing his actual cash payment ?—I do not know, I would not say that. Do you mean to put it in this way, that if it were to be abolished altogether he would get more than £80 a year ?

14117. No. I just wish to put this to your mind; having £40 debit placed against him on the books of the firm, and receiving an actual cash payment of £40, on the average, do you think that if there was no such debit and he was allowed to find his meals and accommodation in the open market so to speak, it would have the effect of increasing his wages in the long run ?—I think it would.

14118. In that sense are you of opinion that this system which is really a system of truck has the effect of not giving him the full wage value of his services ?—Yes, I do believe it, and I go further and say that I believe the trade could well afford it. It is a trade out of which enormous profits are made. The limited liability companies in Ireland pay from 7 to 11 per cent., and I believe they can well afford it.

By Mr. Yarrow.

14119. If I understand rightly, there is no supervision of this living-in system as to the sanitary arrangements, the food, and so forth ?—No supervision except what the housekeeper gives.

14120. I mean no Government supervision ?—None whatever.

14121. Would you be of opinion that if there was some Government supervision to regulate the sanitary arrangements and the dormitories and the food, that would be an improvement ?—That might be an improvement certainly, but it would not satisfy us: I think there would be great difficulty in carrying that out.

14122. Why so ?—Except, of course, the sanitary inspectors were free to go in and out whenever they pleased, because the assistants at present are afraid to make complaints.

14123. But supposing the sanitary inspectors were free to go in and out when they pleased to examine the sanitary arrangements, the dormitories, and so on, do you think in that case it would be a decided improvement ?—I dare say it would be an improvement as regards the sanitary accommodation, but I want it to be clearly understood that we would not be satisfied with any improvement of the living-in system.

By Mr. Delevingne.

14124. How long has your association been in existence ?—Six years.

14125. Can you tell us what proportion your 3,000 members bear to the total number of assistants in drapers' shops in Ireland ?—We embrace the allied trades as well as the drapery business, the furnishing, boots, outfitting, and so on.

14126. Can you say how many assistants there are employed throughout Ireland in those different trades ?—About 6,000 or 7,000.

14127. So that you have nearly 50 per cent. of the total number of shop assistants in the country in those trades ?—Yes. We are fairly well organised. In some houses where they employ 200 or 300 hands we have a large proportion. In the case of H 8, they employ about 300 hands, and we have 240 members there. In some firms we have everybody engaged in the firm, with the exception of the manager, members of our association, in the biggest firms especially.

14128. What proportion of those 7,000 would be assistants living in ?—You mean boarding and lodging in.

14129. Yes, under the living-in system ?—They are all under the boarding-in system with the exception of about 5 per cent., I should say.

14130. You mean they have to take their meals on the premises ?—Yes.

14131. All their meals ?—Yes.

14132. Including breakfast ?—Yes.

14133. And dinner ?—Yes.

14134. And supper ?—They get no supper.

14135. What proportion live out ?—About 5 per cent. live out altogether, that is board and lodge out; I suppose about 25 per cent. would sleep out, or say 20 per cent.

14136. Have you any statistics as to the average size of the shops in which the living-in system prevails—I mean judging the size by the number of assistants employed ?—Yes, it prevails in all classes of shops, from the shop where they employ two to the shop where they employ 100.

14137. It covers the whole series ?—Yes.

14138. Have you as an association taken up the living-in question with the employers ?—Yes, frequently.

14139. Can you give us any instances where you have taken it up ?—In the case of I 8. Their premises were burnt down about five years ago. In rebuilding they provided accommodation for living-in—and very fine accommodation too, as accommodation goes. In view of the serious risks and the miraculous escapes that the inmates had had at the time of the fire, we set up a vigorous agitation against going back to lodging in the house any more. There were thirty-two girls and about

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110 men affected. They deducted the usual allowance from the girls' wages. So we made representations to them, and after a great deal of conferences and so forth we got them to continue the £10 a year living out.

14140. But they still boarded in?—They still boarded in.

14141. Have you usually been successful in your dealings with the employers?—Yes.

14142. That is, I suppose, because you are in rather a strong position as an association?—Well, yes.

14143. One word about the condition of the bedrooms. You said that they were overcrowded, and I think in your proof of evidence you gave as an instance the fact that in many cases the cubic space allowed to each person did not exceed 500 feet?—Yes.

14144. You offer that as an instance of overcrowding?—Well, of course I know that it is above the standard allowed by law for factories and so forth, but I do think that overcrowding exists in many rooms when the cubic space would be even more than that. In the measurement of these rooms we did not take into consideration the furniture placed in the rooms; that is the entire measurement of the rooms including the furniture.

14145. What would the measurement be if you allow for the furniture?—There is one instance in Cork where the cubic space allowance is worse than that. In one room where there were five sleeping, there was a total cubic space of 2,200 feet; that would be a little over 400 feet.

14146. Did that allow for the furniture?—No. The only ventilation is by an attic, there is no fireplace in the bedroom. I slept in a room myself in Cork where there were five beds and there was no ventilation whatever except a window at the far end; no fireplace; in the winter time, of course, the window had to be kept closed, It was a very small, narrow room, the beds reached almost across the entire room. I should certainly say there was overcrowding there.

14147. Have you made any calculation allowing for the furniture?—No, I have not.

14148. Would you say that there were many cases where the cubic space falls below 400 feet?—No, I would not.

14149. You would think that that was exceptional?—Well, it ranges from 400 to 600 feet, I should say.

14150. You said that only twenty-five minutes were allowed for the mid-day meal; that, of course, was in connection with the boarding-in system?—Yes. When I say "meal," of course I mean the principal meal—the dinner.

14151. Where the assistants board out do they go out to their meal?—Yes.

14152. How long are they allowed?—One hour.

14153. Do you expect that the employer would be able to allow you an hour if you boarded out?—We ought to be allowed it anyhow; we would not be satisfied with less.

14154. You mentioned £10 a year as being the recognised lodging allowance; what does that include, is it simply a bedroom?—Simply a bedroom.

14155. It works out at 4s. a week; you can get a decent bedroom in an Irish town, can you, at 4s. a week?—Yes.

14156. You mention that men are timed going out and coming in, and that they are spied upon and that generally the living-in part of the day is more irksome than the actual work in the shop. What do you mean exactly by that?—There are more men dismissed for infringement of the rules in connection with living-in than there are dismissed for incompetency or anything that occurs during the day's work.

14157. What sort of rules do you refer to?—Take the case of a room with ten men altogether in it; one man may be smoking in the room, or he may be a man of dirty habits, he may be quarrelsome and so forth; that renders him liable to dismissal.

14158. That does not sound unreasonable, does it?—But you see it is an unnatural thing to put eight or ten men into a room together whose tastes and temperaments are unlike.

14159. Can you give us any regulations which you say are really burdensome or irksome?—Do you mean where men are dismissed?

14160. Yes?—For instance, if they make complaints about the food they are liable to be dismissed; the housekeeper goes to the employer and says, "This man is giving trouble, he is kicking up a row, you had better get rid of him, he is a troublesome lad," and a great many are dismissed on that account. The individual is looked upon as being troublesome, and he is got rid of as quickly as possible.

14161. You say the men are spied upon. What exactly do you mean by that?—That does not prevail now so much as it did. A great many of the irritating little matters in connection with living-in have been removed by the activity of our association, I believe; but at the same time I believe that housekeepers and perhaps sometimes the servants or the porters have more credence placed upon their statements, especially the housekeeper, than would be placed on any statements of the assistants. It is easy enough to trump up charges against individuals as regards their actions after the day's work is over and so forth. We believe that there should not be any petty trumpery charges brought up against men, and that they should have perfect freedom and come and go as they please; they would come in better the next day to their work, more efficient and more healthy altogether.

14162. Have you any case where the assistants are lodged in houses separate from the shops?—No, none in Dublin.

14163. One question about fines. You say fines have considerably decreased in recent years?—Yes, during the last three or four years. There used to be fines for the most trivial matters.

14164. You make no special complaint now on that point?—Except in Belfast.

14165. Can you give us any instances there?—At K 8 there are the following fines: entering business late, five minutes, 3d., ten minutes, 6d., fifteen minutes, 9d.; failing to report, 1s.

14166. Failing to report what?—Failing to report number; that is, failing to report for being late.

14167. I do not quite follow that?—This is the card. (*Producing same.*)

14168. Is this a list posted up in the shop?—Yes. It is not a printed list; the hours are given on the other side.

14169. You have nothing else to say on that subject?—Nothing else as regards fines; so far as we are concerned we have not much to complain of as regards fines.

By the Chairman.

14170. I rather gather from your evidence that this system of living-in is very prevalent in Ireland in all the towns that you have mentioned?—Yes.

14171. How has it caught on there so much?—Well, I cannot explain that; it has been in existence there always, as far as I know.

14172. I gather from your evidence that you object to the compulsory association of, we shall say, half a dozen men together—that is of course quite apart from any selection of associates by the individuals concerned?—Yes, they are allowed no selection whatever.

14173. May I ask you, out of curiosity, does the religious question ever come into that?—No, I have not heard of any case.

14174. That is no part of your evidence?—No. There may be some houses in Belfast, but I cannot specify any cases. Of course, the feeling is not of the best, especially at certain portions of the year.

14175. In those allowances that you have referred to have the assistants to pay for washing in addition, or is that included?—They have to pay for washing.

14176. Out of their money payments?—Yes.

14177. I fear that I did injustice to the colleagues who are giving evidence with you in not taking down more about them. Mr. O'Sullivan, who joins with you in these representations, has worked as an assistant in Cork, Tralee, Galway, Limerick and Dublin and has had considerable experience of the grievances attendant upon the system in connection with his society?—Yes.

14178. Then you yourself have worked under the system in Cork, Limerick and Dublin, and in addition you have visited frequently the cities and towns of Ireland as organiser ?—Yes.

14179. The others have personal experience of the cities that are appended to their names which you have already given us ?—Yes.

14180. What is the name of the firm owning the premises at which there was the fire which you referred to ?—L 8.

14181. Can you give us the exact date when the evidence that you referred to was reported in a Dublin paper ?—That was this time two years ago.

14182. But we want to be able to refer to the evidence for ourselves ?—It would be the 19th or 20th July; I am not certain of the date. I will forward the evidence to the Secretary. Then, sir, I have a letter here from our doctor in Dublin; would you allow me to put it in ?

14183. What is the nature of it ?—It is with reference to his experience as a medical man in treating shop assistants for the last couple of years.

14184. Just read it to us ?—"I am sorry I have not time to go through my books fully, and to give you the exact percentage, which I know to be very high, of cases of consumption I have met with amongst the drapers' assistants for the past few years, but I must say it is the most serious disease I have had to deal with. Many young fellows coming up from the country accustomed to fresh air and all the comforts of home life soon feel the bad effects of the long hours indoors and the living-in system which is the rule in so many drapery houses. In some cases the sleeping accommodation is very bad, rooms fit to contain two beds often having four or five, with the result that if there is one occupant suffering from consumption or other infectious disease, the others are very liable to get it. In my opinion this over-crowding of the rooms is a danger to morals as well as to health. Another great drawback to the living-in system is the catering. I see a great number of cases suffering from various forms of dyspepsia, in the treatment of which they would require special diet. This they cannot get, having to take what is going or do without anything, few of them being able to buy the special food required. In those instances the causes of these dyspepsia troubles are unsuitable and badly cooked food, also the hurried way in which meals have to be taken. I consider that it would be far more conducive to the health of the assistants in general if the living-in system was done away with completely. (*Signed*) W. F. DELANEY, 6, Gardiner's Place, Dublin."

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14185. With reference to that letter, do the statements of facts which it contains accord with your own experience ?—Yes. Dr. Delaney has been a very close observer; he is the doctor for most of the assistants in Dublin now; at least he visits most of the firms in Dublin at present—some of the firms every morning.

14186. And you think the committee may well rely upon that as good evidence in regard to that matter ?—Yes. He is a most reliable young doctor.

Mr. J. AUBREY REES, called; and Examined.

By the Chairman.

14187. You are attending here to-day as representing the National Association of Grocers' Assistants ?—Yes.

14188. Will you tell us the number employed in that association ?—The trade union number is 1,205; the membership is about 2,000, confined, of course, to the grocery trade.

14189. Will you read us your evidence ?—In considering this question it is important to remember that the retail trades are evolving in two different directions. The drapery, clothing and furnishing trades are centralising more and more into one large establishment comprising various departments of different or all trades, while the grocery and allied trades are decentralising, or spreading into a number of localities fed from a central depot, and specialising or concentrating into own particular trade or sections of it. In other words, the drapers are becoming general stores, while the grocers, providing the necessities of the people, and recognising that they must do this with the maximum of convenience to the public, are developing along the lines of the branch system. Beginning in the eighties, the multiple shop firms, as we have them to-day, began to crop up in different parts of the country. These firms, such as Lipton's, the Home and Colonial Stores, the Star Tea Company, and others were concerned only with the selling of groceries, and in no sense sought also to engage in the business of boarding-house keepers, which in reality the living-in system had developed into. At the present time, it may be mentioned, as an instance of the development of the branch shop system within the last twenty-five years, that the Home and Colonial Stores comprises 540 branches; the Maypole Dairy Company comprises some 460 branches; Lipton's, Limited, comprises some 400 branches; Peark's Stores comprises some 280 branches; Bell's Stores comprises some 180 branches. The success of these firms led to the general adoption of the branch system throughout the grocery trade in London and the provinces.

14190. Pausing at that point, do we gather from you that the system of living-in does not prevail in connection with those shops ?—That is the present position with regard to the multiple shop firms.

14191. So that the evil—if it is an evil—with regard to which you testify, is apparently more and more concentrated in the drapery, clothing, and furniture trades, which centralise as you say ?—Yes, and of course, amongst the private traders in the grocery trade. Many retail traders in the grocery trade, hitherto restricting their operations to one shop (wherein they boarded their assistants) emulated the new development and began to extend by opening branches in other districts, such branches being *facsimiles*, as far as practicable, of their original business. The branch manager now becomes the employer's official representative, having control over the local staff. Here we trace the devolution of the employer's paternal interest in his assistants, and the turning point in the relationship of master and men. From this period can be traced the source of many of the subsequent evils. But, whereas these branch extensions reproduced the system of living-in, obtaining in the parent shop, the newly-formed multiple shop companies, from their inception, deliberately rejected it, preferring their employees to make their own domestic arrangements.

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14192. This is very lofty language. So far as you refer to the "devolution of the paternal system," that has happened with this concomitant advantage, that the living-in system has so far been abolished ?—That is so. Due, no doubt, in part to this fact, no attempt has been made in the grocery trade to specialise the living-in system such as is known to be the cases in the drapery trade.

14193. What we want to get at is, not where the system is abolished, but where it continues ?—In tracing the decline of the system in the grocery trade as a whole I have attempted to show how the tendency to do away with it originated. I now come to the main cause of its lingering existence. A private grocer, when he decides to open a new branch shop, instals a manager therein. He rents a shop in a market or a busy thoroughfare, and the living premises, or part thereof, are offered to the manager for his own accommodation and that of his staff. If the manager is a married man he will bring in his own furniture, and his wife will probably be appointed housekeeper by the principal, being allowed so much a head to board the other assistants. Should the manager be a bachelor, a housekeeper is appointed to supervise the domestic arrangements, and, in consideration of being given rooms free, she agrees to cook for and look after the comforts of the young men at so much per head.

14194. So there is living-in there ?—That is so.

14195. Before you pass from that, if the system were confined to these small and selected cases, do you think it would ever have developed the grievance that you complain of ?—I think it would, perhaps more so in those small cases than in the cases quoted in connection with the drapery trade.

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14196. Will you state now why you think so?—Because in these small instances the accommodation which exists at that time is the accommodation handed over to the branch manager for his staff, and no attempt is made in any shape or form to make the young men comfortable. In many cases in the drapery trade suitable premises are built and rooms are adapted to their requirements; whereas in the grocery trade the small houses are utilised as they stand for the accommodation of the staff. Consequently there is a distinct grievance amongst them that sitting-rooms are lacking, and that bedroom accommodation is unsatisfactory.

14197. And the food is unsatisfactory?—Yes.

14198. But the smaller the place, one would think, the greater the chance of supervision by the master of the habits of the employees?—Not if he has passed on his obligation to his branch manager.

14199. But I take it the branch manager would have some sense of responsibility in that case?—Certainly he has, but I am afraid he does not exercise it very often to the advantage of the assistants.

14200. You have made out a series of tables which you call typical cases,(*see Appendix XII*). I want to ask you with regard to what those typical cases are. Where did you get the material for preparing this?—From responsible men on the premises.

14201. Will you give us the name in the first typical case you refer to?—It is M 8, private grocers, with about thirty-six branch shops in London and the suburbs.

14202. I am not quite sure that I follow you. I understood you to assent that when the branch shop system was developed, the living-in system was disappearing?—Amongst the multiple shop firms only. The multiple shop firms when they came into existence did not trouble at all about the adoption of the living-in system, but with the rise of the multiple shop firms the private traders, in order to meet their competition, decided themselves to adopt the branch shop system, and they extended their business in this direction; but with the extension of their business, they carried into the branch shops the old living-in system.

14203. What are your main objections to the living-in system, not financially, but from the point of view of the persons employed themselves, in their personal comforts, in their social opportunities, and the like?—In the first place, I consider that the food is inadequate and badly served; in the second place that there is inadequate accommodation for their private domestic life, and inadequate bedroom accommodation; but that above and beyond all this there is with the living-in system an overpowering sense of being fettered during and after business hours, which cripples the man's ambition and intellect.

14204. There is no separate life for them?—No separate life.

14205. Suppose a person is inclined to private study, are there any opportunities for that?—None whatever, on the contrary they are probably taken exception to. Take my own experience. It was customary for me, at one establishment, to do a considerable amount of reading, and I was reprimanded by the employer; he told me that he had learnt that I was in the habit of going in for theoretical studies, and that I could not do that and give attention to his business as well; consequently he raised an objection to it.

14206. Have they libraries in connection with any of these places of business?—I know of no single instance of any library. I may mention that I visited a shop in South London early this morning and inspected the rooms. The only room available for the use of the seven young men employed in the business was a dining-sitting room, a dreary, cheerless room, no pictures on the walls; kitchen chairs only, and one ordinary dining table.

14207. Now will you go on?—In all these instances you find no opportunities for private study. The young man has to share a common sitting-dining room with his shop-mates. Under the system individuality is destroyed. The thinking is done in crowds, and there is no escape from the atmosphere of shop and shop companions. The man living in is often forced into undesirable companionship, and should the tastes of the majority be low the inevitable tendency is to create a low atmosphere, which, in the absence of any refining influence, has been known to breed the vices of gambling and drinking.

14208. Is that in accordance with your own experience?—That is.

14209. You say there is no choice of companions. Now tell me about the facilities for visiting?—There are no facilities for visiting whatever.

14210. What do you mean by that?—In private life for instance, occasionally you might ask a friend to tea.

14211. You mean for receiving visitors?—I mean for receiving visitors.

14212. Does that often lead to the rendezvous being made the nearest public-house?—That is so. That is the only opportunity of meeting friends.

14213. The council of your association has considered this, and I understand it recommends the total abolition of the living-in system?—Yes.

14214. You think that lodgings and good board in those towns where the living-in system prevails could be provided elsewhere?—Speaking again, entirely for the grocery trade, emphatically yes.

14215. Will you go on?—I think I may safely say that, for efficiency of service and for growth of trade, the branches of the multiple shops where the assistants live out, compare most favourably with those of the private trader, where the assistants are boarded and lodged on the premises. In the cases of the multiple shops, also, I may incidentally mention that the manager and assistants in these establishments, being free to practice self-culture, display a keener interest in public affairs generally.

14216. That is a broad general contrast which you have given between the same type of men, engaged in the same occupation, the one under conditions of living-in, and the other not, and you prefer the latter for the reasons you have given?—Certainly.

14217. You think it breeds a better type of man?—More self-reliant.

14218. Accustomed, in fact, to a responsible free life?—Certainly. You only have to go round the shops and talk to the men to discover that distinctly. In the shops where they live in, where I have had occasion to visit the men during business hours, there is a nervousness and shaking of the limbs; they seem as if afraid of things going to happen; whereas in multiple shops the men always seem free from such symptoms.

14219. At all events, you say it really has a visible result?—Certainly. The men are more effeminate who live in.

14220. Then there is the objection, of course, on the more general ground, depriving the men of personal liberty?—Yes, after business hours; it takes away from them the right to think and act for themselves.

14221. Will you now give us the summing up of your contentions?—We contend that the living-in system is totally at variance with the progressive ideal of our age. To the assistants, the abolition of the system means: (*a*) more and better food; (*b*) more leisure for essential recreation; (*c*) fuller opportunities for equally essential self-culture; (*d*) greater incentive to qualify for and to undertake the duties of citizenship.

14222. Now with regard to the financial results. Do you think that there would be a certain dislocation of finance to begin with?—Very little, so far as the grocery trade is concerned.

14223. Will you explain that? At what is the boarding-in in the grocery trade valued?—Roughly at 15s. a week or £40 a year.

14224. Are the books of the grocery trade made up upon that footing?—I do not know that the sleeping accommodation is valued in that way, but so far as the food is concerned, it is valued roughly at 10s. per week. Then, of course they have to take into consideration at what value they could let the premises if they did not use them for boarding accommodation.

14225. So that a rough calculation brings it out to about £40 a year?—About that amount.

14226. Then what is the average money wage in addition to that?—To the qualified assistant the average wage would be another £40 a year.

14227. £80 instead of £40 ?—Quite.

14228. You would hardly expect to get that to begin with, I presume ?—I think I would, basing it on the assumption that if the premises were not used for boarding the men they would be let out at their approximate value for apartments.

14229. Or used for business accommodation ?—Exactly.

14230. That, of course, would minimise the loss to the employer if there is any loss ?—Certainly. In one case that I came across yesterday, where the young man on being married was allowed to live out, they gave him a sum equivalent to the 15s. per week, minus 1s. a week which they estimate as the amount that they lose through still having to pay a proportion of the rates and taxes and rent of the building.

14231. That has actually occurred ?—That has actually occurred to my knowledge quite recently.

14232. Do you know any case in which the living-in system has been abolished in the grocery trade ?—Not actually abolished, but I do know cases where it is being gradually abolished. I was personally the first assistant of one of the leading London firms to ask permission to live out, and they readily consented, subject to my being able to find suitable accommodation in the neighbourhood.

14233. Which you were able to do ?—Which I was able to do, and since that period a number of their men have been allowed to live out.

14234. Would you say that the system of living-in was on the increase ?—It is on the decrease in the grocery trade.

By Mrs. Tennant.

14235. Does your organisation advocate an abrupt abolition of the living-in system, or do you propose anything in the nature of a time-limit ?—If I was asked to answer that question for the whole of the trades, I should probably say a time-limit; but for the grocery trade it could be terminated almost to-morrow without any serious inconvenience.

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14236. Do you anticipate any disadvantage which might accrue to the worker other than a possible temporary diminution in his wage ?—No disadvantage whatever, rather all on the other side.

14237. It has been argued that he might lose certain advantages which he now has in the form of club life, rowing or football clubs, or other clubs. Do you see anything in that ?—I am afraid that would not apply to the grocery trade in the least, because I know of no leading grocer who, for instance, has followed the example of the late Mr. Peter Robinson, in subsidising an Athletic Association for his employès and providing a gymnasium, billiard room, library and reading rooms for their use.

14238. But even if there were that advantage is there any reason why they should not have it if they did not live in ?—No, I think not.

14239. Is there anything in your opinion to prevent non-living-in assistants having a social club attached to the firm ?—Nothing whatever.

14240. I mean, assuming that they wanted it in that form ?—Certainly. I have in my mind's eye for instance a scheme that works very admirably in Birmingham, in connection with Messrs. Cadbury Brothers, where all the workers live out, but a social club or institute and dining accommodation is provided for the workers. They dine on the premises at very low charges; the firm buys the food at the wholesale prices and sells it to the workers at wholesale prices.

14241. Then in your opinion there is nothing in the objection that the workers would lose such benefit as they have from the social clubs attached to their firms ?—No, I think not.

FIFTY-THIRD DAY.

Thursday, 18th July, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

MALCOLM DELEVINGNE, Esq. | STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. BENJAMIN BEARDMORE EVANS, called; and Examined.

By the Chairman.

14242. You are Chairman of the Drapers' Chamber of Trade ?—That is so.

14243. How many members has your association as a chamber ?—About 1,700.

14244. And where are their places of business ?—In London and in practically all parts of the country.

14245. What are the lines of business that they carry on ?—For what purpose, do you mean, is the chamber established ? You are speaking, I presume, of the Drapers Chamber of Trade which I represent.

14246. Yes; is it drapery business ?—Drapery alone.

14247. You, yourself, are in business at 142 to 160, High Road, Kilburn ?—Yes.

14248. And before going into business you had about nine years' experience as a shop assistant and a further four years as a shopwalker and buyer ?—That is so.

14249. As an assistant did you live in ?—Yes.

14250. In London, Portsmouth, Dudley, and Leamington ?—Yes, in those towns.

14251. At what age did you start ?—I was sixteen years of age when I commenced.

14252. And you lived in until you were twenty-five ?—I lived in until I was twenty-five years of age.

14253. As a shopwalker and buyer you lived out ?—Yes, the greater part of the time.

14254. Now, were you satisfied with the treatment you received during your experience as an assistant ?—Yes, I can safely say that I was satisfied. It never occurred to me that there was any good reason, or any reason, for discontent. I lived, certainly, in a good medium class of house; I should like that to be quite understood by the Committee—not a very low class trade or in any particular poor district, but I lived in houses of a fairly good standing; I had no experience in the low class trade.

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14255. Just describe to us the living in; what part of London was it where you lived in ?—I lived in at N 8, which is the largest house in South-West London.

14256. How many employees had they ?—Probably 400. I have here their menu that has been sent to us by the managing director of the company. It is filled up every day and put on his desk, and it is from the stocktaking each year. This is from his last stocktaking. This is the particular house I first lived at when I first came to London. Mr. Edward Jones happens to be at the present time the president of the Drapers' Chamber of Trade; I am the chairman of the executive committee. This book will speak for itself as to what they give their people there. That is the largest house in the south-west of London. I want the Committee to thoroughly understand that so far as I am concerned I am an independent witness, and there is no one more desirous of having what is best for the assistants than I am.

14257. This book contains menus from February 18th on ?—That is from the date you see at the top, from the stocktaking; it is from that date until to-day. It is filled up every day by the chef, or whoever has charge of

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the department every day, and it is put on the chairman's desk for him to see what the assistants are having.

14258. I see that there is only the menu for two things here, breakfast and dinner ?—Yes ; those, of course, are the two important meals of the day in all business houses. In the majority of the houses the dinner is the most important meal. I can tell you what I think generally is the menu——

14259. Before you come to that, having put this in my hand, I observe the first item is " breakfast, boiled eggs and cold ham " ?—Yes.

14260. Would there be coffee with that ?—Oh, of course ; they would not have breakfast without coffee.

14261. Would there be tea as well ?—Oh, yes.

14262. That is not there either ?—Naturally, they would not put water on the table.

14263. Would there be bread and butter ?—That book is not called a menu.

14264. Indeed it is. It is called " table menu " ?—Well, I take it for granted that that book has been made up with the object of letting the heads of the firm see exactly what meat is being served.

14265. I think that explains it better. Now confine yourself to the first item that opens, " breakfast, boiled eggs and cold ham." Has that been the practice in all the houses that you have lived in ?—No.

14266. What has been the practice with regard to breakfasts ?—I think in the good medium class of houses, like one sees in the main thoroughfares of London, that are recognised as being respectable houses—perhaps that is an improper word to use, but houses that have some repute, reasonable repute, in the trade—the usual thing is to give either a slice of bacon or some other relish with the breakfast ; but I think that has come into operation more during the last two or three years than it used to be.

14267. What was it before that ?—Well, I really think that the majority of traders supplied only bread and butter and coffee except on perhaps two mornings a week. I have never lived in a house where there has been nothing in the nature of meat or fish provided any morning of the week. It is usual to provide it either two or three mornings a week.

14268. You think that has improved of late years ?—I am sure it has.

14269. And they now give them a more substantial breakfast ?—I think now practically all the houses in London give bacon or ham ; there are one or two exceptions. We have done so ourselves for a considerable length of time.

14270. Now, I turn over a page on this menu card and I see the dinner. The dinner consists of soup, fish, roast beef, roast mutton, potatoes, pickles and cheese ; that is a four course dinner, and a very good dinner apparently ?—That is it. I think it is quite above the average ; there is no doubt that is what the house was giving. That book was not made out for the purpose of this Committee ; it was only sent to me by this morning's post. They have 400 employees, and no doubt many are members of the Assistants Union and can state whether that is the truth.

14271. You have put it into my hands to look at these items ; I just want to ask you if it is the practice to have such a four course dinner as that which I have just read out of the menu of this book ?—No ; I do not say it is the practice ; that is above the average, that particular dinner you give there. If it is on a Friday this may account for the fish.

14272. That is February 22nd ?—It is not usual, of course, to give a dinner like that.

14273. They seem to be all very good ?—I have no objection at all for that book to be left with you.

14274. So far as we have gone it seems to be considerably over the average catering ?—I think it is a little above the average of the general houses, but not of the houses that really look after their assistants, and those are the houses now which are doing the business in London. The other houses who do not look after their assistants are suffering for it ; there is no doubt about that ; they get a better class of hands and the hands stay ; they get to know the customers, and it is better for the concern.

14275. You mean when the catering is good ?—Certainly.

14276. It is fair to say to you, although I took up that instance by accident, it seems quite a fair sample of every day ?—Well, if it is a fair sample, that is the list supplied to me by that particular house, and it is the largest in the South-West of London. I believe it is considered as good a living-in house as you can find. They are not the only ones. There is S 6, employing about 500 hands, which is conducted on similar lines.

14277. I may take it that if there is a complaint on the part of the shop assistants as to the food supply, the complaint could not apply to a case like N 8 ?—Certainly not. I should sincerely hope that before this Committee come to any decision about this matter they will take the opportunity of personally inspecting some of these large houses in London. It seems to be most desirable that the truth should be known about this matter. I know that most extraordinary statements are being made and published in the press, but they are a slander upon men who do their business in an honourable way.

14278. You need not accentuate it too much, because I rather think that what I gather from your evidence is, that the menu which I have had the pleasure of reading to you, you confess to be superior to the menu in the majority of cases ?—That is so ; it is above the average, and they have slightly above the average assistant in consequence. It would not be any better than at O 8, or P 8 and houses of that character ; it might be rather better than some of the lower class houses of business.

14279. Then with regard to the domestic accommodation in the business houses. Do you happen to know a good many instances of that ?—Oh yes.

14280. Can you tell me with regard to the dormitories or bedrooms how many sleep together ?—It depends entirely, of course, on the size of the room, or it should do. I think in a great many houses it depends on the size of the room. But in the cheaper class of trade, where the draper is perhaps very poor and can hardly make both ends meet, it is a question of how many beds can be got practically in the room, leaving enough room to move around them. I am quite of the opinion that that question of sleeping accommodation should come under the supervision of Parliament.

14281. I am going to ask you about that afterwards ; I am going to ask you about the remedies, but in the meantime I am anxous to get your experience. However, I think I see how you put that about sleeping accommodation. Then, in addition to dormitories, there are dining-rooms, are not there ?—Yes, of course.

14282. And a certain allowance of time for the dining and feeding ?—Yes.

14283. Then are there libraries in any of the houses ?—Yes, in most of the large houses ; in fact, I can say all the large houses have a library.

14284. How big is this library, for instance, at N 8 ?—As large as this room.

14285. How many assistants have they ?—400—well, altogether, living in the house and out of the house, I should say they would have 400 people.

14286. Have they any other place of resort ; have they a drawing-room ?—They have a large sitting-room which would be considerably larger than this ; that is for the men ; and a similar room—their sitting-room is, I think, double the size of this ; and of course they can use the dining-rooms for sitting in after meals. They have a separate room for sitting or smoking, in addition to their large dining-rooms.

14287. In the humbler class of houses that you have been describing, where it is difficult to make both ends meet, have they also drawing-room or sitting-room accommodation ?—Generally speaking, I should say they have, but I have no doubt there are cases where the assistants live with the family, that is where I consider it often happens that a little hardship comes in.

14288. Of what kind ?—In this way. When the family perhaps are sitting together at night the assistant may feel that he is an intruder, and therefore he may stop

out or go to his or her bedroom. I certainly think it should be compulsory for a proper sitting-room to be provided for the hands.

14289. You think the employers would not resent that at all ?—Well, I have no doubt they would in certain cases. They resented the shop seats—I mean the seats behind the counter—but it is found now to be nothing but as it should be. I cannot speak definitely on that point as to whether they would resent it or not.

14290. Have the assistants ever any opportunity for private study or seclusion of any kind ?—I will take my own house as being an example. There is a very nice sitting-room for the men, independent of the dining-room ; there is a very good sitting-room for the girls, with lounge chairs, independent of the dining-room. They all dine in one large dining-room ; there are these two rooms at the extreme end of the building, and after supper is over at night they can go and sit in those ; but the young men (and the girls too, for that matter) I do not think stay very much in the house at night ; they go out very much, from choice, naturally.

14291. How many assistants have you ?—About 120.

14292. Half of them male and half female ?—No, I have more female assistants.

14293. Eighty against forty, or something like that ?—Yes, I should say the proportion is rather more than that even.

14294. Ninety against thirty ?—Yes, something of that sort.

14295. Now, what is the size of that sitting-room that you have for the female assistants ?—It is a room about the size of that end of this room. It adjoins the dining-room. It would not be sufficient in itself for a sitting-room for the whole of the hands, but it adjoins the large dining-room where the ladies are allowed to sit after business as well. This room runs off the dining-room. The men's sitting-room is entirely at the other end of the building and they are not allowed to remain in the dining room half an hour after supper time.

14296. Then, take your own lady assistants ; they have their sitting room and dining-room as you have explained. Then in their own bed-rooms how many are in one room ?—There are not more than three in a room in my house.

14297. There are much larger bed-rooms than that in other houses ?—Well, I have slept in a room, a large dormitory, with five others ; that is six in a dormitory—six or eight ; I have never slept in a room with more than six, but I have seen rooms with eight beds in, but quite large enough. It all depends on the size of the room ; it is just as healthy for eight people to sleep in a very large room as it is for one person to sleep in a tiny little room without any ventilation.

14298. Were you ever in a situation in a large house where there was no living-in ?—No.

14299. You have no personal experience of the case of the employees coming all from the outside—living in lodgings or homes of their own, and coming from the outside ?—The only experience I have had is my own personal experience in engaging men from such houses. I engage my own staff, and I have engaged several men from X 6 who have no living in, and they have stated to me the reason they left. I have a man in my employ now ; he came to me about four months ago ; he would be twenty-four or twenty-five, and he told me that the salary which he obtained there was not sufficient to keep him well in London.

14300. X 6 have no living in ?—They have no living in ; they all live out. This man's idea was that if he lived in he could save some money.

14301. One does not know, but X 6 seem to have a good staff ?—Oh, yes, I think so. If you are just going on to see what difference it might make to the trade, you may take it definitely from me that you are going to have as good independent evidence this morning from me as you can get during the whole of this inquiry. I do not think it will be any great detriment to the trade to have them living out.

14302. That is quite proper and candid to put it that way. It is our desire and our duty to get at how the facts stand ?—I do not think it will be any great detriment to the trade. Possibly if we abolished the living-in system entirely, in years to come it might follow that there will be a bigger demand for employment in this particular trade ; I think that is most probable—that it would increase our number of applicants.

14303. If there was no living in ?—Yes.

14304. Why would that be ?—Well, I think there is, and reasonably so to a certain extent, a general prejudice amongst grown up people to living-in houses entirely.

14305. What would you conceive to be the ground of that prejudice, if it is a prejudice ?—You see they have to be in the house at a stated time ; of course, if you are to have living in at all, that must be so ; you cannot have the place open all night.

14306. We will come to that later ; but I want you to give us the grounds why you think that there would be a greater number of applicants for situations in your branch of the trade if there was the freedom of life outside ?—Well, I think it will somewhat lower the standard of employees, and of course there will be a bigger influx then of a class of person who perhaps now would otherwise be engaged in clerical work or work of that character.

14307. Now, just to come back to the bedrooms, the dormitories, that you have been describing. Has an employee in such a firm as you have been describing any choice of his companions or her companions ?—Yes ; they usually make overtures to the housekeeper. Suppose there are three young ladies sleeping in one bedroom, when one leaves the usual thing for the other two remaining is to choose a friend in the house, and they say "Can Miss Anderson sleep in our room ?" and the housekeeper always gives the preference accordingly.

14308. That points rather at a re-arrangement ; but I am taking the case of a girl who comes in ?—As she comes in, unless she specifies when you engage her, which some of them do, especially the senior hands ; they arrange about their salaries, and then say "Now about the number in my bedroom ; how many shall I have sleeping in my room."

14309. I think we are at cross purposes. What I want to know is, when a person comes and asks for employment in such firms as you have described, they are allotted, are not they, to companions not of their choosing ; I mean to begin with ?—Of course, they cannot have any choice when they do not know the people ; that stands to common sense.

14310. Well, suppose one of these persons in that room is not well, what happens then ?—In all the houses—I am here to represent houses of the medium class and of fair and proper respectable repute, which I will take to be 90 per cent. of the traders of London. There is a room always set aside for anyone who is unwell, if the illness is of a dangerous nature or looks like being of a dangerous nature, where she is put at once ; that is for the sake of the business as well as of the assistant ; one would not care for fever to spread through a business house ; it would be very detrimental to the business naturally, but of course if it is an ordinary headache, or complaints which are well recognised, the assistant probably remains in bed in her own room. If she desires it, or the housekeeper thinks she is looking like being unwell, she is put into this separate room which is kept for that purpose.

14311. How many young people has that housekeeper under supervision ?—The housekeeper has the whole control of the living-in.

14312. In your case for instance, there would be, I think, you said 120 ?—About 120 or 130. There are not so many as that living-in, that is the total number of my assistants. I have about ninety living-in out of perhaps 120.

14313. And the housekeeper has supervision over them ?—Yes.

14314. A female housekeeper ?—Yes.

14315. Have you ever known in your experience any of these young men and women, more particularly young women, afflicted with consumption ?—Never in a business house. I have never known a case in my own experience. Mind you, I have known girls that have been ill, but I have never known a case of consumption. If you see a person and you think she is delicate—it may be thought that the girl was turning towards consumption, but I

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do not think that I have ever seen in a business house a girl suffering from consumption; at all events I am positive that she would not be retained in a house of business if she was suffering from consumption or if it was thought that she was suffering from consumption. That is a thing which, of course, an employer would avoid as far as possible, naturally; she would be spoken to if she was very ill by the employer, and he would endeavour to find out what was the matter with her; if she looked ill he would tell her that she ought to have a holiday.

14316. Is there any system of regular medical inspection?—In the majority of houses a doctor is provided.

14317. I do not think that is the question I am putting to you. Is there any system of regular medical inspection?—Whether the assistants want it or not?

14318. Yes?—Oh, no; the assistants would not agree to a thing of that character. They hardly like the house doctor.

14319. What is the arrangement made with regard to a house doctor?—Some houses provide a doctor entirely for the assistants in the case of illness; that is, without charge to the assistants; in other houses the agreement is stated at the time of the engagement that 6d. per month is allowed for the doctor, and, whatever fees are received, usually an amount is added by the firm and the doctor is paid. But it is most desirable on the part of all business houses that there should be a house doctor. Whether the assistants pay for it or not is a different question; but there must be a man in a good position to superintend the living-in and see the assistants when they are ill.

14320. You would recommend that?—Oh, strongly. In my own particular case, before we adopted the system of a house doctor, if assistants got ill they remained in bed. The housekeeper goes to them; she does not know what is the matter with them; they say no, they will not see the doctor. I have known them to stay in bed for two days and afterwards get very ill, and we have had to send for the doctor; it might have been found out the very first day or the very first hour.

14321. That is what I was pointing to when I referred to a system of regular medical inspection?—If the assistants are ill the house doctor is called in, unless the assistant states that she has a bilious attack or there is something well known about her. The doctor in my house attends two days each week.

14322. It is fair that I should put to you this case. It is clear to my mind that you are giving your evidence very fairly. Do you know that persons afflicted with consumptive ailments are very often ill, and ill for a considerable period, without the illness developing in such a way as to incapacitate the patient. Have I made that quite clear to you?—Quite.

14323. In such a case I think you would agree that regular medical inspection would be of great value?—It would in such a case, of course.

14324. Take that case that I have figured to you. The fact that such a person with the germs of that disease continues to struggle on, not so ill as to incapacitate her, but still ill enough to convey the germs of the trouble to the other occupants of the room—that is a very disastrous state of matters, is it not?—I should think that such a case is very rare.

14325. But, personally, as an employer, I gather that you would rather welcome—if the system of living-in were to be kept up—any kind of regulation which would reduce to a minimum cases of that kind?—Most certainly.

14326. By medical inspection or whatever device the State might adopt?—Yes; I can safely say that personally I should be in favour of that, and I think the majority of business men would not object to it.

14327. Now, what are the provisions in the case of fire?—In London now the provisions are very great. The regulations set down in the 1897 Building Act were very stringent, and any business which has undergone any structural alteration since that date has come under the notice of the district surveyor, who has treated it as a new building.

14328. I gather that that is the law in London—that the moment any structural alterations are required there must be the public authority for it?—Yes, and they have stepped in, I should think, in practically every large house in London.

14329. In what direction have they stepped in?—They have compelled a fireproof flooring between the business portion of the property and the domestic portion. That is one of the conditions of the Act. I have had to do it myself; I have been through it all.

14330. When was that?—I have fireproofed the whole of the portions between my living portion and the business portion which is below. Ten shops have been fireproofed during the last four or five years.

14331. Where is the living portion of your shop?—The domestic accommodation is upstairs above the shops. The whole of the floors has been taken up and concreted throughout.

14332. Was that by the order of the local authority?—Yes, or rather by the order of the district surveyor. The local authority have no control over it. Many thousands of pounds have been spent. The whole of the old staircases have been taken out of my building and oak and teak staircases have been put in. At the present time I am under notice to do further work to comply with the Building Act (Amendment) Act which was passed two years ago in 1905. The retrospective portion of the Act came into operation on January 1st last year, and applies to existing buildings whether any alteration has been done or not.

14333. What, generally speaking, is the nature of that requirement; what is it you are under orders to do now?—To make fire exits on to the roof; I think it is Clause 7 of the Act. It came into operation on January 1st of last year, not this year, but many notices have not been served until quite recently. All projecting shops had to be fireproofed.

14334. Now, having discussed the buildings, I fancy you would not object to the inspector or any person authorised, we shall say, by the Home Office, having as part of his duty the supervision of the accommodation provided in living-in establishments and power to issue the requisite orders with regard to that?—You mean in regard to bedrooms and so on?

14335. Yes?—I do not know how it would be received generally by the trade; of course tradesmen are often rather small-minded; but I think the larger and better class of businesses would not take any exception to it, providing of course that the requisitions were not unreasonable, and that the work was in the hands of a man. I think that women inspectors are very unsuitable people, as a rule, to carry out this work.

14336. How is that?—I think that lady inspectors, as a rule, are very awkward people to deal with in regard to inspecting business places.

14337. Do you mean that they are ill to satisfy?—I think they go about their work in a very precocious manner. I have no doubt the majority or, at all events, a considerable number of tradesmen would take exception to their interfering; I mean, from their manner; that is only giving you my opinion.

14338. You can see for yourself, however, that with regard to accommodation for lady assistants, these lady assistants might like to have the confidence of some person of public authority of their own sex?—I cannot see any reason for it. I want to be perfectly frank.

14339. I think that we are working towards the same end. Let us take all those kind of questions about urinal and closet accommodation and bathing, and so on, which women would explain to each other quite conveniently, but which they might not care to disclose to a male inspector. You can conceive cases of that kind where it would be an advantage to have a woman?—No, I cannot conceive that it would, because I think the duty is perfectly simple. If the regulations were laid down by statute they could be in such a form that an inspector could attend at any house of business and could ask for the proprietor, or in this absence the manager; he could ask to see the bedrooms or the ladies' lavatories; there could be a form filled in stating the number sleeping in the various rooms, and the number using the various sitting-rooms. In my opinion, I can see no objection to having those forms posted up in various rooms, and it could be done in proper methodical and businesslike

manner without the interference of a woman inspector and her talking to the various assistants at the place. I mean, if the regulations are kept, I cannot see any necessity for this poking inquiry between the assistants and the inspector. It leads to friction.

14340. You are aware that there are lady inspectors in factories ?—Yes, I am aware of that.

14341. And, as we know, it works remarkably well, does it not ?—I cannot speak as to factories. I am speaking somewhat from my own experience of the lady inspectors who have occasionally visited houses where I have been in business.

14342. I am sorry to press you about this, but this part of your evidence, I confess, has a little surprised me. You might give me exactly what you are driving at ?—In regard to these women who come round I do think that they exceed their duties.

14343. Whom did they represent; did they represent some association or did they represent the Government ?—I will give you cases in point, where I think they have overstepped their proper duties in the case of my own business. When the order for seats (the shop seats behind the counter) came out some years ago, we had the regulated seats, the proper number of seats put in, where we possibly could, but in cases where the counter would not allow it we had stools or chairs put there. Now it is very obnoxious in the middle of business for an inspector to call and ask the assistant if that seat is removed, and how often it is there, and so on.

14344. And you rather took umbrage at the way the lady inspectors did that work ?—Yes, I did. I think it was unreasonable; the chair was there, and why should the inspector go up to a girl and ask her if it was ever taken away ? If the seat was not there why did she not report it and have a summary notice served on the employer ?

14345. However; I gather you would agree to have at least medical inspectors ?—Certainly, and I have no doubt, so long as the regulations are clearly laid down the majority of business men would be pleased to comply with them if they were reasonable.

14346. Now, with regard to the food; would you be willing to have that the subject of sudden inspection at any time ?—I can see no objection to it whatever personally. I have no doubt that objections would be taken.

14347. By what class would there be objections ?—By probably the humbler class of houses.

14348. The struggling man that you have described ?—Who has a difficulty in keeping his assistants properly, and who in that case would employ a low class of assistant; because the good class of assistant can always get employment in a good class of house. I think if anything at the present time there is a scarcity of hands; it is by no means overdone; and there is certainly a great lack of apprentices in the business.

14349. So that I think really you frankly admit that, if the system be kept up, you and the respectable men in your business would not object to such inspections; whether of food or accommodation, as Parliament may think to be reasonable; but you think the objection would come from the small and struggling trader whom you have indicated ?—Providing the requirements were perfectly reasonable and that it was not expected that assistants would require more than a reasonable food, I cannot see that employers would object to a course of that kind. I have here what in my opinion is the weekly average cost to the male assistants living-in and the cost of the various meals.

14350. I will come to that in a moment; I was rather getting at their way of living. We have discussed food and accommodation; the next point I want to ask you about is the hours. What hours have they free in the evening ?—That depends entirely upon the time that the shop closes.

14351. We will take a week-end for instance; take your own business, what is your hour of closing on Saturday ?—Half-past nine in the winter—say about eight months in the year—and ten o'clock the remaining four months.

14352. During the week it must be earlier ?—Yes, half-past eight and nine o'clock.

14353. When do they start in the morning ?—Nine o'clock.

14354. So that, roughly speaking, they have a round of the clock, subject to interruptions for meals ?—I think the hours are longer in my house than the majority of large houses in London.

14355. I was putting it starting at nine o'clock all through the year; I fancy that is right ?—Yes.

14356. Then finishing on an average at nine, is that so ?—No, that is too long. We close at two o'clock on Thursday, to commence with.

14357. That certainly makes a great difference. Then it is half-past nine on Saturday ?—Half-past nine on Saturdays and ten o'clock in the summer for about four months, during weather like this.

14358. The case I want to get at is the evening occupation of these young people who are in your employment ?—If you ask me the average time at which I consider the majority of drapery shops close in London at night, I should say it would be eight o'clock.

14359. Take your own case; it does not matter whether it is eight or nine; when have they to be in ?—Eleven o'clock six nights during the week and one night at twelve. That is the generally-accepted time. I think you will find that 99 per cent. of the shops adopt that. As a matter of fact in my own case it is 11.30 p.m. each night, that is half an hour later.

14360. Then have you any check about them coming in ?—Yes.

14361. How is that managed ?—There is a man on duty to check the assistants in.

14362. Has he a tally or record ?—Yes; he enters them as they go out and he enters them as they come in. The object of that is simply to keep the house select and proper. There can be no cost to the employer for the assistant sleeping out, because the bed is provided, but the object of seeing that assistants come in unless they have permission to sleep out is in order to keep the place in something like order, and to know that you have moral people about you, or that at any rate they lead something like respectable lives.

14363. Is that the system adopted in all cases ?—In all the larger houses, not in the smaller houses. There the employer or his wife, if she is on the premises, looks after the girls—sees that they are on the premises and so on.

14364. Is there any foundation for the view that in certain houses it is possible that they may not turn up at the proper hour and that it is not discovered unless the sleeping companion should tell tales in the morning ?—They might manage it in a few houses, but I think in the majority of houses in London, any of the big West End houses, they would be detected at once. In fact they would not be able to get in in the morning without being seen. It would not be worth their while to do that, because they would be dismissed at once if they did not obey the proper rules of the establishment. You might forgive somebody once or twice if they give a proper explanation, as to missing a train, say.

14365. Now, the next question is the wages question. On an average we shall take a grown-up male assistant to begin with. What is the wage of such a person ?—Living in or out ?

14366. Living in and living out ?—If they live in, the average wage of an experienced male assistant, including commissions or premiums, would be 30s. a week.

14367. Then living out ?—Living out, with dinner and tea provided—that is the recognised rule that they provide dinner and tea—the wage would be 35s. a week. The difference is simply the actual prime cost to the employer of the living-in entirely, between the men living in and the men living out.

14368. Have you had any experience of a certain amount being debited to the living-in side of the business, say £40 a year for each ?—No, I have had no experience as to any definite allowance being allowed. Do you mean any definite amount being allowed to the housekeeper ?

14369. Yes ?—No, I have had no experience of that character. I do not think it is usual to make such allowance; it is usual at the end of the year to see how things have worked out to average the number of your staff and find out what they have cost roughly.

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14370. Then what is the total cost of board and lodging per head ?—I have put down in writing here the figures ; I have not included in that list anything for lodging. This is a point that I want to impress upon the Committee. because it is the important point that bears on the whole subject, and I am sure that I am right about it. There is no cost to the employer for lodging, usually speaking ; there is no cost to the employer for the bedroom accommodation itself. The bedroom accommodation is provided on the premises and it makes no difference to the employer whether the assistant sleeps in or out. (*The Witness handed in the following table.*)

Weekly average cost to employers of male assistants "living-in" :—

	s.	d.
Seven breakfasts, 3d.	1	9
Seven dinners, 6d.	3	6
Seven teas, 2½d.	1	5½
Seven suppers, 2½d.	1	5½
Attendance and other expenses (exclusive of rent)	2	0
Total	10	2

Weekly average cost to employers of male assistants "living out," but with dinner and tea provided :—

	s.	d.
Six dinners, 6d.	3	0
Six teas, 2½d.	1	3
Attendance, etc.	0	9
Total	5	0

14371. We will begin with this figure first. The average cost to the employer for the male assistant living-in is 10s. 2d. per week ?—Yes.

14372. What is the average cost to the employer for female assistants ?—I have put here male assistants first. I have thought that carefully over ; this list does not include that ; I should think it is 75 per cent. of the cost ; that would be 7s. 6d.

14373. Then in addition to that there is a certain portion of the premises dedicated to the dormitories and rooms for those who live in ?—Yes, they are dedicated to them, but I cannot see in the vast majority of cases what could be done with the bedrooms in case the assistants did not sleep in them. I cannot see that they are dedicated to them, because they would be empty unless occupied in that way.

14374. You can hardly expect the Committee to accept that all that accommodation provided in the City of London means no value ?—It is of no value to the employer if the rooms are empty.

14375. But I put it to you—I hope you do not mean to be unfair about this—suppose you did not have living in, you would have very much larger premises would you not ?—In my particular class of trade—the medium class business—that upstairs portion would be practically valueless.

14376. Then it never would have been erected ?—It never would have been erected unless it had been understood that the premises were going to be occupied.

14377. That is the point I am putting ?—I hope I am not mistaking your point.

14378. My point is that these buildings are erected specially in order to accommodate these people, and if you had not these people to accommodate you would either use the buildings for something else or you would never have erected them for a purpose which was non-existent ?—Of course, that is so ; I was missing your point.

14379. I mean you must reckon something in as the lodging ?—Of course, the employer has to pay an increased rent in consequence of the height of his building, and increased taxes, and the house duty, which extends not only over the domestic portion of my property but over half a dozen shops where there is nobody sleeping at all.

14380. And he has to keep the premises lit and clean and in repair ?—Yes.

14381. Now, what is the value that you attach to the lodging per head ?—Before I answer you upon that point I must be perfectly clear what my reply is to be. The actual cost to the employer does not represent the value of it if the value is to be taken at what an assistant could obtain it at from a third party.

14382. I think you may take it that we mean it so ; we do not mean what is the value to the assistant. You have told us the prime cost of the food ; will you now tell us the prime cost of the lodging, including all the expenses—management, repairs, taxes, lighting, heating and so forth—the cost to the employer, mind you ?—Well, I should say 2s. per week per head.

14383. So that this would be 12s. 2d., if you include that ?—No, that is included ; it is exclusive of rent ; I have included in that list "attendance and other expenses, 2s."

14384. It is exclusive of rent you say ?—It is exclusive of rent.

14385. But how much for rent ; you must give a value to your premises ?—Quite so. I will just reduce it to a single house—people employing eight or ten assistants, say, in a house.

14386. That will be the simplest way probably ?—I do not think the actual proportion of the rent would work out at more than 1s. 6d. per week per head.

14387. So that that would bring it up to about 11s. 8d. ?—Yes, if you charged rent to it.

14388. If you put on that item ?—Just so. I do not see how you can put it on, because if the room is there it does not cost anything whether you have living-in or living-out.

14389. That is 11s. 8d. that the male assistant has, and you say that his wages in addition if he lives in are 30s. ?—He earns 30s, yes.

14390. So that really he gets over £2 a week ?—Yes, it would be in the neighbourhood of £2 a week ; that would be about it, I should think.

14391. Then a girl ?—The average wage of an experienced assistant living in the house is about £1 a week—average wage and commission.

14392. And that would be raised up to the neighbourhood of 30s. if you include—— ?—No, they do not eat so much ; their cost of living-in is not so great as in the case of the males.

14393. You put it at 27s. 6d. ?—Yes, not 30s.

14394. Then, to that you have to add the 1s. 6d. that you have already given us for rent ?—I cannot include that 1s. 6d. if you are going to ask me what the cost is to the employer. If the place is already provided it does not cost the employer that. It might cost the employer of a new business to be established, but if any action is to be taken of a retrospective character it will be seen at once that it is a liability on the employer which would still remain if even all his assistants lived out.

14395. Do you think it is illegitimate to take into account the fact that the employer had to furnish that accommodation ?—In getting at the cost I do not think it is illegitimate to give particulars of the accommodation if you include furniture, but where it is a question of rent that is a point that I cannot give way upon.

14396. I think you see my point ?—Yes, I do.

14397. I think if you were book-keeping with somebody else you would soon enough put it in, would not you ?—If it came to be reckoned as an asset ; it is an asset to the assistant.

14398. And is it not an asset to the firm that they have property in which they can accommodate their assistants ?—Provided they live in.

14399. What is the value per week per head of that asset ?—I have given it to you as 1s. 6d.

14400. And may we take it that that applies to women also ?—Yes, I think you may.

14401. That raises it up to 9s., and your 20s. becomes 29s. ; so that I was not far out when I put it at 30s. ?—Yes, if you charge the cost of rent.

14402. Then, suppose a female assistant of that same class lives out, what would she have ?—Do you mean with dinner and tea provided in the house. I do not know a case of a female assistant living out entirely.

14403. Then give us the case that you do know, where dinner and tea are provided ?—She would probably earn an extra 4s. per week.

14404. The cost of that, I observe from your scale, is 5s. ?—That is in the case of a man; in the case of a woman it is 4s.; I put it down at 4s.

14405. Then the living out and the living in come very near to each other, do they not—always assuming that they have dinner and tea inside ?—Yes there is not a difference of more than 5s. in it—in the actual cost. I have worked it out to a nicety here; I have gone carefully through my own books.

14406. At all events we may be relieved, may we, from considering that there will be any dislocation of the finance of the business or any trouble in that sense ?—Provided the assistants were prepared to accept in addition to their present salaries an amount equal to the prime cost to the employer of their living in. The only other dislocation which might be a considerable one is this: It is usual to allow assistants living on the premises half an hour for dinner, but in the case of living out, getting to and fro from the eating house or wherever they had to go to, it would mean they would have to have an hour or, at all events, as they do in America, forty-five minutes. They would be away a little longer in the middle of the day; it is not a very serious matter, but there might be a little trouble if they came back smelling of beer and the assistants had to serve ladies and so on. The position of the shop assistant is somewhat different to that of a man employed in an ordinary manufacture.

14407. Now take the day and begin at nine o clock. We shall assume that they have breakfast before they arrive ?—They have, as a rule, a quarter of an hour in the morning about eleven o'clock. My own assistants then may go to the refreshment room and buy anything they like at half the price that it is sold at, and they can go to the lavatory and wash their hands.

14408. Do they pay for that themselves ?—They pay half-price for anything they care to take—such as sweets or chocolates in addition to the regular meals supplied.

14409. Then how long do they have for dinner ?—Half an hour for dinner.

14410. How long for tea ?—Half an hour for tea. In some houses, the cheap class houses, they only allow twenty minutes or twenty-five minutes, but I think half an hour can be taken as the fair average for tea.

14411. It would require to be at least forty-five minutes for dinner, if they lived out, or do you think it would be an hour ?—I think they would demand an hour, but I think forty-five minutes is reasonable.

14412. Assuming, instead of half an hour, they got forty-five minutes to each meal; that would be half an hour extra ?—Do you mean an extra quarter of an hour for tea as well ?

14413. Yes ?—Yes, that would be half an hour extra in the day.

14414. Do you consider that this extra half hour would cause any dislocation to the employer's business: no doubt you would hold that the having of the meal on the employer's premises is at any rate a saving of time ?—No doubt. It is a saving of time to both parties, and there is this advantage in the assistants living-in: that in the height of the season you are very often very busy and are obliged to postpone a meal time ten minutes or so, if an assistant is serving for instance. It is different from a factory where you can ring a bell and everybody can drop his tools and walk clean out of the place. You cannot have a rigidly drawn line; and if they left the premises it would mean that you would have to keep somebody there to book them out and book them back.

14415. That is why I used the term "dislocation"; I wanted to see how it would work ?—There would be considerable dislocation in that way.

14416. They would have to be checked ?—They would have to be checked.

14417. And there would be the loss of time ?—Yes. And again, usually speaking, in a department there is a certain number of hands, say two hands in the glove department. One would have to wait until the other came back from dinner, because the counter could not be left.

14418. Do you think that that would be a serious trouble ?—I think that dislocation would be the greatest objection to the living-out system.

14419. Then how do people like X 6 manage if that is the case ?—I can only tell you that they must have some system to deal with it, but I cannot put X 6's business methods as being the acme of perfection in the business.

14420. I only put that because you cited it as a case where there has been living out ?—It seems to me that X 6 probably have a larger staff than the majority of the average business-houses, and that inasmuch as they get huge rents for their upper places it pays them better to let them off in flats instead of having the assistants on their premises. That is the reason for that, there is no doubt.

14421. Do I understand you to say that there is very little illness among the shop assistants, either male or female ?—I believe there is very little illness; I do not think it is 1 per cent.; I do not think an assistant is out of business an average of more than two days in the year from illness.

14422. Have you never heard that there is a good deal of consumption ?—No, it is all extravagant nonsense; there is nothing of the kind in the general run of the drapery trade. If you go into the extremes of Bethnal Green Road and so on, you may find some hovels where that would be so possibly. I have never heard of it, but I can assure you that the statements being made in the Press now are quite wide of the mark. I only hope that the Committee will take an opportunity of going through the business places in London and seeing for themselves what really does exist.

14423. Where would be the kind of place where such bad conditions as you describe would obtain ?—I do not know of such a place.

14424. I mean, you spoke of Bethnal Green ?—I say that somebody might find a hovel there where they are selling penny-three-farthing articles all day long, where the assistants are over-worked; but you may depend upon it that if that is so the assistants are uneducated people and of a low order themselves. It does not apply to the general rule. I am particularly candid about it. I do hope that proper investigation will be made before any decision or even opinion is arrived at with regard to the matter.

14425. You say you have never heard of much illness; I think you put it at 1 per cent. ?—I say it is under 1 per cent. I have looked at my own books, and my hands, including those who have been away for a week at a time are not away two days in the year from illness.

14426. Now, supposing the assistants sleep out without permission are they given a caution ?—They are usually cautioned; and if they can give a proper explanation it is accepted.

14427. If it occurs several times they are dismissed ?—If it is thought that assistants sleep out under the impulse of the moment or that they went out without asking, and it was quite apparent when they left the premises that they had no intention of sleeping out, and they did it under the impulse of the moment, it looks rather suspicious. The consent to sleep out is never refused. I can distinctly state that. Of course if an employer has very young people in his employ, eighteen to twenty years of age, he naturally says: "Well, where are you going to." If they say they are going to their relatives, the permission is given. In the case of an assistant, they simply request to sleep out, and they are allowed to sleep out.

14428. Have you ever known cases where there is difficulty in getting permits to sleep out ?—Never. I should like to know of such a case—unless there has been a request by the parents that the assistant must not sleep out without a written permission. I have known a case of an apprentice or a junior hand or an improver, where the parent has said "Unless you get a letter from me, you are not to consent to this young girl sleeping out." Where the bed is provided there can be no cost to the employer of the assistant sleeping out, and the supervision is entirely for the benefit of the assistant himself.

14429. Now, in cases where a good many sleep in the same room, is there any one of them in particular who is responsible for order and decorum in that room

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and bound to report?—No, that is not so. Usually speaking there is some one in authority in the house, and if they hear too much noise——

14430. That is the housekeeper?—No; the housekeeper can only sleep in one house, and in a medium size business house there are three or four sleeping houses; you perhaps have a shop walker living near the men's house, and if there is too much noise or lights are not out at the proper time, it is his duty naturally to report if they are up all hours of the night.

14431. Beyond that and the housekeeper there is no further definite arrangement for supervision?—The arrangement that is provided is perfectly satisfactory. I have never known night brawls go undetected.

14432. Now, there are some general questions I should like to put to you. Do you think that the system of living-in is on the increase?—No.

14433. Is it on the decrease do you think?—Yes, I think it is.

14434. Why is that?—Well, I think the agitation that there is against it in the last few years has helped it considerably.

14435. You are aware of the existence of this body calling itself the National Amalgamated Union of Shop Assistants, Warehousemen and Clerks?—Yes.

14436. They represent, it seems, about 22,000 members?—Yes, out of about 260,000 assistants in the country. The statement was made by one of the officials of the union that out of 260,000 or 270,000 only 17,000 had joined the union.

14437. The assistants represent to us through their officials a rooted objection to the system of living-in; how can you explain that?—I will try to explain it if I possibly can in a perfectly fair manner to you. Let me assure you that there is no one more desirous of the assistants having reasonable and proper life, and the business being conducted as much to their advantage as to the advantage of the employer, than I am myself. I do think that in certain cases assistants are treated badly and improperly, and no doubt it is from these cases—which are certainly isolated but are of a sufficiently bad character to warrant this agitation—I think it has all sprung from that. And I think there is a general desire of course on the part of grown up men, men over twenty-five years of age, I think a general natural desire on their part, to live out. It is general, I think.

14438. Then you might say, the British instinct of liberty, the desire to be a responsible householder?—I think that is so.

14439. That of course accounts for it to a large extent?—I think it does; but in regard to this agitation I think it is of a political character generally, and I have no doubt that most things can be agitated about.

14440. As you say, one or two bad instances may give rise to a feeling in favour of a total alteration of the existing system?—That is so. Will you allow me to call your attention to a book which has been issued by this society containing statements of this character. This is a book published by the union. Look at this statement; this is by a gentleman who speaks on their behalf,

14441. That is Father Bernard Vaughan: "I asked a shopwalker in one of our big shops: 'How do these poor girls live?' His answer was: 'You know as well as I do, Father Vaughan, that they do not live on the wages that they get here, but on the wages of sin.'" Very naturally you protest against a statement of that kind?—The thing is so abominable on the face of it. Father Vaughan has been written to to offer an explanation, but he does not reply, and the Drapers' Chamber of Trade is now taking the matter up. It is a most vile accusation. That refers to an apparently respectable house of business. The whole thing is overstated. There are cases no doubt where assistants are herded together, but the cases are few and far between. It is against the employer's interest to treat his people badly; he would not retain them.

14442. But will you permit me to ask you if you approve of the system under which under-feeding or bad feeding, bad accommodation, imperfect supervision, all these things might prevail. Do you approve of that system, or would you rather see it abolished altogether if such things are possible, rather than that they should be allowed to continue?—I would rather see it abolished altogether rather than I would desire such a state of things should continue; but I think that proper supervision from the proper authorities can be exercised without the dislocation of business, and I think that those houses who require it ought to come under proper supervision.

14443. Are you aware that men well known in business totally disapprove of the system of living-in?—No, I am not aware of that.

14444. I will give you a case from this book; have you read Mr. Gamage's evidence?—Mr. Gamage, of course, has so arranged his business that he does not require the living-in—he is not a draper.

14445. Then you are giving us evidence merely from the drapers' point of view?—Exactly.

14446. He says, for instance, this: "The system is objectionable in many ways. Under it men are treated like chattels, or perhaps it would be better to say school boys. In my day as many as ten or twelve men were herded together in a room, and I believe the same thing takes place still. In some houses the assistants are badly fed," and so on. Now, he is a large business man?—Yes. I do not think he understands much about the system which prevails at the present time, in the majority of business houses in London; I venture to say that; and that he has no intimate knowledge of the systems which do prevail in such houses as I have mentioned, the general round of good drapery houses in London.

14447. We must take your evidence just as you give it to us. I gather that the general gist of your evidence is that you do not object to supervision by an independent responsible authority, and, secondly, that you do not think, if the system were abolished, it would be financially unsound, but that you do think there would be a certain dislocation of business?—I think it would be a great dis advantage to the assistants themselves, and I am quite sure that the female assistants would not put up with it—that they would not live out; I am perfectly certain of it, as sure as I am sitting in this chair.

14448. Why do you say that?—Because at the present time you cannot get them to live out. I am a man of experience, and I know what I am talking about. You cannot get female assistants to live out of the house. I can prove it, or one of you gentlemen can prove it for the expense of an advertisement; that will prove the thing from an independent point; advertise for assistants, we will say either women or girls for underclothing, to live in, and in the same paper put a similar advertisement to live out; and you will soon see.

14449. Have you ever tried that alternative?—I have advertised for assistants to live out when we have been nearly full up in the height of the season and could not get them; I have had to insert advertisements the following day for assistants to live in, and I have had plenty of letters. It is the general rule in most houses that in the case of milliners they do not have them living in the house; it is the bane of the business from the assistants' point of view.

14450. Can you give us any idea why the organised shop assistants, so far as they are organised, should appear to be desirous of abolishing the system?—It seems to me as much as possible to be a war cry with them, and I think the leaders of this union are men who have political expectations, and they desire to make a good deal of strife. I am perfectly candid in that statement. I think it is altogether overstated and exaggerated. I was told yesterday that a ballot had been taken at X5 amongst the ladies and the men; they were kept separate, and the vast majority of the men preferred to live out. They were simply asked the question: "Do you prefer to live in or out?" A vast majority stated that they desired to live out, but I think 85 per cent. of the girls said they preferred to live in

You see they get their experience from girls who now live out, the milliners and dressmakers and people employed in the workrooms.

14451. You do not represent that there would be any difficulty in getting accommodation for them ?—There would be an enormous difficulty in the West End, to get provision for their meals.

14452. Please dissociate it from that. Suppose the living-out system were combined with a system—for convenience—of catering; say dinner and tea; suppose you had dinner and tea catered for, with the assistant free to take it or leave it; if she got her dinner she would pay 4d., 5d., 6d., or 7d., or she could not take it at all, she could go out; similarly with regard to the tea; but that beyond that she was a free subject and could live where she liked. Do you think you would not get assistants in the same number to accept terms like that ?—No, I am sure we should not. In the case of men it might increase the demand for employment in our particular business, but in the case of girls it would certainly decrease it; because a large number of people in the country would object to their daughters coming to London and being able to have the freedom of living where they liked and stopping out till any hour of the night that they liked.

14453. We are anxious about this for reasons that you can understand. Suppose a father and mother bring their child up from the country—say a girl of fifteen or sixteen—to be an apprentice, do you think there would be any difficulty in them getting respectable housing and lodging in London ?—Yes, I am sure there would. Who would take on the supervision of a host of young people like that ? And look at the price they would have to pay.

14454. We happen to know that in Glasgow the system works admirably ?—I know it is in existence in Scotland, but what money do the assistants earn there, and what are they able to save ?

14455. Then is it or is it not your evidence that you think it would be impossible to get proper accommodation for them; it is a question of terms, is it not ?—No doubt, if sufficient money was paid, they could get accommodation, but—you seem to be desirous that the employer should not be put to any greater expense in his business than he is at the present time—if he is to remain at the same expense then the position of the assistant will be much worse if they live out.

14456. So that it really comes to be a question of finance ?—Certainly. As I said in my written evidence, it is an economic question throughout. If the employer, we will say, is prepared and has to spend during the year a round figure of £1,000 say, in the case of a medium-sized business, in wages—suppose his balance shows that his salaries are £700 per annum; we will add to that the cost of living; say the salaries and cost of living together are £1,000. If the assistants live out, either they will be able to save no money, or they will have to live very poorly, worse than they do indoors, because they would be charged a higher price than the prime cost which is debited to the employer. It is an economic matter, and it is in the interests I maintain of the assistants. They get the thing at prime cost. Either the expense of drapers must go up or the assistants cannot get the value. That is the point, and the girls have found that out from experience; because they will not live out.

14457. Now, suppose the view be that there is an advantage in home life and home influence, and that the assistants upon the whole would prefer their freedom, then beyond that it is a mere question whether the assistants would take the risk of financial loss in the operations ?—I cannot agree with the word "freedom" that you use. I maintain, so far as my experience goes, that when an assistant leaves the business-house, he or she is under no restriction whatever, so long as she is in to time; of course there must be a general rule as to the hours of sleeping and that there shall be no noise—talking, of course, is always allowed and so on, but not running round the landing bolster fighting all night—that would not be allowed.

14458. Do you attach any particular importance to the desire of the man or woman in question to be able to choose his or her own companions to occupy the same room, and the influences with which they should be surrounded ?—I am of the opinion that generally speaking the morals of assistants living-in are quite good, and that these statements that are made about the dissemination of badness are quite exaggerated.

14459. You have never come across anything of the sort ?—Nothing of the kind. The assistants are drawn from a respectable class of people, and they would be shunned by the majority of assistants at once if such things were allowed. The whole thing in my opinion is a political agitation to gain members of the union; I am perfectly sure it is.

14460. And it is not well founded, in fact ?—There is no foundation for the statements that are made in regard to it. I have stated that I think, generally speaking, men over twenty-five would prefer to live out if they could afford to do so, but I think if you give them the alternative of living-in at a stated price it will be found that they will come back to it, as the young ladies have, from actual experience. The men have never had the opportunity of being excluded from the living-in, but the young ladies have in London.

14461. Could you tell me—it is perhaps a matter of curiosity—are all these men over twenty-one that you have voters ?—No. There are certain men on my premises who have a vote, but I understand it depends on the time that they have been there; those that have been there the necessary length of time have a vote.

14462. In what way—under the service franchise ?—I do not know under what franchise, but I know that they go to the polling-booth at election times.

14463. But what is their qualification ?—That I cannot tell you, but I know that they go.

14464. It could not be as lodgers, because they have no separate rooms ?—Then I presume it is a service franchise; but I know that all those who have been with me for a length of years, buyers and shop-walkers, go to the poll.

14465. But they occupy separate rooms, do they not ?—I do not know whether that is a qualification, but they do, as a matter of fact.

14466. It is the other cases I was thinking of ?—If you tell me that sleeping more than one in a room disqualifies a man from voting, I presume that that is so.

14467. But I am asking, have they political rights or not ?—I only know that they vote.

14468. Shop-walkers ?—No, the assistants as well vote.

14469. Then your evidence is that your assistants are registered as voters ?—I cannot state that. I simply say that I have assistants in my employ who vote.

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14470. You say that from sixteen years of age up to twenty-five you lived-in ?—That is so.

14471. How long is that ago ?—My age now is thirty-eight.

14472. So that really it is thirteen years ago since you lived-in ?—That is right.

14473. As a shop-walker did you live-in at all ?—I think nearly the whole of the four years I lived-out; I lived-in at the time I was made a shop-walker; I may have been a few months living-in.

14474. But the greater portion of the four years you did not live-in except for just a few months ?—Quite so.

14475. Have you come into any first hand contact with the living-in system since, except as an employer—I mean your actual first hand experience is thirteen years old, is it not, that is to say you were living-in yourself up to twenty-five years of age ?—That is right.

14476. And you are thirty-eight now ?—That is right.

14477. So that as to first hand knowledge you are thirteen years away from it ?—I cannot say that, because I always in engaging assistants ask them the conditions under which they have lived and find out the particular class of assistants that they are.

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14478. But that is after all secondary knowledge; it is not your first hand knowledge?—No. I hope the opportunity will be given for assistants to give evidence before this Committee who are not members of the Shop Assistants' Union.

14479. Of course that is a matter for the Lord-Advocate?—I understand that the Drapers' Chamber of Trade has written a request to that effect.

14480. You spoke as to the very high class menu of the N8?—I have not spoken about it; I have, as a matter of fact, hardly looked at the book.

14481. But you spoke of it as being a high class menu?—It is certainly above the average.

14482. Do you know as to the cooking; is the cooking of equal quality?—I presume it is, because they have there a very good class of hand, and the two things usually go together.

14483. Listening to the Chairman reading it out, the mid-day meal at any rate seemed a very substantial meal; is there any variety allowed to those whose stomachs are tender and who may not be able to take the food provided on a given day?—If an assistant applies to the manager.

14484. Is there any departure from the recognised menu. Can they have anything like a real meal, apart from the menu?—It would be impossible to provide special menus for special individuals. I have known a case where a man has not cared for white bread, and brown bread has been ordered for him, and such things as that.

14485. But if they cannot eat roast mutton or roast beef, they just have bread and milk?—Yes, or they have an egg, or two boiled eggs.

14486. But there is little variety in the meal of the day?—If an assistant states that there is any particular dish, such as fish, that he would like, perhaps one day in the week the principal thing would be fish; if they do not care for fish they can have eggs, or perhaps a chop. I am speaking now of a good medium class of house in London—I cannot tell you about the little poky houses that complaints are made about in Mile End Road.

14487. I do not think that the complaints have been made generally about those little poky houses?—I disagree there. I believe they have. I should like the Committee to walk round the better class of houses in London and see the beautiful things provided for the assistants. I say the whole of this outcry is a public scandal.

14488. You said that, in your experience, you had slept where there had been six beds in a room, and that you had seen rooms with eight beds in them?—Yes, in large dormitories, in which, in my opinion, it would be perfectly healthy to have had ten.

14489. I am not dealing at the moment with the matter of health; but can you bring to your mind any other considerations that would appeal to men other than health when there are eight beds in one room. Are these beds screened from observation?—Oh, no.

14490. You said the room was healthy; it would have been of good height, and all that, I suppose?—Yes.

14491. But could you bring to your mind any other considerations that would appeal to the grown-up men in such a room as that except this one question of health; are there not certain considerations, such as privacy, that appeal to the grown-up man?—It is possible, but I do not think that advantage is ever taken of men, and I do not think that notice is taken.

14492. I am simply asking you, are not there decent human considerations which would be just as likely to appeal to the men in that dormitory as they would appeal to yourself or to me?—The same considerations, no doubt, would apply to any institution; I take it they would apply to the British Army or any other place where men are obliged by circumstances to sleep in that way. Naturally, I daresay some men might like a room to themselves, but I do not think it is a thing which one man in 100 allows to dwell in his mind for a second a day.

14493. You do not think so?—No.

14494. You would not like to draw the parallel very far between the civilian life of the shop assistant and the military life. What analogy exists between the civilian life of the shop assistants, who you say in some cases even in your place go and give votes, to that which exists in the case of a man who surrenders his liberty altogether in the Army?—I do not think you are right in saying that the soldier surrenders his liberty altogether.

14495. Well, we had better not, perhaps, follow that out. Anyhow you say that these beds were not screened from each other?—Certainly not, any more than in the usual lounge at a Turkish bath the one gentleman's lounge is shielded from the rest.

14496. In such a case as that, how far are the lavatories from the men; what would be the average distance that the men would have to travel to get to the lavatory or bath rooms?—In all large houses in London where dormitories exist there is always a lavatory on the same landing.

14497. In every case?—I should say usually speaking there is a lavatory provided on every landing, and I think that should be so.

14498. One lavatory?—A lavatory; I do not know about more than one; it all depends on the number of men sleeping on the landing.

14499. In many of these establishments there are 300 or 400 hands employed, or even more?—Yes, but that is divided—half or two-thirds females and one-third males, and they are in different parts of the house.

14500. In your experience, have you ever found the lavatory accommodation insufficient, in the case of those big houses?—No.

14501. Fairly easy of access and sufficient in accommodation?—Oh, the lavatory accommodation of the houses in London is splendid. Let the Committee walk round and see for themselves, and they will see what nonsense is being talked. I should like them to select any house they like in the West End of London, and ask to go round and see the whole thing.

14502. There are 260,000 or 270,000 assistants employed, according to the best available returns. How many are employed in these big houses that you seem to think have provided so splendidly for the assistants?—Those figures are figures which have been stated by an official of the union; I cannot give you any details as to how they are made up.

14503. But we can easily sum it up. It is probably under than over the mark; I think it is considerably under the mark. Suppose there are a quarter of a million assistants employed, what proportion will be employed in these big establishments to which you allude?—A very large proportion, but I should not like to state the figures, because I have not gone into them. In our trade I should think a very large proportion—I should not state any figure because it would be absurd for me to give evidence of that character; but you take any town, Manchester or Oldham, or any of those towns, and you will find that in our particular business the bulk of it is done by large concerns, and the feeling is growing every day in favour of large concerns. On the Continent, of course, in Paris, and in America, the whole trade in our business is done by the large concerns, and in England it is becoming more general every day.

14504. Would it be within the mark to say that one-third of the total shop-assistants are employed by these large firms?—I should think three-fourths would be nearer. In our particular trade 75 per cent., I should say, are employed in the large concerns.

14505. You say here the whole subject of living-in is an economic one, and is entirely favourable to the assistants?—"Entirely favourable." I do not mean that it is favourable entirely.

14506. A little while ago you instanced a case where a man might be living with his employer's family, and where he would probably feel himself an interloper and would go out, having the feeling that really he was not wanted. Is that entirely an economic feeling?—He undoubtedly has an advantage from the economic standpoint.

14507. I am asking, is it entirely an economic matter, or is it entirely favourable to the assistant?—I did not state in my evidence that I knew of such a case: I said it might be possible.

14508. Do you know of any such case?—I do not know of such a case.

14509–13. Then what was it that urged upon your mind the possibility of such a case existing?—Well, I take it I have an ordinary intelligence, and one can see that in such a case as that it might be awkward. I stated that if there was not a second room provided the assistant might feel awkward unless he was welcomed by the employer; if the man was not a reasonable man he might show the assistant by his actions that he would much rather for the time being that the assistant was not in the room.

14514. So that in such a case as that the question would not be an economic one, and would not be entirely favourable to the assistant, would it?—Such a case, if it did exist, would not be an economic one.

14515. The possibility of its existence was suggested by yourself?—No, it was not suggested by myself; it was suggested to me by observations which I have seen in that particular paper which is published.

14516. You say here that the average income of an experienced male assistant is about 35s. per week when the dinner and tea are provided. Does that mean that the average assistant would get 35s. a week, actual cash, in addition to that—exclusive of dinner and tea?—Yes.

14517. He would get 35s. a week?—He would get 35s. a week; that is the average, as it works out in my books, and it is the same with the majority of the large drapery houses in London.

14518. So that you are referring mainly to the large drapery houses in London?—Undoubtedly; I am giving evidence principally as to those, and I think the same will obtain in the large houses in the country. Possibly the salary in the country might not be so high; it would be a 1s. or so less, but I give that as a fair average.

14519. In the towns where you yourself have had experience, such as Portsmouth, London, Dudley and Leamington?—Yes, in those towns certainly the salary would be as high as that.

14520. So that, as a matter of fact, these people, in your opinion, are much better situated, so far as wages are concerned, than the skilled artisan of the country?—Yes, they are. That will be a surprise for you, but it is the fact.

14521. It certainly is a surprise to me?—Well, you get the returns, and you will find out. You seem to be labouring under a complete misapprehension, like a large number of the public do, that the assistants are underpaid. In my opinion, having regard to their education, they are the best paid people in the country.

14522. So that this really applies to the big shops in the towns of which you have special knowledge?—Those figures have been worked out; I have had the figures from representatives in various places in which we have members.

14523. Liverpool and Manchester would come in?—No doubt they would be included, and those returns you can take as being something like accurate.

14524. You spoke of the humble tradesman who had a difficulty in keeping his assistants properly; would he be paying that class of wages do you think?—I should think not; he would be below the average.

14525. Are there many humble tradesmen who have a difficulty in keeping their assistants properly?—No, not in the drapery trade.

14526. There are not?—No. It is the richest trade, I should think, that you would find. Usually speaking, both those who are employed in and those who own the businesses are in a better position financially than the vast majority of the people of this country.

14527. You say that: "The trade is by no means overrun; there is really a dearth of assistants, if anything"?—I think there is a dearth of men assistants.

14528. So that, although the wages are as high, or higher, than the wages paid to the skilled artisan, you cannot get them to go into the trade?—Well, they have to be better educated than the ordinary artisan.

14529. Those wages that you spoke of, 35s. plus a dinner and tea, make it up to a good deal over £2 5s. a week?—I can assure you it is quite correct. My books are open to your inspection.

14530. I am not throwing any doubt on the figures got out from your books, but when you tell us that the average wage is 35s., plus a dinner and tea—?—The average wages and commission of an experienced man; I am not going to take a boy of twenty-three or twenty-four.

14531. Of course, it takes an experienced skilled artisan to make anything like £2 5s. a week?—I should think the skilled shop-assistant is paid as well, if not better, if those figures are correct.

14532. I was wondering whether you think it consistent with the statement that no class of persons of equal education receive such good wages, when you state that you have a dearth of assistants?—I think I stated that I did not think there were sufficient assistants, and certainly there is a lack of apprentices, in consequence, I think, of the erroneous and over-stated cases which have appeared in the Press. I think it is doing a considerable injury to a good and sound legitimate trade.

14533. Is this comparative lack of assistants of very modern growth. Until this agitation started were there plenty of assistants?—I do not say that there are not sufficient now, but there certainly is a difficulty at times in getting perhaps just the correct man to fill the correct berth.

14534. You spoke of twenty minutes and twenty-five minutes and half-an-hour being allowed for tea?—Yes.

14535. Where would the twenty minutes apply—in the low class houses?—In some of the medium class houses they only allow twenty minutes; in fact, I believe in some of the better class houses; it varies according to the time of year; they allow their assistants a little longer perhaps when they are not so rushed.

14536. Does that mean from counter to counter—from leaving the counter to returning to it again?—Yes, from the time they come down the stairs; they are not, as a matter of fact, checked to time. I have never lived in a house where the assistants are checked in coming back to the departments, and I think in the majority of cases they take a little over their time.

14537. Might I take it that your experience has been mainly confined to the good middle class and the superior houses?—My personal experience certainly has, and I think you may take it that my evidence is given——

14538. Mainly for the good middle class?—For the middle class, the good middle class, and the superior houses.

14539. So that, both as an assistant actually performing the work and as a man now in authority, your knowledge is confined to those two classes of houses?—It is not confined to those two classes of houses, because I have engaged assistants from very low class houses in the East End of London.

14540. But your personal knowledge is confined to that?—My personal knowledge, if you mean in actual practice of being an assistant. I have never been in a very low class place, but I have had plenty of conversations with those who have.

14541. Would half an hour be the maximum time allowed in the best houses for tea?—I cannot reply to that question, it may be longer, but I do not know of any case where it is longer.

14542. Have you ever considered what is the average distance to travel to get to the tea-rooms and back again?—It is a difficult matter to judge an average distance, but I take it, in some cases, it might take a man two minutes to get from his department; two minutes is a long time when you are walking.

Mr. B. B. Evans.

18 July 1907.

14543. Do you know of any case where they have to climb up three or four flights of stairs to get to the dining-room ?—No, I know of no such cases, personally.

14544. Then you have not given so much attention to this little book in some particulars as you have in others, I am afraid. This little book here, that seems to have received a good share of your attention, speaks of "several flights of stairs" ?—My reply was that I did not know of any such cases personally. I have read the statements made in that pamphlet, and I say that the majority of the statements made in the pamphlet are, at all events, only isolated cases which have been picked out for the purposes of this agitation.

14545. The existence of the flights of stairs cannot be a matter of opinion so much as a matter of fact, but you say that, as a matter of fact, you do not know of any such cases ?—Exactly. If it is stated in that book I do not take that as a matter of fact. You have not touched at all upon the cost of living; I do not know whether I might remind you of that.

14546. Yes; I thought of putting one question upon that. You give us the average cost to the employer of a male assistant living in, exclusive of rent, as being 10s. 2d. per week; that is the prime cost ?—The prime cost to the employer.

14547. Now, of course, I do not wish to throw any doubt upon these figures; that must be understood, because I have not the slightest intention or desire to challenge the accuracy of your books; but I would ask you just to consider for a moment whether these figures accord with the experience of the man and wife in the nation. Suppose you have an income of £2 a week for four people out of which you have to pay rent, clothing, friendly society payments, coals, and all that; how much would it allow for food for those four people ?—Four people living on £2 a week; I presume the food would cost in that case about 6s. a week each.

14548. That is to say, that 16s. go for rent, plus other necessary payments, and 24s. they will have for food ?—You are asking me for figures which I have not had any opportunity at present of working out, but I will give you my opinion about them. I think the figures I gave you then were about correct—about 6s. per week in food.

14549. That is very considerably lower than this ?—There would not be four grown-up men; there would be one female, the mother, and probably two little children, who, of course, would not eat as much as a grown-up man.

14550. I think the great experience of the people is that four people can be kept and housed, and rent paid for them and lighting and coals provided, at £2 a week; if they cannot, then it is a bad look-out for a good many people ?—I do not say that they cannot.

14551. Might I ask you, when you say seven dinners at 6d., are those figures—I will not say imaginary, but are they subject to revision; have you got them out exactly that each dinner per day is to cost 6d. ?—I worked out in my own particular case the accounts, and how the items are charged, and I have reckoned a certain percentage of the cooking expenses for the dinner, which is, of course, the principal item here. To that has to be added the cost of service. In a family of four they have no servants; the mother does the work, but here we have to provide a servant for about every ten assistants; perhaps you are not aware of that.

14552. Oh, yes, I am perfectly aware of that, because you have got here: "Attendance and other expenses, 2s. a week." You have provided for that in your 10s. 2d. I am only asking your attention for one moment to this scale of expenses, because we are endeavouring to institute a comparison between the scale of expenses that you are debiting the people with here and the scale of expenses that obtains in the average family in the nation ?—I see your point exactly.

14553. I am trying to point out to you that the scale of expenses that come within the ordinary family are by no means so high as you have placed down on this paper, although you say this is the prime cost to you ?—The prime cost, you will see, is 8s. 2d., without attendance and other expenses; these are items which would not be included in a family of four, which, as I said before, would include children and the mother. If you had four grown-up men together you certainly could not feed them on less than 8s. a week apiece—not to feed them properly. My men have two helpings of meat for dinner, and sometimes three a day.

14554. I am afraid that we are paying too exclusive an attention to the good cases. This Committee, after all, is appointed to inquire into the whole system of living-in—not the good, middle class or the superior class ?—I am afraid the whole inquiry has really arisen in consequence of the extreme cases.

14555. I am not speaking of what the inquiry has arisen from, but what this Committee is for. We are not talking of how this inquiry has arisen; we are here as a Committee to inquire into the whole case. I want to ask you not to keep your mind exclusively upon one particular class of employers, but to ask you what, in your opinion, to the best of your knowledge, is the prime cost over the whole case—the low class, the middle class, and the superior house ?—There are many houses in London where the cost of living is certainly considerably in excess of that item.

14556. Considerably in excess ?—Considerably in excess of these items. I assure you that that is so, and if the Committee like to go to the trouble of having the books brought before them from other houses, I do not think there will be any objection on the part of the firms, or you may have statements made to you by the heads of those firms, from which it will be found that there are cases where the cost of living is considerably more.

14557. When you speak of pokey little houses in the Mile End road, have you any knowledge of what the cost of feeding their assistants is to the employers in these houses ?—I have not, but I have no doubt it is small.

14558. And there are pokey little houses elsewhere ?—Certainly, and those are the people who should come under supervision, and not decent people—well, we could come under supervision quite easily, because it would not affect us. I take it there are large houses, or there may be, where there are more sleeping in one bedroom than would be possible under an Act; it may be so, it all depends on what the restrictions in the Act were. But, giving evidence for the general average of business houses in London, the statements I have made, and the meaning which I wish to convey to you gentlemen who comprise the Committee, are perfectly candid; I am not a biased witness.

14559. You have been perfectly frank in your statement; I do not think anybody wishes to question your candour. Now, with regard to the class of girls engaged at X 6; I suppose there are a good many girls engaged there ?—Yes.

14560. Do you see any essential difference between living-out, which is the system at stores like X 6, and the girls being allowed to live out entirely at stores like your own ?—Anyone is allowed to live out if they desire it, and are prepared to accept, in addition to their salary, the prime cost of living-in.

14561. I suppose that would be a matter of arrangement ?—It is because they will not accept the prime cost to the employer. He is prepared to give them the prime cost. As a business man, why should not he be ? If I could be allowed to ask the Committee questions, I would ask why should not he be ? It could not be with any idea of keeping supervision out of business hours.

14562. Do not many of these large houses insist upon living-in as a condition of employment ?—Some houses may insist upon living-in as a condition of employment, but I think that in a great many cases, if an assistant is prepared to accept, in addition to the wages that are paid for living in, the actual prime cost to the employer, the employer would have no objection to his living out.

14563. Is such an offer usually made by any of these big firms ?—It is often made, and it is often acceded to. In my own case I acceded to it last year. The lady is still in my employ, and after living out for about six months she asked to be allowed to live in again.

14564. Have you ever made this offer to large numbers of people, collectively ?—I could put it up on the notice-board to-night, and I should be perfectly prepared to do it with those figures, and you would find that the assistants would not have it. They want 15s. a week for living out, because it will cost them that amount of money.

By Mr. Delevingne.

14565. In your evidence, you say you believe the majority of young men prefer to live in ?—The majority of young men—that must be perfectly understood.

14566. What do you mean by young men ?—I mean men of twenty—the juniors. I think the men over twenty-five, the majority of them, would prefer to live out.

14567. You draw a distinction between men under twenty-five and over twenty-five ?—Oh, yes. In the first place, a junior assistant, earning the wages which he is earning to-day, could not very well keep himself respectably out of doors.

14568. Does your information enable you to say whether the agitation against the living-in system is amongst the assistants who are over twenty-five ?—I do not say it is confined to them, but I think it is the elder men in the lower classes of trading perhaps who have helped it—who have been the backbone of it.

14569. Do you say that assistants, on reaching the age of twenty-five, if they desire to live out, would in most cases be given permission to live out ?—Most certainly if they are prepared to accept the prime cost of living in.

14570. Do you happen to know what are the facts about this strike of shop assistants in North London ?—I know that it is in consequence of the employer refusing to acknowledge the union and to sign a document agreeing that under no circumstances will he ever engage in the future a male assistant to live in. Now that is a straight answer, that is the truth, I have that from the proprietor himself—he will not sign the document to say that he will not do it, and he will not give the undertaking that is required of him.

14571. It is not a strike in order to secure permission to live out ?—No ; he has given permission ; the men that have struck are all living out ; he gave them 13s. a week to live out two months ago.

14572. Before the strike commenced ?—Yes.

14573. Can you suggest to the Committee any way in which we could obtain representative evidence as to there being a preference on the part of young shop assistants for living in—I mean from the shop assistants themselves ?—I can only suggest that you should write to some of the representative houses in London and ask them to allow you to examine some of their people.

14574. It is rather an important point in this inquiry ?—I see no reason why you should not have those witnesses. Of course, if you asked a young man of twenty years of age : " Would you like to live out," the majority of young men might say yes, if you put it to them in that way ; but if you said to them : " Will you live out on your present salary, plus the cost of living in," they would say no. It is entirely an economic question with the assistants ; if you compel them to live out you will see that they will be out of pocket by it.

14575. It has been stated to the Committee that very few shop assistants are employed after the age of forty. Does your experience confirm that ?—I should think that it is quite incorrect to say very few. There are certainly more under the age of forty, because by that time a man usually gets into the position of either a shop-walker or a buyer.

14576. What becomes usually of a shop-assistant ; is there promotion for all after serving a certain number of years ?—No, there is not promotion for all, because there are plenty of men behind the counter fifty and fifty-five years of age.

14577. You say there are plenty ?—Plenty.

14578. Can you give me an idea of the proportion ?—I cannot give you an idea of the proportion, but if you walk through O 8's place you will soon see.

14579. We have had evidence on behalf of the Shop Assistants' Union that the Truck Act of 1831 ought to be applied as it stands to shop assistants. I do not know whether you are acquainted with the provisions of the Act ?—I am not, as a matter of fact.

14580. Shortly, it would be this ; that the whole of the shop assistant's wages would be required to be paid in cash, subject to one or two exceptions, the most important of which, for the present purposes, is that the shop assistant and his employer might contract for lodging and for food. Would you see any objection to the application of such provisions ?—If it is a matter that is to be left between one and the other, I personally can see no objection to it at all. What objection can there be ?

14581. You can see no objection to the application of such provisions to the shop-assistants. Perhaps you have not thought over it very carefully ?—I have not thought over it very carefully, but if it is to be a matter of agreement between the two there would be no objection. Perhaps I have not got the bearing of the thing quite right.

14582. It leaves it a matter of independent contract between the assistant and the employer as to whether he shall live in or live out ; that is what it shortly comes to ?—Personally, I should not take any exception to it. The difference, of course, would immediately come in the cost. The whole thing turns on what you could afford to give the assistant if he lived out.

14583. That, of course, is a matter with which this Committee has no concern ?—I only want to point out that the conditions of the assistants if they live out, would be worse than they are to-day. The majority of successful business men in London, who have made their way in our trade, are men who have done so in consequence of the living-in system.

14584. Then, referring to the question of health, have you set yourself to get any general statistics as to the health and sickness of shop assistants ?—I have taken the number of days that assistants have been absent in my own particular case.

14585. But you have not gone here over any wide range ?—No.

By the Chairman.

14586. Do you ever cater for any of your employees ; I mean do they live out, and you cater for them in the way of giving them dinners ?—Do you mean, do any of them go to the tea-room or refreshment-room ?

14587. Yes. You have some of your people living out ?—Yes, hey go where they live for their meals.

14588. Do any of them ever come and get dinner at your place and pay for it ?—Oh, no, never. I have no one behind the counter who goes home for dinner ; they all have their dinner on the premises. That is the usual thing, but they live out ; they have their dinner and tea provided, and then go home. I have others, such as the head of the despatch department, and so on, who are married men, and they go home to their dinners.

14589. I forgot to ask you this ; I am not going into details about it. Is there a system of fines in your establishment ?—No.

14590. How do you manage discipline ; do you just take stock of any errors or delinquencies, and then warn the people, and after a while suspend them ?—That is it. Of course, if it gets very bad we have to discharge them, but we have not found the necessity for fines. I think they are being gradually abolished. I should, personally, be very glad to see the back of the whole thing. But there is a difficulty when men do not turn up from their meals at the proper times to know how to deal with it.

14591. But you trust to the ordinary methods of discipline ?—Yes, that is quite sufficient. I think fines ought to be abolished.

FIFTY-FOURTH DAY.

Wednesday, 24th July, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P. Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, BART., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY (*Secretary*).

Mr. BENJAMIN BEARDMORE EVANS, recalled; and further Examined.

By the Chairman.

Mr. B. B. Evans. 24 July 1907.

14592. You sent a letter to myself as Chairman of this committee asking whether you might be allowed to amend or supplement certain evidence which you gave at our last sitting?—Yes, my Lord.

14593. We shall, of course, be glad to hear you, so as to get your final view in its considered form. I think what your letter particularly referred to was a passage in your examiniation by Mr. Delevingne?—That is so.

14594. It referred to Questions 14578 to 14582?—Yes.

14595. It referred to evidence which had been given by the Shop Assistants' Union, and in Question 14580 reference is made to the provision that shop assistants should be paid in cash subject to one or two exceptions, "the most important of which is that the shop assistant and his employer might contract for lodging and for food," and you were asked whether you saw any objection to the application of such a provision. Your answer was as follows: "If it is a matter that is to be left between the one and the other, I personally can see no objection to it at all," but in reply to the next question you said you had not thought it over very carefully, adding that if it was to be a matter of agreement between the two, there would be no objection, although perhaps you had not, you said, got the bearings of the thing quite right. Question 14582 proceeds: "It leaves it as a matter of independent contract between the assistant and the employer as to whether he shall live in or live out. That is what it shortly comes to." And the answer you gave was, "Personally I should not take any exception to that." Having now considered the matter what is the nature of the evidence you desire to give?—I gather from information received since I gave the evidence that the Truck Acts referred to in the question only allowed the employer to charge the actual net cost of the food material in cases where living-in comes under the Act. If that is so, and if my information upon that point is correct, then I certainly see a strong objection to it.

14596. What would be the objection?—It will be easily seen that the actual cost to the employer is much greater than the net cost of the particular articles of food supplied, because there are expenses for the cooking of the food, kitchen expenses, costs of attendance, etc. If my information is not correct upon that point I can still say that I have no personal objection, providing that the whole of the cost to the employer from whatever source can be included, although I think there is a large number of traders in the country who might consider that the inclusion of such things within the provisions of the Truck Act might operate somewhat as an encroachment upon their personal liberties. I have spoken to several large traders in London since I gave my evidence at your last meeting, and they do not seem to see any great objection provided that the whole cost of the living-in and matters incidental to it can be included.

14597. That assumption would, of course, involve something in the way either of books open to inspection or an independent audit?—I presume that if an employer included an improper amount in his charges he might come under some kind of summary jurisdiction.

14598. There must be some means of checking the charges?—I can see no reason why some provision should not be made to check any frauds upon the assistants.

14599. Assuming the living-in system is maintained and sanctioned by law, do you think there would be any objection to the whole style of it being open to inspection by Government representatives. I think your view was provided they were not female representatives you would see no objection?—That is so.

By Mr. Walsh.

14600. The impression of the witness seems to be that if the Truck Acts do not permit the incidental charges to be included in addition to the actual cost of the food itself, he would then be inclined to vary the answers he formerly gave?—Of course.

14601. Would not one of these items be the cost of the transportation of the food from a particular store or from a large caterer's as well as the lighting of the room, washing of the table covers, the provision of cups and plates, etc.?—Yes.

By Mr. Delevingne.

14602. I understood the witness's answers to refer to the charges incidental to the actual supply and preparation of the food?—And the serving of it; but I do not think I should include the cost of its transportation, as that would be included in the price of the food, which is delivered free.

By the Chairman.

14603. Might we take your evidence as amounting to this—that there is a desire that any provision with regard to the application of the Act should, at all events, go this length—that the employer should be recouped for the whole outlay in connection with the supply of food, as well as the net price of the articles of food supplied?—Yes; and in addition the whole of his outlay with regard to the cost of living accommodation.

14604. That is a separate matter?—Quite so.

14605. If he is not to get the whole of his outlay recouped, then you take it the Act should not be applied?—Exactly, most certainly.

14606. If he is to get the whole of his outlay recouped, do you see no objection to the Truck Acts being applied? Do you go further and say that they can only be properly applied if there is provision for an audit of the employer's books, so as to see that the charges are properly made?—No, I do not say that. I do not think that the traders of this country would allow such interference in their private affairs as an audit of their books, but if evidence could be brought forward to disprove the statements of the trader upon the point in question, then he might come under some penalties for making an improper charge.

14607. I am speaking to you as a business man, and I assume for the moment that the law permits you to get the whole on-cost in connection with the supply of food, including not merely the price of food itself, but all the necessary charges in connection with it. If the law permits that, I presume the first thing you would do as a business man would be to say, "Let us keep a separate set of accounts with reference to these transactions which might be open to be checked"?—I do not think such a course would be at all necessary. A form might be sent to each trader which he could fill in the same as he now makes returns for assessments or any other purpose. He would fill it in in a proper manner, but to ask all traders

to keep a separate set of books for inspection is asking too much and is outside the necessities of the case.

14608. I gather that to be your opinion, but suppose the law stipulated that it must have some means of inspection to see that there was no error committed, intentionally or otherwise, do you say that rather than have such an inspection, and rather than provide materials for it, you would prefer to see the system abolished altogether ?—I should be very sorry in the interests of the assistants to see the system abolished altogether.

14609. I am putting the alternative to you. If the system is to be kept up, although you might not think it expedient to keep separate accounts, I am afraid that in fact you would have to do so and have them open to inspection or subject to vouching in the regular way ?—I can see great difficulties in the way of that, and I may illustrate it by a concrete case. Take the case of a small shopkeeper with, perhaps, two or three assistants who live with his family. How is that man to dissect his joints of beef when all sit round one table, and how can he state how much each of the assistants has cost. Perhaps he may have one grown up son who may eat as much as all his assistants put together, or he may have daughters who eat practically nothing, while there may be two or three big assistants who eat a good deal. It is absurd to dissect the cost for the individual cases unless the man had the joint cut in two before it was delivered and spoilt the whole dinner.

14610. So it comes to this—that in working it out in practice you think the suggestion would be impracticable ?—I think so.

14611. That brings me back to the point I started with. Have you any real objection to giving an inspector right of access ?—No objection to give him right of access to the house. I agree that under a living-in system there should be inspection similar to that under the Factory Acts. It seems to me reasonable. I believe at least 90 per cent. of employers treat their assistants reasonably and properly. The whole of this agitation has, I think, been brought about owing to the 5 per cent. or less who act otherwise.

14612. As an employer, and representing the bulk of the employers, would you not be more than willing to have these bad nuts weeded out ?—I should not like to put the screw unduly on people who are in unfortunate circumstances and able only to give somewhat inferior accommodation.

14613. But do you not think that some system should be adopted by which the worst treatment should be weeded out ?—I think so.

By Mr. Walsh.

14614. It seems to me to be in the mind of the witness that if the whole of the incidental charges connected with the supply of food were not to be included, his answers previously given would have to be varied?—Quite so.

By Mr. Maddison.

14615. I am not quite clear what you meant by saying that, although an audit would be altogether impracticable, a form might be filled up by the employer, just as he would fill up an assessment return ?—If it was thought desirable for employers to fill in such a return, that would be preferable to keeping a separate set of books.

14616. What would be shown in such a form ?—The cost per head of the assistants living-in, and what they are charged—I can see no serious objection to that, and if the return was incorrect or false, there might, I presume, be some penalty.

14617. Would you object to an inspector calling and seeing the filled up returns ?—I can see no objection to anything that does no injustice to either side.

14618. You think that would be a safeguard ?—Yes.

14619. And the inspector might express an opinion as to the reasonableness of the charge made ?—I do not know to whom he would express his opinion.

14620. You have stated your view as to the impracticableness of an audit in the case of small employers, and suggest instead the filling up of a form. Would the employers simply state the amounts charged against the assistants for food, lodging, etc. ?—I do not see how an employer could dissect the details. The majority of fair-minded employers would, I think, be willing to fill up such a return, although I have no authority from the chamber of trade which I represent to speak on their behalf upon that point.

14621. Then I will take your own personal view, which to my mind is very valuable. You at least have given us your personal view that you would be prepared to have such a form under the Act ?—Yes.

14622. Then my further question was whether you would be prepared that this form, when sent somewhere or when seen by an inspector, might be tested in two ways ; first that it represented the accurate amount that your assistants paid and secondly, whether it could be called a fair charge to make for the food and accommodation ?—I can see no objection to the inspector having the form. It would be part of his duty, I take it, to see that the lodging accommodation and food supply were of the value charged to the assistant. I take it that that would be one of his duties. It would be a double duty ; first to see that the accommodation was up to the standard required by the Act, and, secondly, the duty might be, as you suggest, to see that the return was a proper and reasonable one and that the charge made was a proper and reasonable charge. But I still see considerable objection to the inspectors going to the assistants as they are in the habit of doing now and asking them questions on these points.

By the Chairman.

14623. Suppose in connection with your business you had a separate house for the accommodation of your assistants and a separate contract with your assistants, and suppose they desired to be free to live with you or not with you, but that they desire to live in this separate house ; you would charge them so much in the way of rent. Do you follow me ?—Certainly.

14624. In such a case, of course, it would be easily ascertained whether the rent that you were charging for the separate house was a reasonable one or not ?—Certainly.

14625. Now in the case of living-in, where the house and the business premises are practically mixed up ; have you any objection to stating plainly how much is the charge for lodging and attendance as one item and how much is the charge for board as another item ?—I said in a previous answer that I saw a little difficulty in regard to that, because you see you have the same servants acting as waitresses and kitchen maids, and you have them at other parts of the day doing the bedrooms. That would be a slight difficulty. Of course, I should have no objection to the return being made separately and I do not see any reason why it should not be. It would have to be an estimated return and possibly it would be a matter of opinion as to whether it was correct or not.

14626. Would not the estimate that you refer to simply be this ; that you knew the total on-cost applicable to living-in, and that you divided it by the number of people you accommodated, and then you put into your return or schedule which you referred to in answer to Mr. Maddison so much per head. It would work out in the end on business principles—if the arithmetic was correct—that you would be recouped and nothing more than recouped for your total on-cost, and that is all you desire ?—I am sure that is all we desire, and that is all we get.

14627. If you made a return such as you have referred to in answer to Mr. Maddison, the return would be a return of the board—the amount for food and attendance and so on—and also a return of the estimated charge for the lodging accommodation ?—Yes. I can see that it could be done to within a few coppers.

14628. If you have so much per head I think you admit that, having as it were certified that per head, there should be two safeguards. In the first place the inspectors would require to have some kind of materials furnished to them or available to them on which they could check charges of fraud where there was a distinct fraud by some bad person to make a profit out of the assistant ?—I am quite sure that the traders of the country would be willing to submit to that. Men who do not conduct their businesses fairly are not worth consideration.

Mr. B. B. Evans.

4 July 1907.

14629. That would cover the cases of fraud; you agree to that; but then would not there be possibly, according to the schedule referred to in Mr. Maddison's questions, a rough and ready means by which the inspector, or whoever the independent person was, having looked round the premises and seen the people at their food and knowing the accommodation, could ascertain whether substantially there was value per head given for the figure scheduled?—I think if the inspector was a man who was daily engaged in this work he would immediately, if he were a man of ordinary intelligence or above ordinary intelligence, see at once whether or not the return made was of a proper and reasonable character. I think, perhaps, the employer might take exception as I said before to keeping a separate set of books. In some cases that would be quite impracticable. I am sure that if such a return and such an inspection were made we should then get down to a level of what would be understood in the trade as proper food and accommodation, and I think that would be a great improvement on the present system.

14630. Might I just suggest a third difficulty, namely, that if such a figure were furnished per head you could easily, and the employees could easily, contrast the allowance for wages plus the allowance for food inside with the outside wages when they themselves bear the cost of living?—Of course.

14631. And they would then be in a position of greater freedom and on a better business footing with regard to estimating whether they should go to a living-in place or whether they go to a place not living-in; I mean there would be the data for comparison?—Exactly, and I am quite sure that if such a thing were brought into operation it would not alter the state of things one bit, except in isolated cases perhaps.

By Mr. Maddison.

14632. You are in favour of some such return being made as suggested by his Lordship which could have a double check and which, I gather, you think would result in a kind of standard cost of living, varying a little but not varying very much in different cases?—Yes. Of course, in the lower class of trade it would be necessary to allow some little margin; I mean in the lower class of trade where poor people are concerned they would be unable to give their assistants such good living as we do in the usual and good class of business houses in London, but that would of course, be an arrangement between the employer and the employed.

By Mr Delevingne.

14633. I was struck by what you said about the difficulty of presenting a separate account in cases where the assistants lived with the family. Can you tell the committee whether that would form any large or even considerable portion of the cases in which assistants live-in?—In the country it is quite a general thing, and also amongst the smaller shopkeepers it is quite a usual thing, and in the small houses in London it is quite the usual thing; where a man only has one shop you can take it for granted that the assistants live with the family unless they live out.

14634. With what number of assistants?—It might be three or four, or it might be as many as ten. I know some single shops that have that number. There is a man a few doors from me who has fifteen in one shop, and they all live with the family.

14635. Supposing some provision was made by the law as to keeping a separate account, such cases would have much difficulty in adapting themselves to that provision?—I cannot conceive that it would be practicable in many cases to keep a separate account. I am only too pleased and anxious to assist the committee; there is no witness you have had round this table I am certain, who has had more actual experience than I have had and who is more anxious than I am to get what is absolutely fair for the assistants.

14636. Where the assistants live apart from the family it would be quite easy for the employer to keep an account of the prime cost at any rate of food and materials?—There would be a difficulty even in the case of an employer where the assistants all lived apart. In my own case I should have a difficulty for this reason. Some of the porters have their meals in, the servants all have their meals in; there are probably fifteen servants on the premises, and they have their meals there. The housekeeper has her meals there. It would be a most difficult matter for me to dissect. Some assistants have only dinner and tea in while others live in entirely. It would have to be an estimated cost; I cannot see what books could be kept; but I do not think there would be any difficulty finally; the thing would level itself down. At the present time all that the assistant is charged is the prime cost of the food. It is a mistake to think that the employers are making a profit out of it. They charge the prime cost of the food, however low it may be, to the general expenses of the business. The employer naturally puts the net cost of living-in the same as he would rent as a lump sum on the debit side of his account; as to anything that is left in the way of net profit on the business at the end of each financial year, if the employer can afford it he gives an advance in his assistants' salaries, or he says that he cannot, the value of each hand being, of course, considered separately.

Councillor HENRY ROBSON, called; and Examined.

By the Chairman.

Councillor H. Robson.

24 July 1907.

14637. You are from Bournemouth?—Yes.

14638. You come here as a member (*see* 14720) of the Federation of Grocers' Associations?—Yes.

14639. You are a partner in this business at the Triangle, Bournemouth?—I am the sole partner now.

14640. You were partner with your father from 1877 to about 1886 since when you have been sole proprietor—Up to 1891 at Whitby, since at Bournemouth?—Yes.

14641. You are interested, are you not, in youths and boys and young men outside the business; you are captain of the boys' brigade, you are president of the young men's club, and you are a member of the Bournemouth Borough Council?—Yes.

14642. Do you have the system of living-in with the assistants in your business?—We did have up to a year ago.

14643. What is your business?—Grocers and provision dealers in the Triangle, Bournemouth.

14644. Up to a year ago how many assistants had you living-in?—Four.

14645. During the whole of your experience alone and with your father you have taken young people in, have you?—Yes.

14646. Will you just describe it to us in your own language. They lived in the house at the same table with the family?—That is so.

14647. I need hardly ask you—you made it a point of duty to see that their wants were properly attended to, and I suppose you go so far as to say that you thought yourself responsible, not only for their physical well-being, but for a certain moral and spiritual provision for them?—That is so, and that is the advantage that we set forth to those who wished to come into our house.

14648. You are able to give us a list of the dinners—good substantial dinners—and other meals which I fancy would be just your own family diet?—Yes; beef and mutton, pork in the winter—no poultry or salmon, but just the ordinary business man's procedure.

14649. A full hour was allowed for dinner?—Invariably.

14650. And a full half hour for tea?—Yes.

14651. Was a sitting-room always at the disposal of the young people?—Except for the fact that the sitting-room was used as the dining-room; dinner, breakfast, or tea was immediately cleared and the room was then at their disposal.

14652. It was properly lit and warmed and comfortable?—Perfectly.

14653. I may take it that the conditions of life of the young people with you were real home conditions ?—Quite. Even their linen would be overlooked by my wife or one of my daughters, to see that it was in proper condition. In many cases they were the friends of the family.

14654. People you knew beforehand ?—Yes.

14655. Have you any experience of the other end, so to speak, of the living-in system—the large establishments ?—Only by hearsay, and, of course, that would not be of any service to you.

14656. I would regard your position as this; that in laying down any general rules by the legislature with regard to this system there should at least be an exception of cases like your own where there is home supervision and the protection of the young people against the dangers of coming from the country to the town ?—I think any legislation that had the effect of depriving the country grocers of the right and privilege to entertain some portion of their assistants would be a very great hardship to the trader and would be even a greater hardship to young men wishing to enter a business career.

14657. So that if you were confronted with the problem of the total abolition of the system by law you would say 'no' to that ?—I should say 'no.'

14658. But when you are confronted with the problem in another form, namely, of supervision of cases which it is manifest might require supervision, you would have no objection to that, I presume, but rather agree that something to bring it up to your own standard might be required and would be advantageous ?—From what I hear from my assistants I should imagine that some improvement in the way of supervision is necessary in some cases and would meet the case. Might I say that the last apprentice that went from my own house came up to a London firm. Their arrangements are admirable and, even coming from my house, the assistant expresses himself delighted with his new employer. It is a large concern in the West End of London, I forget the name now. I mean, even London should not be universally condemned.

14659. Let me put a plain suggestion of this kind to you, which has been mentioned. You know that there are efforts to put down or to see if it is possible to put down sweating, that is to say, too little reward for a great amount of labour. Now a suggestion is made that it might be possible to, at all events, see in the living-in cases that the food was adequate and the accommodation reasonable and respectable. At present the law allows no kind of independent inspection or supervision on that matter. You would not object to some representative of the law such as an inspector having such a power ?—Would that be in private homes or in boarding establishments ?

14660. Great establishments with a couple of hundred people ?—If the inspection was restricted to large establishments and houses which were used entirely for boarding houses, I cannot conceive of any right-minded employer objecting to it; but I should not like to hear of it being extended to such experience as I have of purely domestic entertainment of employees.

14661. Probably you are unduly sensitive about that. Let me put this to you. Suppose an inspector had that power and came to your house at the dinner hour, for instance, you would be glad to see him ?—I might, as being a little bit case-hardened, but I think the predominant partner might not like it.

14662. The fear you have is, and it is not unnatural, that in some cases it might be looked upon as espionage rather than public duty ?—I am afraid it would, especially in the country and where the house was not exclusively for the boarding of employees. Certainly it would be looked upon as derogatory to the employer to have an inspector coming about a private house or a house any portion of which was used as a private house.

14663. You understand that the position brought before us is the position in which the employer is as it were out of it either as a personal supervisor or as a person partaking of the food (the firm, for instance, may be a limited company). In such a case I fancy you would think there may be instances in which independent inspection may be in the interests of all parties ?—I do.

14664. But again you wish to except the case, such as your own, of the simple home life shared by the employer with his assistants ?—Yes, most certainly.

14665. Would there be any difficulty in getting board and lodging of a respectable kind in a place like Bournemouth ?—Very great difficulty for juniors who were learning, and after all it is the juniors whom, as a rule, we provide for.

14666. In your case you have been accustomed to allowing the housekeeper at 10s. to 12s. per head ?—That is so.

14667. The actual food cost being from 7s. to 8s.; the balance you reckoned as the cost of fuel, light, attendance, wear and tear ?—Yes.

By Sir F. Cawley.

14668. It has been represented to us by one or two witnesses that there is no difficulty whatever in lodgings being got for youths who come up from the country, and that therefore it would be better not to have any living in at all. It has been represented that the parents in most cases see that they are put with nice families or look after their lodgings for them when they come to town from the country; would that be your experience ?—No—entirely to the contrary, I have examples before me at the present moment, where I am taking several youths who have had a year or two in their fathers' shops in the country, and knowing our reputation as being a business of fairly good standing, they wish to place their boys with me for some time. It is almost impossible to get accommodation at anything like a reasonable price, at present 12s., 14s., and I believe 15s. is being paid by parents for the board of their boys who are only qualified as yet to earn 8s. to 10s. a week; their parents are paying the difference.

14669. It has been represented to us that in these places where they live in the youths often have to sleep in the same room as the older men, or at any rate are associated with the older men, and that is very bad for their moral character, and that they would escape a great deal of that by living out in rooms of their own ?—I should not think that that obtained in the country at all, because we have to be so particular in the style of men we employ that I cannot conceive that difficulty obtaining. And then, against that, particularly in a place like Bournemouth, or almost any place nowadays, the temptation to youths of the age we are discussing now would be far greater out-of-doors in the streets and in music halls and circuses and entertainments to spend more than they should and perhaps get into worse trouble, than the risk of any contamination of morals from the older employees in the same house.

14670. Then you think as a matter of fact that, anyhow for youths, the living-in system is better for them morally than the living-out would be, where they are practically their own masters ?—Far better in the country.

14671. Can you express any opinion upon that question in the large towns ?—So far as apprentices and improvers are concerned, it would apply equally in the large towns.

14672. Then you do not think there is anything in the allegation that it is physically and morally bad for youths coming up from the country to live in ?—No.

By Mr. Walsh.

14673. You say here that during the whole of your experience you have taken youths from very good families as apprentices ?—Yes.

14674. Does that mean that you have made very careful investigation before these young people are engaged ?—I never take a youth without a local personal reference and a reference from his schoolmaster, and if possible from the Church to which he has been attached.

14675. I suppose the fact of your being in a very well-known position, say in the town of Bournemouth, will give you knowledge really of the families that would not be obtained by the average employer ?—I think that any knowledge which I get would be open to any employer who was careful as to the style of youth.

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14676. This is the point—I do not think I placed it quite as I might have done. The fact of your having a good knowledge of the town of Bournemouth, and the high social position, if you will allow me to say so, that you occupy there, will give you a knowledge of families which would not be accessible to the ordinary employer ?—That may be so, but that would hardly have any bearing upon the obtaining of apprentices, inasmuch as an apprentice to be boarded in is usually one who comes from another town, where the local advantage which I might have would not obtain.

14677. So these apprentices, although you say they are from very good families, are not people in every case, or even in the majority of cases, of whom you have personal knowledge ?—Not in every case.

14678. They have always lived with the family ?—Yes.

14679. At the same table ?—Yes ; the only meal not taken has been tea ; tea has been served in their own sitting-room, but breakfast and dinner are invariably served with the family.

14680. Then I understand you to say you have no personal experience of the living-in system with the large firms in the large towns ?—I have not.

14681. We are inquiring mainly here into the case of large firms who employ so many hundreds that they could not possibly live with the family as in your case ?—That is so ; but my fear is that legislation made for these large firms with large boarding-houses should be made to include and work to the detriment of the hundreds of grocers and their employees in the country and smaller places under conditions similar to those I have outlined in my evidence.

14682. In your case it almost seems as though the arrangements are really those of a rather large family ?—That is so.

14683. And those conditions could hardly be said to obtain in places where many hundreds are employed and where the system at least cannot be compared to that of a family ?—That is so.

By Mr. Maddison.

14684. You said it would be difficult for boys to get lodgings separate, out of your place, and you said it would cost 10s., 12s., or even 15s. a week. Now they cost you between 10s. and 12s. per head and you give them 5s. per week ?—If they are out of doors.

14685. What do they get if they are indoors ?—Nothing.

14686. So that it costs you from 10s. to 12s. per head ?—We might even be paid a premium.

14687. But suppose you did not give them this food to the amount of 10s. or 12s. per head, you would be prepared to give them that money, would not you ?—If they are worth it, certainly.

14688. So that what it costs you to keep them and what they could get lodgings for is not very different ?—From 3s. to 4s., perhaps more ; and we give them better accommodation.

14689. Bournemouth is an exceptional place ; it is dear in summer and it is dear also in winter ; you have a winter season as well ?—It is a very dear place.

14690. We have to inquire into the thing generally. You would not say that it would be difficult for boys and girls to get board and lodging in a home in Bournemouth, would you ?—It might not, but it might be difficult to get the same oversight exercised over the young people.

14691. I was thinking for the moment of cost only. Now, why is it necessary for grocers apprentices to live in. You have ironmongers in your town. Do the ironmongers apprentices live in ?—Yes, to a very large extent.

14692. That is very exceptional, I should think. For instance in Bournemouth there will be a number of boys coming to all sorts of apprenticeships. Parents if they send a boy to a joiner, for instance, do not expect that the boy will have to live in ?—But we do not entertain boys in the house who live in the town.

14693. But take boys coming from a distance ; it is a common thing for boys to go into accountants offices and all sorts of employment away from their town. I do not see why a grocer's apprentice should necessarily live in. You cannot conceive that there are not apprentices sent to Bournemouth from other towns ?—I do not think it obtains. I think that clerks and joiners and all other apprentices live in the place and come from their parents' houses.

14694. Bournemouth may be exceptional. How many people have you in Bournemouth ?—Between 60,000 and 70,000.

14695. Is it not possible to conceive that there is an apprentice coming to Bournemouth to learn his business in some trade besides grocery ?—Of course, I am a grocer only ; but I should be very surprised to find that many apprentices came to the town who were not entertained in the employer's house.

14696. But you would not go so far as to say that that is not quite a common practice in other towns. We know in London, for instance, they come up to innumerable employments as apprentices, and do not live in at all ; you would admit that, I suppose ?—No, I should be surprised to hear that that was so.

14697. I can assure you that it is so. There are thousands of boys in London to-day who are learning various callings who live in lodgings. Now, have you no assistants living in ?—None now.

14698. Why did you give it up ?—We had twenty-five years of it ; my daughters and family were growing up, and we thought we could do without it.

14699. What was the number of assistants that lived in with you ?—Six was the highest we ever had.

14700. You never made it a condition of general employment to live in ?—No.

14701. What is your view, generally speaking, of the living-in system for assistants being made a compulsory condition of employment ?—I should not like it to be so made. I would not make it.

14702. So that you are against making living-in a condition of employment ?—I am.

14703. Why : what is the main motive that operates in your mind ?—I think that a good man, so good as to be in a responsible position in a business, ought to have the extra liberty which undoubtedly obtains when he lives out.

14704. Now, you take a great interest in boys. In the answers you have given you have naturally and rightly confined yourself to your own business, which I think you will admit is rather exceptionally good, if I may say so ?—Well, I have another business in my own mind which for nearly an equal number of years has been similarly conducted. I know the employees, I know the proprietor and I know his good lady and daughters ; and the conditions have obtained there just as well.

14705. Taking employment over a larger area, would you really say that boys who live in have much paternal oversight ?—Yes.

14706. You would ?—I would—speaking of the country.

14707. When you had your six assistants living in, did you put boys and men in the same room ?—No, never.

14708. Would you regard putting boys and men in the same room as a bad practice ?—Certainly.

14709. Would you be surprised to hear that it is a very common practice ?—I should not be surprised, in these large boarding houses.

14710. In evidence here as to a business employing I think it was six or eight men, we had some very deliberate statements made as to the evils which resulted from it, and one of the cases given was that the boys and men slept in the same room. Would you say it was common in small businesses of that kind ?—I have no knowledge.

By Mr. Delevingne.

14711. I take it then that your evidence is really confined to the living-in of apprentices ?—Not entirely.

14712. Of young people ?—Not apprentices entirely ; I have had assistants—apprentices and assistants.

14713. But the greater part of the evidence you have given this morning, if I understand it rightly, has been

as to the advantage to apprentices ?—Yes, the great advantage.

14714. Your experience of assistants is not a present experience, it is a past experience ?—Well, up to nine months ago.

14715. But even then it was confined to six ?—Quite a small number.

14716. How long did your apprentices come to you for, what was the term of the apprenticeship ?—On the average, four years.

14717. To what age would the apprenticeship run ?—Nineteen or twenty would be a fair average.

14718. And then did they stay on with you as assistants ?—Occasionally, but as a rule I think it is to their interests to move on.

14719. All your assistants now live out ?—The apprentices and the assistants too. The apprentices live at home.

14720. You do not give evidence generally on behalf of the Federation of Grocers' Associations ?—No.

14721. Would your case be typical of the majority of grocers ?—Country grocers, yes. *Councillor H. Robson.* 24 July 1907.

14722. You would have the apprentices living in but not the assistants ?—That is so.

14723. How about the grocers in the large towns ?—I specially bar that, because the conditions obtaining in the large towns I am not familiar with; I think I have already admitted that they would be better under supervision.

14724. Your evidence is confined to the grocers in the smaller provincial towns ?—That is so.

By the Chairman.

14725. Have you any apprentices coming from the country now ?—No, none.

14726. Since you have given up having them with you, you have selected them from their own homes in Bournemouth ?—Yes, as far as I could, but I am short of many now that I could get if I had not ceased to entertain them at home. I live in an area where I could draw the class of youth I want, but for the determination not to take any more, and it is an inconvenience.

Mr. KIDNEY, called; and Examined.

By the Chairman.

14727. You are secretary of the Merchant Drapers' Association of Ireland ?—Yes. *Mr. Kidney.* 24 July 1907.

14728. You know about the inquiry as to the living-in system ?—I do.

14729. Where are you located ?—In Dublin; the offices of the association are at 39, Westmoreland Street.

14730. Have you yourself been a draper ?—No. I am an accountant by profession, I am also secretary of the Drapers' Association and I have been for some years intimately connected with drapers in business.

14731. Are you authorised by the association to give evidence here to-day ?—Yes, I have been authorised by them. Owing to the great amount of business that there is just now in the houses, the gentleman who was to have come was unavoidably prevented from coming, and I am authorised to give evidence for the association.

14732. Can you give us any statistics as to this subject in Ireland. Is the living-in of apprentices and employees in the drapery trade common in Ireland ?—It is the usual thing in nearly all the houses.

14733. Does that extend to Belfast also ?—Yes, as well as I know of Belfast; although we have no member in Belfast.

14734. Have you any large firms in Dublin where the living-in system prevails ?—Yes, there are about nine of the monster houses employing 120 up to 300 hands.

14735. And they live in ?—Yes, with two exceptions. I 8 and R 8. I 8 has been rebuilt in the last few years and there is accommodation provided for the assistants, but they refused to live in.

14736. How recently is that case ?—That is about nine months ago.

14737. And does that firm go on with employees who do not live in ?—All their employees live out.

14738. Have they a large business ?—They have about 200 employees.

14739. Do they seem to do well enough without living in ?—Well, it has been a very great expense to the firm. There was splendid accommodaton provided for the assistants, and it was a great disappointment to the firm after going to the expense of providing rooms that the assistants failed to come in. The employees had a meeting. It was owing to their association that this thing was brought about, and the manager has reason to believe that a good many of the assistants were coerced into living out, especially the young ladies.

14740. You have told us that the general practice is to an opposite effect—that they live in ?—That is the practice in Dublin, with very few exceptions.

14741. What is your view with regard to any proposal to abolish it ?—I think it would be bad for the assistant. because he could never live outdoors on what he gets, along with the addition that would be given to him in lieu of board and lodging.

14742. Just give us that in figures; what has he inside? We shall take the ordinary assistant ?—The ordinary assistant in Dublin, an experienced assistant, I suppose, would have from £60 to £70 a year.

14743. Plus his living ?—Plus his living. Were he an outdoor assistant I do not think he would get much more than 12s. a week more.

14744. That is £30 more ?—About that much, or less in fact; and, of course, it would be impossible for him to live in lodgings on that amount extra, because a boarding housekeeper has to make a profit out of the transaction.

14745. If the living-in system was abolished, you think it would have economically to adjust itself; probably there would have to be an increase of the wages bill ?—Of course, there would have to be an increase of the wages bill; or, on the other hand, our members are almost unanimous in saying that it would reduce the *status* of the assistant; we should get a different class of assistant altogether.

14746. What does the assistant get who lives out in Dublin ?—Very little more; I would not say that he would get more than 10s. a week more.

14747. Will you tell me what you mean by reducing his *status* ?—You would not get as good a class of man to go in for the business.

14748. On what is that opinion based ?—They compare that mostly with the *status* of commercial clerks, and outfitters' assistants, for instance; they all live out and they are not by any means as good a class of person as the indoor drapery assistant.

14749. One does not know, but I should have thought that commercial clerks were of very good *status* ?—Well, going into them altogether, I do not think the scale of salary in Dublin is very high by any means. If a commercial clerk in Dublin gets 30s. a week, he is supposed to be doing very well.

14750. When you referred to lowering their *status*, did you mean lowering their wages ?—No, I meant lowering the class of persons.

14751. But is not the commercial clerk just as good a class of person as the assistant who lives in in Dublin ?—No; I think a lot of drapers' assistants are a better class than the ordinary commercial clerk.

14752. Do you know anything of the business in Glasgow ?—I do not.

14753. You have never heard anything about the Scotch drapers' assistants, have you ?—No, except that I believe they live out.

14754. And as to their *status* morally and intellectually? —I cannot say.

Mr. Kidney.
24 July 1907.

14755. These are the two objections ; this question about the wages which you have explained, which would have to be adjusted, as you think possibly to the detriment of the employees ?—I think so.

14756. And second, this question of *status* which you have explained ?—Yes.

14757. Is there any other ground of objection to the abolishing of the living-in system ?—With regard to the young girls coming up from the country for apprenticeship, I think we should not get as good a class of girls to go in for the drapery business if they were living out. In Dublin the parents of girls are very anxious to get the girls into drapery establishments, where they live in, and they will pay an extra premium to do so.

14758. What is the reason for that ?—People in the country know that when their daughter is up in a house in the city, she is looked after, especially in the evening ; she has to be in by a certain hour and they know that she is well fed and goes to bed regularly.

14759. I think you have now stated the advantages of the living-in system ; are there any disadvantages that occur to you ?—Except that it might be rather galling on a man to have to live in.

14760. That is to say, the restriction on his liberty ?—The restriction on his liberty in the evening, for instance, having to be in at a certain hour ; he might not like that, of course.

14761. Take this case ; I am rather anxious to get your view about it : that the food may be bad, the accommodation may be bad, and the situation of the employees is such that if they complain about things it is what their place is worth to them. Do I make myself clear ?—Yes.

14762. What remedy would occur to you with regard to such a state of matters ?—In many of the houses in Dublin the Drapers' Assistants' Association is very strong, and in each case there is a house committee who inquire into all these matters and put them before the directors of the different houses, and they are immediately remedied. I have never known of any case of any abuse that has occurred in the catering or in the lodging of employees being looked over or not heeded.

14763. Do you think it is valuable that they should have an organisation of that kind which can articulately express any complaints ?—I think so. I think they are quite right in having their own association ; I do not blame them in the least.

14764. I mean, it is an advantage to both parties ?—Oh, yes ; because on our side we can speak to their representative and on their side they can speak to our representative.

14765. What is your view as to this proposal that is made, that the factory inspector or a person of similar *status* to him should have the power of entering into the premises to see the accommodation, and if necessary, see to the remedying of any complaint ; has that matter been under consideration ?—No, it has not been under consideration ; I have not heard that suggested at all and I do not think it would be necessary.

14766. In the well-conducted houses, they would rather welcome the like of that, would they not ?—Certainly ; I am sure they would be quite willing to have an inspector coming at any time.

14767. If there were such a man—I am putting these questions because evidence has been given about certain cases—if there were such a man as I have described, who insufficiently or improperly fed or housed his employees, the employers as a body would be very glad if there were an inspector to bring that man to book ?—I think so, because the acts of that employer would have a bad effect on the whole trade generally.

14768. And raise an agitation against the good as well as the bad ?—Certainly.

14769. Now, the buildings in Dublin of people engaged in the drapery trade, are they erected with a view to accommodate under the living-in system ?—Yes ; all the houses at present built have accommodation for living-in. There is one exception to it, R 8, when they built their new premises after the fire they did not provide for living-in and they gave all the assistants an extra £10 a year to live out ; but, of course, they get all their meals on the premises.

14770. Is that the case you mentioned of nine months ago ?—No, this happened about twelve years ago.

14771. How many employees have R 8 ?—I should say 250.

14772. And the assistants take lodgings in Dublin ?—Yes, scattered about the city and the suburbs, and they come in every morning.

14773. Is that a high-class firm ?—Yes, one of the best houses in Dublin.

14774. And it does a large business ?—Yes, a very large retail and wholesale trade.

14775. So far as the conduct of the business is concerned they seem to do well either way ; there is nothing in that point, is there ; they did well whether they lived in or lived out ?—Well, yes. The fact of their lodging out does not affect the firm so much, but if it were a question of getting their meals out it would disorganise the business enormously.

14776. In the case of R 8 and their 250 employees are they catered for inside ?—Yes ; they have breakfast, dinner, and tea on the premises.

14777. Are they free to buy it from inside or to go out ?—I do not think they are free to go out during business hours for meals ; the meals are provided there for them.

14778. At a fixed rate ?—They do not pay anything for it ; it is included in their salary.

14779. So that R 8's case is just that they board, but they do not lodge ?—Exactly.

14780. Are you aware of the movement against living in ?—Yes. The assistants are very strong in Dublin over that ; there is a lot of agitation going on by the leaders of the Assistants' Association.

14781. What is the objection grounded on ?—I do not know—I cannot say. I think it is really because they want something and they do not know whether it will do them any good or not.

14782. Have you in Ireland any equivalent of the Scotch proverb, "There's aye some water where the stirkies drown ?" I mean, I have never heard of an agitation unless there was something really at the bottom of it to cause it. Now, what, in your opinion, is really in fact at the bottom of this ?—Well, it might be that the natives of Dublin, that is the Dublin people themselves who are in the drapery trade, want to have all their salary to spend as they please.

14783. The desire for freedom ?—I suppose that is the way you put it.

14784. You say there is all but unanimity in favour of boarding in, is that so ?—That is so.

14785. How do you explain that in view of the case of nine months ago that you referred to ?—That was a case of lodging in, not a case of boarding. In fact that selfsame house offered to let them go out and board out if they liked, but they never accepted the offer, and they have not made any advance since. I think that proves that they are satisfied in that house, at any rate, with the catering arrangements.

14786. Then you say that during a temporary upset to business in a certain house the staff had a month or six weeks, experience of boarding out, and that they are very much in favour of boarding-in ?—Yes ; it really amounts to that, because they were not at all satisfied with the food they got when they were out. The firm who had these assistants who were out paid to a couple of good class restaurants 2s. 6d. for their dinner and their tea ; and nearly all the assistants stated that they could not get half enough to eat at dinner, and they wanted to go somewhere else to eat. I think you will admit that 2s. 6d. per head was a generous amount to give for nearly 200 employees.

14787. The last paragraph of your evidence is, "The expenses of living at boarding-houses in Dublin are admittedly higher than in a great many cities in the kingdom ; it would be impossible for an assistant to provide himself with board and lodging with the extra amount an employer would give him." Is that so, that boarding-house life in Dublin is dearer than in other places ?—It is dearer

because the rents and taxes in Dublin are very high; I suppose they would be as high as in London. In saying a great many cities of the kingdom, I would exclude London; I mean the provincial cities. I do not think an assistant would get board and lodging in any lodging-house for less than 18s. a week; that is putting it as low as possible.

By Sir F. Cawley.

14788. You have one concrete case, that of I 8, where the assistants did live in?—Yes.

14789. What wages did an ordinary assistant get in I 8 when they lived in?—I should say about £55 to £65 a year.

14790. They will not live in any more you say?—No, they decline to live in.

14791. And they live out?—They live out.

14792. Do they board out?—No; they only lodge out; they get an extra £10 a year for that. The way it happened is this; there was a fire there, and while the premises were rebuilding all the assistants received an extra £10 a year to lodge out.

14793. Cannot they get lodgings for £10 a year; a bedroom is all they want?—Well, that is 16s. a month, you will not get much of a bedroom for that in Dublin.

14794. Therefore I 8's people are really worse off than they were before?—I should say they were. What the assistants do at present is, two or three go together and get a bedroom, then they can manage it; but an assistant going out by himself and trying to get a furnished bedroom for 4s. a week, I do not think he could do it. I should put it at not less than 5s., and that is putting it low enough.

14795. But in spite of that they prefer sleeping out?—Yes.

14796. Where they go two or three together, do they occupy the same bedroom?—Yes, I should say so. Two and three often occupy the same bedroom when they go out.

14797. Are they always assistants or do sometimes the juniors sleep in the same bedroom as the senior assistant?—You mean in living-out?

14798. Yes?—I think so, but I should imagine that they would keep more to themselves, the juniors and the seniors.

14799. I take it your evidence with regard to girls coming from the country into the town is that their parents prefer them living in and sleeping in?—Certainly, that is quite true.

14800. Because in that way they are always sure of good food and proper supervision at night?—Exactly.

14801. But there are no cases in Dublin where they board out; you do not know any case where they board out as well as sleep out?—No. There are no drapery houses in Dublin where they board out that I know of.

14802. You think boarding-out would be a great detriment to the carrying on of the business?—I do; it would be very awkward in the day time.

14803. With regard to the ground of this agitation, you think it is principally because they want more freedom?—There may be something in that, or else the leaders of the Assistants Association have some ends of their own in view, probably political.

14804. I suppose what you mean by that is that the leaders of the Association have not got quite such a good hold of the assistants if they live in, or cannot make so much impression upon them if they live in, as they could if they lived out; is that it?—I think that may be so, but of course their Association must keep them interested in something.

14805. Do the leaders of the Association think that they can get better combination and force the employers to give higher wages better if they live out than if they live in, is that the object do you think?—That is it, and the idea of the Dublin drapers' assistants is to live out, and get a minimum wage fixed; in other words, to become trade unionists. I believe they claim now that they are trade unionists.

14806. You think that that is the object of this Association—to get better wages in the long run?—That is the main object. *Mr. Kidney.* 24 July 1907.

14807. To force better wages in the long run; you think that is it?—I think that is it.

14808. You do not think that the mere question of living-in or living-out being morally or physically better enters into it?—I do not think it does, with the assistant.

14809. You think it is merely a question of forcing higher wages?—I think that is it.

By Mr. Walsh.

14810. Have you a pretty extensive knowledge of the living-in system in Dublin?—A fair knowledge.

14811. How many years does that extend over?—For the last twelve years.

14812. Do you know Mr. O'Lehane of Dublin?—I do.

14813. He is secretary, I think, to the Assistants Association there?—Yes.

14814. Evidence has been placed before us that Dublin is rather an image of all the big towns in Ireland, that is to say, most of the big towns send their boys and girls up to Dublin?—They do, yes.

14815. So that really the population of Dublin will be comprised largely of the relatives of the people in most of the big towns in Ireland?—Yes. Most of the drapers' assistants in Dublin are country people.

14816. Boys and girls coming from Tralee and Limerick, and other places that you know better than I do?—And also from the villages.

14817. Will they find much difficulty in getting relatives in Dublin to take care of them?—I should say they would find considerable difficulty.

14818. That is to say, they would find a great deal of difficulty in going to relatives who would look after them while in service in Dublin?—Yes.

14819. Yet Dublin is a very large city; probably one-twelfth of the total population of Ireland is contained in Dublin?—Yes. About one-twelfth of the population.

14820. Does not that seem as if there would be a good many relatives in Dublin who would be able to take care of the boys and girls who come down from the other towns?—Yes, but I would not say that because they are relatives they would take care of them.

14821. Are you aware that there are many cases of that kind where the boys and girls do get relatives in Dublin to take care of them?—No, I do not know of any case; they may have friends.

14822. You speak here of the morals of the young people; have you heard of any falling away in the morals of these young people who are now working for I 8; they are not sleeping in, are they?—The apprentices sleep in but not the assistants.

14825. Then what supervision is exercised over the morals of those who sleep out?—There is no supervision really.

14826. That is the reason I put the question to you. Have you heard of any falling away from the high standard of morals that previously obtained at these places?—Well, I could not give you any statistics on the subject.

14827. A more recent case, I suppose, is R 8?—No; I 8 is the most recent case we have.

14828. In the case of I 8 could you give us any idea as to whether any laxity of morals has crept in since the time they abandoned entirely the system of sleeping-in. They used to eat in just as they do now, I take it?—They have their meals there now.

14829. But they sleep outside?—They sleep outside.

14830. And as I understand you to say, there is no supervision, to your knowledge, exercised over the morals of these people?—No, not after business hours.

14831. Do you know Dr. Delaney as having a good deal to do with the shop assistants in Dublin?—I know of him, I do not know him personally.

14832. I suppose he is a fairly high authority, is he not, in that city?—Yes—nothing extraordinary.

Mr. Kidney.
24 July 1907.

14833. You say here that the assistants "are supplied with the best food and all comforts," in fact, you go on to quote certain luxuries. Are you aware that Dr. Delaney, who is supposed to have had a lengthy experience among shop assistants in Dublin, has made a statement to the effect that he knows a good many cases of consumption caused by the conditions under which these people live?—No, I have not heard that statement at all.

14834. Cases of consumption caused by or arising out of the conditions under which the shop assistants live?—I do not see how it can possibly affect their health. I think the indoor shop assistants in Dublin are a very healthy lot.

14835. You say here: "The employers do not seek to make a profit on the living-in, but the more that can be saved by catering for the staff indoor, the more there is for advancing salaries?"—Exactly.

14836. Are we to understand that whatever saving is effected in the catering goes immediately upon the wages of the assistants?—I would not say that it goes immediately on wages of the assistants, but in the long run it would.

14837. How long would that run be?—Within the year, I should say.

14838. Within the last year has there been any distinct advance in the wages of shop assistants in Dublin?—I would not say so, but the rate of wages has been kept up.

14839. You say here: "The more there is for advancing their salaries"; that is not merely keeping up the rate of wages?—The more room there is for improvement.

14840. You speak of advancing their salaries; that is a distinct improvement where it takes place. Has there been any advance in the salaries of these people say within twelve months from the time you are now giving evidence?—There has, yes.

14841. A general advance?—Not a general advance, but there are plenty of advances being made to the assistants in I 8; they are a very prosperous firm.

14842. In isolated cases, I suppose; there are one or two cases where advances have been given?—They would not be isolated by any means.

14843. But you can give us at the moment no special cases where advances have taken place?—No, I cannot.

14844. Evidence has been given that the general average wage paid to skilled and capable assistants is about £40 a year and that a debit of £40 is placed in the books of the employers for the cost of maintenance plus the sleeping in. Are you aware of any such system as that?—No.

14845. You are not aware that there is a debit, so to speak, to equal which certain profit must be made on the whole transaction to equal £40 a year, in addition to the £40 paid in wages?—No, I do not think any house could stand £40 for feeding their assistants.

By Mr. Maddison.

14846. Have you any experience or knowledge of the grocery trade in Dublin?—Yes, I served my time in the grocery business myself when I started.

14847. Is living-in as common among grocers as among drapers?—Yes, all the grocers' assistants live in.

14848. Do you know any shops where they do not live in apart from drapers or grocers—for instance, ironmongers—in Dublin?—They live out.

14849. Do you see any special reason why the drapery and grocery require people to live in, when ironmongery and other trades do not require it?—I do not think ironmongery or other trades like that would have special rushes of business in the middle of the day.

14850. That has nothing to do with sleeping in at any rate?—Nothing to do with sleeping in at all.

14851. Do you see any speciality in the drapery trade that requires people to sleep in?—No, there is nothing in it, save that it has been the custom, simply the custom of years.

14852. About this question of boarding-in. Why is it necessary for drapers' assistants to get their food in?—Well, there is the general opinion amongst our members that when an employee is fed in he is in a better condition.

14853. And is that the only reason why employers want them to feed in?—Oh, it is not the only reason at all.

14854. Is it the main reason?—Not the main reason.

14855. What is the main reason?—I should say the main reason is the economy of time, especially in the middle of the day.

14856. Is it not the practice in these drapery firms to give an hour for dinner?—They get half-an-hour for dinner.

14857. Would you say that it was conducive to the health of a delicate woman or girl that she should only have a break of half-an-hour for dinner?—I would not say that it would injure the health in any way. Suppose they are lodging out and they get an hour for dinner; in the case of Dublin they would most likely try to get home, and it would be a rush there and a rush back.

14858. Do not you think that walking a little distance is exactly the thing that they want and the thing that would probably do them more good than their dinner?—Well, they get plenty of walking in the shop.

14859. But not walking in the fresh air?—No, they do not get it during the day.

14860. Now, about the benefit to morals, especially in the case of women; can you tell us how it operates. Do not take the best houses in Dublin, but take the average house in Dublin; beyond having to be in at a certain time is there anything else?—Well, I think their being in at a certain time is the principal thing.

14861. How do they sleep in these places; have they cubicles?—In some houses there are cubicles; in other houses there are two or perhaps three in a room—fairly large rooms. In some houses they have single rooms.

14862. The young girls will be mixed up with the older ones?—No; I think the juniors are kept together mostly.

14863. Do you know any houses where they are mixed up?—No, I do not.

14864. If they were mixed up should you say that that was on the whole conducive to morals?—Well, I do not think it would damage young girls in any way; it would not do any harm.

14865. The same with boys and men? Suppose young boys of fifteen, sixteen or seventeen were sleeping with men of thirty and so on, would you say that that was conducive to morals?—Well, I think it would be different in the case of men, but I know in the case of men the juniors are kept together.

14866. Do you not know any case where they are not?—No, the juniors are kept together and the seniors have their own rooms.

14867. You have laid stress on girls coming up from the country, and it applies to boys—in a lesser degree I agree; would you say that on the whole a boy or a girl would have more supervision in a big wilderness of an establishment than they would have in an ordinary decent home; because I do not think the only alternative is one of these boarding houses as you call them, meaning by that big establishments?—Well, an ordinary lodging house for instance.

14868. What do you mean by an ordinary lodging house; do you mean a registered lodging house?—Oh, no, by no means. A private house that lets lodgings.

14869. That would only have two or three lodgers or three or four lodgers?—Yes.

14870. That is the sort of home that I meant; would you really say that the boys would not be better looked after there?—Well, I do not think a lodging house-keeper would trouble herself very much about looking after them. It does not concern her, as long as the rent is paid to her, what they do in their own hours.

14871. Do you not think that in a place like Dublin they could get with people of their own class; would not it be a comparatively easy thing to get board and lodging in a house taking only one lodger?—Yes.

14872. In such a house as that would you still say that the supervision would not be as good as in a bigger

establishment ?—That all depends on who they come across.

14873. And does it not in big establishments ?—Well, as far as a big establishment is concerned they have to be in at a certain time.

14874. Then I take it you do not see any advantage so far as supervision is concerned, except the important one that they have to be in by a certain time ?—Exactly.

14875. You said you thought perhaps one of the reasons of this agitation was that the shop assistants were seeking to get established as trade unionists. You do not see any objection to that ?—No objection, but I do not think it would benefit the drapers' assistants.

14876. You do not think it would ?—No.

14877. Although you think meeting the men through their representative is an advantage as you have told us ?—Yes, I do not object to that at all.

14878. Well, that is trade unionism really ?—It might be, but the trade union they want is, I presume, a minimum wage.

14879. You do not see any objection to a minimum wage ?—No, but a draper is not like a tradesman; a draper is paid according to his merits.

14880. There must be a minimum somewhere ?—Certainly, but they do not want the minimum put very low.

14881. You mean they want it put very high ?—I suppose they do.

14882. How does this living-in system operate in the case of married men ?—The married men all live out. They have their meals in in the day-time.

14883. Do you mean to say the moment a man gets married he is at once excused from living in ?—Certainly, he goes out.

14884. And he is not interfered with at all because he has got married ?—No, not at all.

14885. Then the practice in Dublin is not to make living-in an absolute condition of employment where the man gets married while in the employment of the firm ?—No, there is no condition at all.

14886. You drew a comparison between drapers' assistants and clerks and outfitters' assistants; in what does the superiority of the drapers' assistant consist; is it the way he dresses ?—Well; there is a difference between the drapers' assistant and an outfitter's assistant in Dublin. The drapers' assistant looks healthier; he looks more sleek, and well fed and better clothed.

14887. I suppose he has to be clothed pretty well in the shop ?—No more so than in an outfitter's establishment.

14888. What is the difference in wages between an outfitter's assistant and a draper's assistant ?—I should say the draper's assistant has the advantage of about 7s. or 8s. a week over the outfitter's assistant.

14889. With respect to the change which R 8 made, giving £10 for sleeping out, was that accepted by the assistants as about the equivalent ?—Yes, that was accepted by them.

By Mr. Delevingne.

14890. I think I gathered from your evidence that the employers attach more importance to the boarding in than the lodging in ?—That is so.

14891. That any inconvenience that would be caused to the employers by the abolition of the living-in system would arise more from the abolition of taking meals in than from the abolition of sleeping in ?—Exactly.

14892. The employers would not object very strongly (may I put it as high as that) to a requirement that all assistants should be allowed to live out ?—Well, it would be a big expense on the employers who have the accommodation already fitted for it.

14893. What have I 8 done with their accommodation ?—They had only a part of the house built where the accommodation was in, and they have not gone on with the accommodation; where they intended to put more bedrooms they are making them into store-rooms now.

14894. But have they incurred a very great loss in connection with this ?—They lost some thousands over it.

14895. You mean they spent some thousands in putting up accommodation ?—Certainly—bath-rooms, bed-rooms, and all sorts of conveniences—sanitary arrangements, and so on.

14896. And they can only use them as store-rooms ?—That is all they can do.

14897. Would all present employers whose assistants live in be affected in the same way; would they incur a similar loss; would their accommodation be useless for anything else than store-rooms ?—I do not see what else you could do with the bedrooms in the large drapery houses.

14898. Apart from the loss in connection with the provision of accommodation the employers attach no particular importance to the sleeping in ?—No particular importance.

14899. We have been told that in Dublin the rooms in which the assistants sleep are often overcrowded ?—I do not think that is true; I do not know of any case where they are overcrowded.

14900. What is the usual number of assistants sleeping in the same room ?—Two or three at the time.

14901. What size room would that be ?—The room where there would be three in, I suppose, would be 18 or 20 feet square.

14902. Would each assistant have a separate bed ?—Yes, in all cases.

14903. In all cases the assistant has a bed to himself ?—Yes.

14904. You mentioned bath-rooms; are those usually provided ?—Yes; in all large houses there are bath-rooms.

14905. What proportion of bath-rooms to the assistants ?—I should say there would be a bath for every twelve assistants.

14906. I think you said that every house, or at any-rate the large majority of houses, are provided with baths ?—That is the large houses.

14907. What do you mean by a large house ?—I am referring to houses employing over 100 hands.

14908. Those below 100 hands would not have bath-rooms ?—I do not think they would have in all cases; there may be a few exceptions; but I think most of the houses in Dublin have them.

14909. The evidence given by Doctor Delaney has been mentioned; it was put before us as the evidence of a doctor who is the doctor for most of the assistants in Dublin and visits most of the firms in Dublin at present, several firms every day. Have you any knowledge of his being employed in that way ?—No, no more than I have heard.

14910. Is he a doctor employed by the employers to visit the assistants, or is he engaged by the assistants themselves ?—He is engaged by the assistants themselves.

14911. Each assistant is allowed to call in any doctor he likes ?—Yes; I think it is one of the benefits of the association that they have free doctor and medicine.

14912. And this is the doctor I suppose employed by the association ?—Yes.

14913. Have you any information to give to the committee as to the practice of fining in drapery shops. Are there any fines imposed in Dublin ?—I do not think there are any fines now.

14914. They have been abolished ?—I think they have. I know of no cases of fines.

FIFTY-FIFTH DAY.

Thursday, 25th July, 1907.

PRESENT.

The Right Hon. Thomas Shaw, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Malcolm Delevingne, Esq.
Frederick Maddison, Esq., M.P.
Stephen Walsh, Esq., M.P.

T. E. Bettany, Esq., (*Secretary*).

Mr. ERNEST DEBENHAM, called; and Examined.

Mr. E. Debenham.
25 July 1907.

By the Chairman.

14915. Would you state to the Committee your business experience ?—The name of our company is Debenhams, Limited.

14916. In what line of business is it ?—General textile goods, drapery, and so on.

14917. Where are you established ?—In Wigmore Street, and in the City.

14918. How long have you been in business—you, yourself, personally ?—About twenty years.

14919. You know the system of living-in, and have been making certain experiments in regard to it, in recent years ?—Yes.

14920. You have been reducing your living-in staff for many years past ?—Yes. In 1893, out of a staff of 460 (other than porters), we had ninety-four living-out; in 1905, out of a staff of 580, we had 412 living-out; to-day out of a staff of 676, we have only forty-four living-in—fifteen boys who are indentured apprentices, and twenty-nine girl clerks, whose work commences specially early in the morning, and whose parents or friends do not live near to our business premises.

14921. The result has been a very steady and rapid diminution of those living-in ?—Yes.

14922. What prompted you to this line of conduct ?—Mainly that we thought that the effects of living-in were not altogether good; I mean it tended rather to diminish the independence of character of our people.

14923. Before you practically abolished the living-in system in 1905, the whole of your staff whether living-in or living-out, were supplied with meals on the premises ?—Yes, that is to say, those who were living-in had all their meals, and those who were living-out had their dinner and tea.

14924. What do you do with regard to providing meals now ?—We do not provide meals except for the forty-four who are living-in.

14925. The Committee has had a great deal of evidence with regard to the practice of catering inside for those who are living-out, but that is not the system adopted by you ?—No.

14926. Have you included in this list your porters ?—No. The figures I have given you exclude the porters. Previous to encouraging living-out, that is to say, previous to 1893, out of approximately 120 porters, about one-half were living-out, and one-half living-in. Now all live out except fourteen who are members of our fire brigade, whom we are bound to have close to the premises; we merely provide them with sleeping accommodation, and they go out for their meals.

14927. Under the old system of living-in—when some of your assistants lived in entirely, and others had their meals supplied—what did you do about the book-keeping ?—We did not take out the cost separately; we put all the cost together for the food, dining-rooms, and so on, and took out the average cost for both.

14928. So that you cannot give the exact figures per head of the cost of living-in ?—I cannot give it exactly, but we estimated it.

14929. Will you give us the estimate ?—We estimated £18 16s. the actual cost of food, and if we add on a proportion of service, rent of dining-rooms and kitchen, heating, lighting, repairs, and so on, the cost is another £6 12s. 11d. per head.

14930. That would amount to £25 8s. 11d. ?—Yes.

14931. I assume that to be irrespective of any kind of profit on the transaction ?—There was no profit, of course.

14932. I mean that was actual on-cost ?—Yes.

14933. What about the cost of lodging. I suppose it would be a less sum ?—When our living houses were fully occupied we reckoned that the cost of lodging for those living in was approximately £21 per head.

14934. Was the rent more than it would have been in ordinary circumstances ?—Yes. We were housing the assistants in rather expensive premises near to our business, and there is no doubt that if we had continued the living-in system and had built premises specially we could have done it considerably cheaper as regards lodging.

14935. Could you give us any figure applicable to that ?—It would be very difficult; I have not framed any estimate that would be of any value.

14936. Would it be £3 or £4 per head ?—No, I don't think it would be anything like £3 or £4; the mere service would be very nearly that.

14937. But I mean would the saving be £3 or £4 per head ?—Yes, I think at least £4 could have been saved.

14938. Now will you give us in some detail the reasons which led to your arranging for the staff to live out entirely ?—First, we believe that the entire break from business which our assistants obtain by going out to their midday meal has a good effect on them both physically and mentally. We believe that a man or woman who is allowed to choose the conditions of his own life after business hours has a better chance of developing initiative and independence of character than one who is relieved of the responsibility of providing his own food and lodging and is compelled to live under the many restrictions and regulations which are necessary in order to secure the comfort of a number of people living under one roof.

14939. What induced you to come to consider this matter ?—Mainly that I was conscious of those objections to the living-in system.

14940. It was the growing consciousness that these reasons were on the whole sound that induced you to make the experiment ?—Yes. Then my third reason was that it is difficult, when catering for a large number of people to satisfy all their individual tastes, or to give them the same variety of food which they could secure for themselves. We employed a good many women. When you are catering for a large number of people you have got to give rather simple kinds of food, and we found that coming up in the middle of the day to a large dining room, probably rather hot and noisy, they very often could not eat anything at the time and had to get their food after business and therefore they were improperly fed although the food was perfectly good that we gave them.

14941. In your view is it an advantage that before and after meals, assuming the weather is reasonable, they should have a breath of fresh air ?—Yes. We have had eighteen months experience and judging by that experience I think it has done them good.

14942. It involves necessarily some absence from duties ?—Yes, that is the only inconvenience.

14943. How does that compare in point of time ?—There is not a very great difference. I think we used to

allow them latterly forty minutes when they were having their meals; then, of course, they had to go up to their meals, and it took them a little time. I do not think there is a very great loss of time.

14944. They get an hour now?—Fifty-five minutes.

14945. They get fifteen minutes more than they had before?—Yes.

14946. How do you arrange for your staff going out of the premises?—They are all marked out; we check their time.

14947. They go out alternately in divisions, I suppose?—At present the staff is roughly divided into half in each department, and it is the business of one half to wait until the other half comes back.

14948. Take the principal meal of the day—the dinner—what would be the time of that?—I cannot tell you exactly from memory, but I should say that they begin at about half-past twelve going out, and it is probably all over by about half past two; I am not quite sure about the times.

14949. We have had evidence with regard to the living-in system that the practice is pretty frequent of giving half an hour for dinner only?—We used to do that too, but I found it necessary to give them a little longer.

14950. Why?—It gave them a little break; I think that was the main reason, also our dining room was at the top of rather big premises, and it took them a little time to get up to the room.

14951. Then about the finance of this?—When I started the living out system we allowed all the people who had previously been living-in entirely—boarding and lodging—£45 in compensation for asking them to live out. We did it gradually. I started it voluntarily at first; I took a great deal of trouble to see a good many of them, and I found it cost them approximately that; that is to say those who managed well made a small profit; those who managed badly probably lost a little over it.

14952. But, just to compare that with the figures that you have been good enough to give us, what difference has it made?—It is about the same; £21 was what it cost us for lodging, and a little over £25 for their food.

14953. It is practically about the same?—It is about the same.

14954. It has been represented to us that in drapery establishments and the like, the cost of living amounts to only about 7s. or 8s. a week?—I do not know how those figures are arrived at. Do you mean the cost of board and lodging?

14955. No, the board only?—We could not do it quite so cheaply as that.

14956. But can you assist us upon that topic. I quite realise, and I am going to ask you about the other things in addition to meals—I mean attendance and the like of that—but I would like some figures as to the actual cost of the food?—Our £18 a year would not be very far off the 7s. or 8s. a week; that was the actual food of the people themselves; and I think in the figures that have been mentioned to you the people could not have calculated what the other expenses were; they have merely taken the cost of actual food.

14957. In your case really it comes to this: that the lodging and attendance cost more than the food?—Perhaps I have not made those figures quite clear. We divided our accounts into the cost of the meals, and the cost of the bedrooms. Of the £25 odd which was the cost of the meals we reckoned that about £18 was the actual cost of the food materials consumed by the people themselves, and that the balance was the cost of the dining-rooms, the kitchens, the service, and so on; then the £21 for lodging included not only the actual rent, but the cost of servants to look after them, the cost of lighting, heating, and so on.

14958. You say you allow £45. Do you find that that sum approximately covers their expenses in a similar style?—Yes, that is what we have found on inquiry.

14959. Have you encountered the difficulty with which we have been confronted on the Committee, namely the difficulty of finding accommodation for your numerous assistants?—No, we have not. We rather expected that we should, but I did it gradually, and I suppose the restaurants near made the necessary arrangements; we found no difficulty.

14960. I was rather thinking of whether you had any trouble with regard to lodgings?—No, I have not found on inquiry, that there has been any difficulty. A good many of them live a good way off. Our hours are fairly easy and they are able to do that.

14961. Some of them have to come as early as seven o'clock in the morning, but they come all right?—They come alright. In those cases, of course, we allow time for breakfast afterwards.

14962. Is there any inconvenience on account of the period you mention, say from half-past twelve to half-past two, with half the staff away?—That is rather an inconvenience. If living-out became general, I think it would be very much better that businesses should be closed for an hour in the middle of the day, or practically closed, as I think they do abroad in some places.

14963. If that were a universal practice the public would soon accommodate themselves to it?—Yes, I think they do it abroad.

14964. Some parts of your business close as early as 5.30?—About nine months of the year.

14965. And the rest at six o'clock?—Yes. I think occasionally in one month we go as late as 6.30; that is the latest.

14966. No tea time is allowed to the men unless they are working later?—No; we allow them half-an-hour if they are working later.

14967. I believe you have a tea room on the premises for the use of the female assistants?—Yes. We find it is necessary to give them tea, and it is inconvenient that they should go out for very long, and we provide them tea at approximately the cost.

14968. That is so, even if they are closing at 5.30?—Yes.

14969. They get tea at a 1d. a cup?—Yes.

14970. You have explained to us the general views you have as to greater freedom and less monotony, and the greater adaptability of the living-out system, and the individual wants of the people. Now having regard to the motives from which you started the living-out system, would you say that your experience has been justified by the results?—Yes, we have had eighteen months under the new conditions, and we are quite satisfied that what we thought would be the case has actually resulted. The staff is better for it generally.

14971. Is the business as well conducted?—I should say better; we get better service.

14972. Do you find an improvement with regard to the conditions of your assistants physically, and with regard to their disposition, and so forth?—I think physically there has certainly been no change for the worse. It was always pretty good, and I should think if anything it is better.

14973. And are they brighter?—I should think so; that is what I gather from the reports that I have from my managers.

14974. And they have rather more energy?—I think so.

14975. Does that apply in any special sense to the women?—I do not know that it does specially; I think it applies to both.

14976. You have no desire, on business grounds, to revert to the living-in system?—Oh, no, we should never think of doing that.

14977. Then, with regard to the assistants themselves, are they satisfied, do you think?—Yes, I believe they are thoroughly pleased. For instance, it was a certain inconvenience for some of our senior assistants going out in the middle of the day. We have a retail as well as a wholesale business, and in the retail the senior assistants, of course, have to be rather well dressed, and it was rather inconvenient for them in the time to change their dress to go out; therefore we asked about ninety of them whether, if we provided a good meal in connection

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with our retail restaurant at a small price—1s., I think it was—they would like to avail themselves of it; we only had twelve people out of the ninety say that they would, so we did not do it. They would have been the people that would suffer a little from the inconvenience of going out.

14978. Might I ask, in the case of living-in under your firm, what sort of bedroom accommodation was there ?—Very good, on the whole.

14979. How many in one dormitory ?—It was rather mixed up. With the women I think we never had more than two; I am not quite sure, but I think it was two. The men were partly in cubicles built for the purpose; of course, there was only one in a cubicle; but some of the men were in houses which were not very well adapted for that purpose; the houses had to be near the premises, and it is difficult to get suitable houses.

14980. Had you any experience of four or five or six men and boys in one room ?—Never men and boys; we were always rather careful to keep the ages together; the boys were quite separate, and had a cubicle each.

14981. Do you think there would be a dislocation of trade if the living-in system were abolished ?—I think it would have to be done rather gradually, but if it were done gradually I think the effects would be altogether good. There would also have to be, I think, certain arrangements, made better by some outside organisation, for providing either good lodgings for young girls who come up from the country, or else some system of registering proper and respectable lodging houses, such as, for instance, there is at Oxford and Cambridge.

14982. The alternative that has come before our minds, as a committee, if the system be continued, is the alternative of allowing every opportunity for visits by independent persons, like inspectors under the Home Office. I suppose you think that respectable employers would not object to that ?—I do not think they would object to it. I doubt whether the inspectors really could do very much. They could cure abuses if they do exist in certain places. My own feeling about it is that all the objections to the living-in system are almost equally strong if the living-in system is well done—if, I mean, my objections to it are real objections. It is not a question of doing it well or badly.

14983. The inspection would only be with reference to what we might call the externals—the amount of cubic space, bathroom accommodation, and so on ?—No doubt it would be a good thing.

14984. And it might extend to the meals, if they had a right of entry at any time ?—With food it is so much a question how it is cooked and served, and not the quality of the food; no inspector could look after those things.

By Mr. Maddison.

14985. As I understand, you have a basic objection, I may say, to the living-in system as a system ?—Yes.

14986. Your view is not so much whether it may be good, bad or indifferent, varying in different houses, but you think that on the whole the assistants live a freer —I do not know whether you will go so far as to say a more human—life, when they mix with the general community ?—Just so.

14987. I was wondering whether your house is not rather exceptionally good; you are a very big house ? —We have a wholesale and a retail business.

14988. Has the living-out system been applied to the retail shops that you have in the west end ?—Oh, yes; to both.

14989. I thought you were referring merely to the St. Paul's Churchyard business ?—No; it is both.

14990. We have had it put in evidence that the cost to the employer would not be more than 5s. 6d. or 6s. for both food and lodging ?—I should think that the book-keeping of that firm must be very badly done; I do not think it could possibly be done for that.

14991. You think that the £45 is approximately near the cost to you ?—Yes.

14992. We have had menus put in of various houses; I cannot reproduce them, but I imagine yours was a much more liberal one. Could you give us an idea of what would be a single week's menu when you had living-in ? —I can give you the amount of the raw material consumed. We gave them (everybody does not, I think), at their breakfast, porridge, and I think a choice of bacon or something of that kind as well; then a good plain dinner in the middle of the day; those who were living-out had tea; those who were living-in had a sort of supper-tea after business, when they had cold meat, or fish, or something of that kind. We probably did it better than most. On the other hand, I think, there are people who do it quite as well or better than we did it.

14993. That seems to be a much more liberal dietary than in a good many instances that we have had. Now, you do still provide for twenty-nine girl clerks and fifteen apprentices ?—Yes.

14994. They still live in ?—Yes.

14995. Have you any views about apprentices; would you make any exception about apprentices in your general view of the living-in system ?—What we do with those is this. They all live and have their meals in quite distinct houses under a good matron in charge. They leave the business premises just as if they were living-out. I think it would be very necessary to make some arrangement for apprentices.

14996. I am interested to have your views on that, because to some members of the Committee it is very important. For instance, we have had evidence very much against the living-in system for assistants, for adults, but very much in favour of living-in for apprentices; the reason being that they are young people, and that somebody ought, as it were, to be guardians for them ?—Yes, I think that is so. I think in the case of any house that takes apprentices in any number, it would be better that they should make arrangements to have a special lodging-house under proper supervision. On the other hand, we find that we get a good many apprentices who live with their parents and come into business as the others do. That I think is very much better. It is very much better that they should live at home than in the business. It really only applies to apprentices coming up from the country.

14997. Would you say that if the Committee, or still more, Parliament, were to adopt the view that living-in ought to be abolished as a condition of employment, an exception ought to be made in the case of apprentices, or would you be prepared to treat it all as one ?—I think it would be better, on the whole, not to make an exception, because I think if Parliament did stop the living-in system, some organisation would come about who would provide for apprentices in a proper way.

14998. Reverting to the cost of food, one of our witnesses puts it this way: "No attempt is made to define the kind or quality of the board and lodging contracted for, but in fixing the money wage it is assumed by the employer to be equal to £20 or £25 a year"; that is, for board and lodging ?—Well, we cannot do it as cheaply as that. I think if we had had a big place specially built for them to have their meals in, it would be possible to do it very much cheaper than we did it.

14999. You say your hours are easy. They are easy as to length, but I notice you begin in some cases rather early—half-past seven in the morning ?—Yes, all our letters have to be attended to at that time.

15000. That is only the clerical department, not the assistants ?—That is all.

15001. Do your remarks about closing for an hour apply to your retail shop ?—Yes; it is the retail where it is the greatest inconvenience, having half of them away over two hours.

15002. You think it would be a practicable thing to stop sales, in Bond Street and Regent Street, and so on, for an hour ?—I think if everybody did it, everybody would find it much better than having an insufficient staff over the other hour. There is very little retail done in certain hours. I have no experience much of other neighbourhoods than the west end, but there is very little done in the middle of the day.

15003. I wonder whether that would apply to a case like F 6 ?—I should think very possibly there it is much more continuous.

15004. Still, the difference between the living-in system and living out, so far as dislocation of business at the dinner hour is concerned, is not after all a very serious one ?—No, it is not serious.

15005. It only amounts to a quarter of an hour ?—That is all ; when they had their meals on the premises, if anyone was wanted they could be fetched down, and now they cannot.

15006. I suppose that rather illustrates one of the differences between living in and living out ; that would apply generally, would it not ?—Yes.

15007. I mean, if they live in, they are never free from business while the shop is open ?—They are not so free, there is no doubt about that.

15008. One question about boys. I gather from your evidence that you place a good deal of stress upon boys sleeping separately from adults ?—Yes.

15009. And in your case you never had them sleeping together ?—No.

15010. Why did you separate them ?—Well, it appears to be obvious that it is better. I do not know that we were led to do it by any particular reason ; I think it had always been done. Then of course there are different rules ; that was another reason ; the boys had to come in rather earlier than the men ; they had to go to bed at ten instead of at eleven.

15011. We have had it in evidence that some very serious moral consequences have followed from the putting together of young boys and men ?—I suppose that is quite possible.

15012. I was wondering if that consideration led to your action ?—No, we were never led to do it by any actual experience of that.

15013. I think this is clear on your evidence. You as an employer of a large number of people would not regard it as at all injurious to the trade generally if the living-in system were abolished as a condition of employment ?—Not if it were done gradually.

15014. That is to say, if Parliament were to adopt a course like that, you would say that there ought to be a time limit ?—Yes.

15015. That if it were done very precipitately, very quickly, trouble would follow ?—A lot of people have gone to a great expense to do the living-in properly ; if it were suddenly stopped they would have their houses on their hands, and they would be at a great loss.

15016. You would give a reasonable time ; you would say that on a certain date living-in should cease as a condition of employment ?—I think it ought to be several years.

15017. Would three years be enough ?—Well, so to speak, I am not interested in the question, and therefore one does not want to give a reply that might be misleading.

15018. At any rate you say it should be done gradually ?—I think it should be done very gradually.

By Mr. Walsh.

15019. In 1893 you had only ninety-four living out, out of a staff of 460 ; so that really you had about 80 per cent. of your staff then (exclusive of porters) living in ?—Yes.

15020. And that has fallen now to about 6 per cent. ; you have only forty-four out of 676 ?—Yes.

15021. That is a tremendous drop in the fourteen years. Now, a good deal has been said to this Committee as to the necessity of supervision over this class of worker, especially with a view to securing their moral character. Have you given any consideration to the question whether there has been any deterioration in the morals of your servants since this great change has taken place ?—I should say, if one has noticed anything—one can only go by their appearance and so on—there has certainly been no deterioration.

15022. In another part of your evidence you say that you do think that they improve mentally and physically because of the greater individual freedom that has obtained on their release from business ?—Yes. I should like to say on that one of the reasons that made me do it was this. We have a house of business in the City, where it is impossible to have living-in, as well as our house in the West End, which is wholesale and retail, where it is possible to do it. I was rather struck by the good effects when an assistant left us in the West End and went down to our City House ; I found that he improved generally. That was one of the reasons that made me do this, gradually.

15023. You say here, " We believe that the entire break from business which our assistants obtain by going out to their midday meal has a good effect on them both physically and mentally." One can quite understand that you cannot make very special inquiries into their moral character, but where a person is improved both physically and mentally it is probable that the same moral effect will follow ?—I should say so.

15024. Is your business that of drapers ?—Yes, all that sort of thing.

15025. Can you lay before us any reason why there should be special care taken of those who are engaged in the drapery trade as apart from those engaged in the grocery trade ?—I have no experience of the grocery trade, but I imagine that the reason is that at any rate till the last few years, there has always been a large number of people come up from the country quite young to go into the drapery trade ; it is a trade that a large number of people in the country have chosen to put their children to ; and when you get a lot of young people of that age coming up from the country it is obvious that if they are not looked after in the business premises themselves there should be some place where they could go to, so that their parents may know that they are all right.

15026. Of course, London is a place which has absorbed a tremendous amount of life from the country ?—No doubt.

15027. Do you think there is much difficulty in this young life from the country obtaining suitable places in London, say under decent conditions, instead of being housed in large shops ?—No, I do not think there is any difficulty. I think there is lots of accommodation. The difficulty is as to the parents, when sending up boys of fifteen and sixteen and girls of that age, having the necessary knowledge to find the places out. All I suggest is that, if there are not regular lodging houses for these people, there should be some organisation keeping a list of respectable places where they can be sent.

15028. Is it your opinion that such organisations would develope ?—Oh, I think so.

By Mr. Delevingne.

15029. Your experience, I suppose, is entirely London experience ?—Entirely.

15030. You have no views on the question of living in in provincial towns and in the smaller shops ?—No, I know nothing about it.

15031. Your opinion as to the advantages or disadvantages of the living in system would not extend to those cases ?—Except as to the objection there is to the living in system itself—that it makes for want of independence of character ; that would apply everywhere, probably in a lesser degree in the country.

15032. We have had some evidence that in the provinces the living-in system rather takes the form of living with the family, not in the large lodging houses or barracks, as they have been called, in London. Would you distinguish those ?—Oh, I think there is obviously very much less objection to that. My objections are to the barrack system.

15033. You have two branches, I understand, of your business, the wholesale and the retail ?—Yes.

15034. Do the assistants begin in each at the same hour ?—Some assistants begin in each at the same hour. There is very little difference I think ; I am not quite sure ; in the retail I think they begin, on the whole, rather later.

15035. Half-past nine ?—Before nine ; about a quarter to nine I think ; and in the wholesale the bulk of the staff, with the exception of the people who come early for the letter work, are there, some at eight and some at

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half-past ; on the other hand, of course, in the wholesale they go away a little earlier.

15036. And they have no difficulty in getting to your premises in time, even though they live at a distance ?—No.

15037. I suppose, if the living-in system were abolished, it would be necessary for the assistants to live at a distance (at any rate from the West End shops) ; there would not be proper accommodation in the immediate neighbourhood ?—No, and it would be too expensive. Unless places were built for the purpose I do not think it would be possible.

15038. Can you say if your hours of commencing work are very much the same as those of other London shops ?—I should say we begin a little earlier, I mean the people I am speaking of who come at half-past seven ; I think that is rather exceptional.

15039. But the generality of shops, would they begin work about nine and half-past ?—Yes. We close perhaps a little earlier than others.

15040. You said something about the desirability of young girls coming up from the country having proper arrangements made for their reception. What do you do at the present time ?—These twenty-five girls who are living in are rather younger girls. We are not finding any great difficulty. We are finding that it restricts our choice a little ; owing to the living out we take more London girls probably and fewer country girls.

15041. But you do get a certain number of girls who come to you straight from the country ?—Yes.

15042. Can you say what happens to them ?—We generally, I believe, make inquiries as to whether they have relations or friends with whom they are going to live ; we just know where they are living.

15043. Do they have much difficulty in setting up for themselves ?—I do not think so.

15044. Do you give them any assistance at all in the way of finding lodgings ?—No ; we do not take any responsibility ; I do not see how we could.

15045. When you had living-in, did the majority of your assistants live on the business premises, or were they in separate houses ?—Going back to 1893, the majority lived on our own premises ; then we gradually absorbed the part of the premises they were living-in for business purposes, and we had to find houses near.

15046. What did you do with the living-in accommodation of your business premises ; you gradually absorbed it for business purposes ?—Yes.

15047. It has been mentioned to us—you mentioned it yourself—that a very great hardship would occur if the living-in system were abolished, because the shop-keepers would have a large amount of ordinary sleeping and living accommodation thrown on their hands which they could not utilise for business purposes ?—I think it would be a very great hardship ; that is why I say that if it is done at all it should be done very gradually. If I were asked whether I thought it was wise or not to legislate, I should say it would be better in some ways if it came about naturally.

15048. Do you think there is a tendency going on to depart from the living-in system ?—I believe there are other houses who are giving it up altogether.

15049. In London ?—I believe so ; on the other hand, there are others who are spending a lot of money in doing it very well.

15050. It has been mentioned to us as one of the objections to the living-in system that some drapers, by reason of having to find accommodation on their premises for their assistants, are unable to give sufficient workroom for the working hands they employ, in connection with their trade. Have you any experience of that ?—You mean that the rooms that they devote now to living-in could be better devoted to workrooms.

15051. Yes ; there is not sufficient workshop accommodation frequently in these drapery shops ?—I am afraid I have not experience of that.

15052. Generally, on the living-in system in London, I suppose, you would have a general knowledge of the condition of things ; would you say that they were generally good or generally bad ?—I have very little actual experience. I know that there are a great many houses that do it extremely well, and take a lot of trouble about it. I have read these accounts in the Press and so on. I think the abuses are obviously very much exaggerated. It is conceivable that in individual cases it is true, but from the way it is put, the public would believe that it would apply generally ; that I am quite certain it does not do.

15053. One question on a different subject, the subject of fines. We have been informed that you have given up the practice of imposing fines ?—Yes.

15054. Would you tell the Committee briefly what your experience is ?—We had reduced the sort of things people would fine for generally for years, but fines remained for unpunctuality. What I found was that if a person paid his fine he seemed to think he had a right to be late ; and therefore it was better to abolish the fine, and take other means to enforce punctuality.

15055. What other means do you take ?—We take out the times very carefully ; they are reprimanded if they are late ; of course, if they continue to be unpunctual they have to leave.

15056. You take their time coming in and going out ?—Yes, we take all their times.

15057. Had you fines for anything else besides unpunctuality ?—I cannot remember ; it is a good many years ago.

15058. At any rate, you have no fines now ?—No fines at all.

15059. And you find the discipline is quite the same ?—I should say rather better.

FIFTY-SIXTH DAY.

Wednesday, 31st July, 1907.

PRESENT.

The Right Hon. Thomas Shaw, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Malcolm Delevingne, Esq.
Frederick Maddison, Esq., M.P.
Stephen Walsh, Esq., M.P.
A. F. Yarrow, Esq.

T. E. Bettany, Esq. (*Secretary*).

Mr. WILLIAM ALEXANDER SERGEANT was called; and Examined.

Mr. W. A. Sergeant.

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By the Chairman.

15060. You are the manager of Peter Robinson's in Oxford Street?—Yes.

15061. I understand you have been in the drapery business for thirty-seven years, twenty-two of which you have spent at Peter Robinson's?—Yes, that is so.

15062. Over what period does your recollection of the system of "living-in" extend?—When I first went to Peter Robinson's, I myself lived in. That would be at least nineteen years ago.

15063. During the intervening period, has there been a change in the system?—Yes, everything connected with it has been very much improved. I have certainly observed that in our own place. Twenty years ago things were very different.

15064. In what direction has that improvement been manifested?—In all ways; better pay, shorter hours and improved accommodation.

15065. I understand you can give this Committee evidence of the life to-day of a draper's assistant at Peter Robinson's?—Yes.

15066. Which may be taken as a fair example of what exists at most of the best houses in the West End of London?—Yes.

15067. What are the hours of business?—8.30 a.m. to 6.30 p.m. during eight months of the year; 8.30 to 7.0 o'clock in four months of the year, and on Saturdays we close at 2.0 o'clock.

15068. Are the assistants able to leave business at the closing hour?—They are invariably able to leave business promptly, as there is no late shopping in the West End except at very busy times, say two weeks in July and two in January, they can go out within ten minutes or a quarter of an hour after the closing of the shop.

15069. How many assistants have you who live in?—The number of male assistants who live in is 316, and the number of females is 408.

15070. Are your assistants expected to be back in their various houses at a specified hour every night?—Yes, all assistants living in are expected to be in the various houses by 11.0 p.m., except Wednesdays, when they are allowed to be out till 12.0 o'clock.

15071. Can the assistants spend week ends with their friends?—Yes; any of them can spend the week end with their friends by signing their name in a book and giving the address they are going to.

15072. What is the time allowed for meals?—Half-an-hour for dinner and twenty minutes for tea. That is what I take myself. The male assistants are allowed twenty minutes for dressing in the morning, and if they like to take refreshments in the refreshment room (for which they pay), they are allowed another ten minutes. The lady assistants have half-an-hour for dressing, and the same privilege in the refreshment room as the young men. The charges made to our assistants in the refreshment room are considerably below those charged to our customers; in fact they are practically cost price.

15073. Suppose an assistant returns late at night, after 11.0 o'clock, what happens?—In such a case there would, as a rule, be a caution.

15074. How do you know when they are late?—Because we have a caretaker in charge of each house, who keeps a record and has to report those who return late. We give them five or ten minutes grace, but if they are later we caution offenders, and discharge them if sufficient cautions do not have the desired effect.

15075. Is there any practice of locking them out?—We don't know of that. If you refer to the case of anyone who came at 2.0 o'clock in the morning, everyone in the house would probably be asleep at that hour.

15076. I don't mean anything so extreme. Suppose an assistant comes back at 11.30 p.m., would he find the door closed?—No, he would be let in—I had a case the other night of some one returning at 12.30 p.m., who was admitted.

15077. Do you know of any case of locking out?—I don't know of any such case.

15078. What is your explanation about the twenty minutes allowed for dressing?—When the assistants first come into the shop in the morning, they come in short jackets, to do the dusting and cleaning up of the department, so as to get ready for the day's business. They are then allowed time to wash or brush up and put on their frock coats in readiness to serve customers.

15079. They can buy refresbments on the premises?—Yes; we have a refreshment room for customers, which the assistants can use up to 10.30 a.m.

15080. Do many of them take advantage of that opportunity?—Yes, hundreds of them.

15081. What kind of extras do they get?—A cup of tea or coffee, with perhaps a roll and butter. These are often bought by the young ladies who will not eat any breakfast. They lie in bed till the last moment and often, instead of a regular breakfast, they prefer to take the extra time for some purchased refreshments.

15082. And now, please tell us about the sleeping accommodation. Have you many hands who sleep on the business premises?—No, only a few.

15083. Where do the remainder sleep?—In houses close to the business. Each of these houses is under the charge of a man and his wife, who act as caretakers.

15084. Where are these houses?—In Margaret street, Mortimer street, Castle street, and Hallam street, &c.

15085. Which are for the men?—The houses in Margaret street, Mortimer street, Market Place and Argyle street are for the males, and those in Castle street, Hallam Street, Great Titchfield street and Market Place for the female assistants.

15086. What distance are these houses from the warehouse?—I should think the average distance would be about two minutes' walk.

15087. Is the catering done in the lodging houses?—No, it is done on the business premises.

15088. When the assistants come from their lodging houses, the first thing they do is to have breakfast?—Yes.

15089. No food is supplied in the houses where they sleep?—No, the houses are composed of sitting rooms and bedrooms only.

15090. How many assistants are there living in each lodging house?—The rooms vary in size. There would be only one put into a small room.

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15091. But what would be the average number lodged in a whole house ?—The houses vary in size.

15092. Take the biggest ?—We should have from eighty to ninety in the largest.

15093. Do the caretakers watch the going out and coming in of the assistants and keep the bedrooms in order and the place clean ?—They book the residents in or out, so they know what answer to give to any friends who may call after business hours.

15094. When is the ordinary service done—the cleaning of the rooms, etc. ?—That is done during the day when the assistants are at business.

15095. By the caretaker and his wife ?—No. The caretaker is sometimes a porter who is at work in the shop during business hours.

15096. Then have you a staff of cleaners ?—Yes, who go round to the various houses every day.

15097. Have the men's houses a billiard-room ?—Yes, in the basement.

15098. And sitting rooms ?—Yes.

15099. How many ?—One large sitting-room in each house.

15100. Are there bath-rooms ?—Yes.

15101. How many bath-rooms would there be for eighty residents ?—I have not got these particulars here, but I should say about four.

15102. Is there a library ?—Yes, that is not in the houses, but in a central position in the main building. It supplies all the houses with books, daily papers and periodicals. It is in charge of a librarian.

15103. At what hours is the library open ?—In the evening, directly after business hours.

15104. Do the assistants borrow books ?—Yes.

15105. Is that privilege much taken advantage of ?—Not so much now. I believe the assistants think more of sports and pastimes than they used to do. They go out more. That is the apparent tendency.

15106. Have the ladies' houses similar advantages ?—Yes, they contain bath-rooms, sitting-rooms, and are also supplied with books and papers.

15107. Is there a piano ?—Yes, in most of them.

15108. Do they play much ?—Oh yes.

15109. There is a good deal of music ?—Yes, they are fond of music. At one time we had a band.

15110. What is the average salary and commission ?—The average salary and commission for a male assistant living in is about £70 per annum, in addition to their board and residence, which is supplied by the firm free of charge. The average for sleeping out is about £80 per annum, in addition to dinner and tea daily, which we supply free of charge.

15111. So that you reckon the on-cost for sleeping in at about £10 per annum ?—It happens to work out at that apparent average for these hands; but many of those who live out are young people who get small salaries and live at home with their friends. We have young girls who come in as models for costumes or as apprentices in various departments who are not highly paid.

15112. Can you give us any idea of the cost to the firm of each case of living-in ?—About 13s. or 14s. per week. We do it wholesale, buying large quantities of provisions at the right price.

15113. Can you give us any idea what is the cost of lodging alone, irrespective of the food ?—I should think from 3s. 6d. to 4s. per week for sleeping accommodation.

15114. That brings it pretty nearly to the £10 per annum already suggested ?—Yes, it appears to be about that on the average.

15115. Do you keep separate books with regard to the living-in houses ?—No, there does not seem to be any necessity, as we treat all alike.

15116. But I do not mean separate books for the individuals. Your firm have an extensive business. In the book-keeping of your business, is there any special set of books kept for the lodging-houses ?—Not for each house separately.

15117. Is there material in your business books from which you can ascertain what is the cost to the firm of the living-in system ?—Yes, we know what it costs, including rents, rates, taxes. That can all be worked out at so much per head.

15118. It is a question of averaging ?—Yes.

15119. And now with regard to the sleeping accommodation, how many sleep in one room ?—That all depends upon the size of the room; sometimes two or three. We may put four in a large room.

15120. Then have you medical attendance ?—We have a doctor who comes whenever he is wanted; he is at our call, and is specially engaged by us; of course, he does other work as well, but we retain him. We call him our house doctor; he is the only medical attendant we have in Oxford Street; there is also one for Regent street.

15121. We have had some evidence that it is right I should call your attention to, in regard to the girls who sleep together ?—They do not sleep together; there is not a double bed in the house.

15122. I thought you said there were three and sometimes four sleeping in the same room ?—But in single beds.

15123. But if they were in the same room ?—There may be three or four sleeping in the same room, but they are all in single beds.

15124. We have had evidence to this effect. Suppose one of those girls is ill, but still fit enough for her work; that might go on for some time without its being discovered. Suppose she is suffering from consumption, the illness may be going on for some time before it is discovered. Have you had any case of that kind under your consideration ?—If we had any cases we should either get rid of them or isolate them; we should never put them with other people if we knew of the case, and we should know it, because someone would be sure to tell us.

15125. Of course, in these matters we are talking quite frankly to each other ?—Oh, yes, I have nothing to cover up.

15126. Suppose a girl was suffering from consumption and did not tell you that she was suffering ?—Well, if you have no means of finding out I do not see how you are to know.

15127. What I suggest to you is this. Suppose there was medical supervision in the regular sense—that each assistant was examined, we shall say, once a week by the doctor—ill or well—cases of that kind would, of course, be detected; at least there would be a greater chance of detection ?—I think there would.

15128. What I mean is that a firm like yours would have no objection to any provision of that sort ?—We have had so little illness that it would not make any difference to us at all.

15129. You see that an inquiry of this kind has to cover all sorts of cases ?—Of course, it has to cover everything.

15130. May I take it from you that anything like regular medical supervision would not be resented by good firms at all, but that it might be resented by other firms ?—It might be resented by the people themselves.

15131. Or in the case of those establishments where the conditions were bad it might be resented ?—Yes, they might object to it, but certainly we should not object to it. I can see nothing to object to in it. Anything that tends to make our staff better and more efficient we should welcome.

15132. Just let us complete your evidence about the assistants. You say that all assistants who have been in the house for twelve months are given one week's holiday, and if they have been in the house for two years they are given fourteen days' holiday ?—Yes; there are some houses that do even better than that.

15133. Then about their sports and so on. I think you have clubs in your house ?—We have (like many other large houses) an athletic association which goes in for all kinds of sport—football, cricket, tennis, cycling, rowing and dancing—the members of which pay the small sum of 1s. 6d. per month. The association could not be kept up by this small fee unless it was supported by the firm and its buyers.

15134. Then they purchase all goods from you at practically cost price?—Yes. They used to have them at a price which was not so low, but to-day they are able to purchase even lower than they ever got them before. So that they can buy anything that they want, to wear from a pair of boots to a hat, at practically cost price.

15135. Would you have any objection to us going round and looking at these premises?—Not at all, if you like to make an appointment we will be glad to take you round at any time.

15136. What I mean is, we are in a measure bound to test these things; there have been certain strong statements made and we should like an opportunity of testing them?—Yes. There are many other houses besides our own; I am sure that we should all like you to come round and look at us.

15137. Have you heard anything from this point of view; that when they are living in under such a system, however they are regulated, to a certain extent they lose the advantages of seclusion and they have no time to think, no time to prepare themselves for the battle of life in the ordinary way?—I should say they do not want much time to think when they have been in business all day; they want the open air, that is what they go for mostly—fresh air to keep them ready for the next day.

15138. If that were the whole of life one could understand it?—But if they are in the drapery trade there are plenty of successes, ample room and good openings. If they cannot succeed they had better keep out of it and get into something else. There are brilliant futures in our business—better than in any other that I know.

15139. The desire has been expressed to us that they should have a life in this sense—a life with a greater freedom—not of freedom merely but of responsibility, accompanied by seclusion, and the economy of their own time and so forth?—It seems to me to be rather a new idea that seclusion would be a good thing for one. It may be in some cases; there may be a few men who are fond of study and they may not have the opportunities, but as a rule they are not that sort of men at all in our trade; you cannot make a man study if he does not care to. Here and there you will see a man who is more suited for something else, but the bulk of them are not like that at all.

15140. Are you in favour of continuing the system of living-in?—Decidedly, especially with young people. I think it is a great boon. In fact I have boys of my own, and I shall make them live in when they are old enough to go into the trade; two out of the three boys I shall probably send away from home and make them live in; I think that is the proper way to train them. I think we make too much of our boys now; we are spoiling them. The best men we have to-day are those who have gone through the hard business life when they were boys.

15141. But so far as I can gather from you there is no hard life about it at all now?—Not now, compared with the past.

15142. Then they do not have the advantages that you were speaking of?—I say that I cannot see why it is good to make it easier than it is; it is better to-day than it ever was, but if you take the men of to-day the old system has not done them any harm. Why should you make these alterations now when things are so much better than they were?

15143. Can you give us any explanation why there should be a certain number—a considerable number—of assistants who desire to have the living-in system abolished?—I do not know that the desire exists—only amongst a decided few, that is all I know.

15144. But suppose you were satisfied that it did exist, could you give any explanation as to why the assistants should wish to abolish the system?—I cannot give an answer to a question that I do not know exists.

15145. I think probably that is a reasonable way to put it?—If I knew that it existed I might form a different opinion.

15146. Will you now give us your views about living-out?—It is absolutely necessary to the carrying on of the business that the whole of the staff should be on the premises during business hours. The staff necessarily requires during business hours dinner and tea, and if these are not provided on the premises the assistants would either have to bring their meals with them or find some accommodation outside in the immediate neighbourhood, and where could 800 people find a meal ready in this neighbourhood, within their means, nearly as good as they get in the house, or are they ever likely to? The practical result of this would be, the assistant would not get a sufficient meal to keep up strength for work. It must be remembered that it is not the English practice, as it may be elsewhere, to suspend business entirely during meal times. The average number of customers enter our shops while the assistants are having meals, which they do in parties, and are ready if wanted in an emergency. If they had to get their meals outside the time occupied would be greatly increased, and any assistant who had to be referred to, or whom any customer desired to see, might not be available. Therefore I submit it would be prejudicial both to the proprietor and to his staff to interfere with the present system of providing meals required during business hours for the staff on the premises. As to sleeping out, we consider a distinction must be drawn between experienced hands holding responsible positions and juniors just commencing their careers. Our female assistants are chiefly young unmarried women, and their position requires special consideration. There has never been any objection to the senior class sleeping out, and as a matter of fact they nearly all do. As to the juniors and unmarried women, only those apply to sleep out who have parents or friends with whom they can stay. If we are satisfied this is the case, we view applications favourably. In my opinion, there is no evidence of a general desire on the part of assistants to live out. It is the greatest difficulty possible to get lady assistants to live out. I have had repeated experiences of those wishing to live out, wanting to come back again into the house, simply because they cannot do as well living out. Certainly they cannot save money, which they can easily do if they live in the house. If the system of "living-out" becomes general, we shall not get the same class of assistants in the trade. Respectable people will not allow their young sons and daughters to come to London unless they have some reasonable supervision. Having to be in by a certain time is entirely in the interest and welfare of the assistant. Business premises are becoming so costly that really we cannot afford to sleep assistants in, but it is certain the principals can arrange within a reasonable distance for much better accommodation for juniors and women than they could secure for themselves, at a cost which they could afford; and in my opinion, having regard to the habits and requirements of our customers, the business would suffer very much if the daily dinner and tea were not had on the business premises.

15147. You do not think that living-out would do the assistants any harm; do you go so far as to say that?—I say that living-out would not do them any good. I should limit it to young people; I should keep them in.

15148. Will you just give us what age you are thinking of?—I think up to about twenty-five. I consider that it is a good thing for them to be under some little discipline, if you are going to make anything of them. If you let boys and girls go about the London streets at all times of the night, what will they be fit for next day? Half of them will go wrong, especially the girls. But, as I say, the girls do not want to live out; we cannot get them to live out.

15149. I suppose a good proportion of the girls get married; what sort of training will they have had in household duties or domestic economy?—Nothing, except what they get at their own homes, I suppose; they are able to do that, most of them; in fact nearly all the girls have friends somewhere in London to whose homes they go at week ends; they have the opportunity, if they wish to do it, to pick up something useful if they want to get married.

15150. Apart from this highly artificial system, of which yours is a most excellent example, the case that one figures is, living by the domestic hearth, learning such domestic economy as fits them for managing homes of their own?—That is a very good idea, but what are you going to do with young people who come from the country, and their home is hundreds of miles away?

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15151. Owing to the conditions under which you are forced to carry on your business, you cannot be supposed to supply those domestic or home advantages also ?—No, that would be impossible.

15152. Then suppose cases of this kind ; we shall say, respectable people in the country, having relatives in London that they are attached to, and they would like to put a couple of their girls to live with those relatives and go into service in London ; they come and apply to you ; would they be eligible for your service ?—We should not object to it if they were suitable and we had a vacancy at the time. As a proof of our not objecting to living out, we have 320 or 330 hands already living out ; we have one-third of our whole staff at the present time living out. We do not object to living out at all. What we do object to is that young people should live out who do not live at their homes or with friends.

15153. May I put to you the case that has been mentioned, the case of Scotland—of course, the towns are smaller, but Glasgow is a pretty large place. The experience in Scotland is that living-in is practically unknown, and that the people from the country plant their young people with friends whom they can trust, and these go into service, and the business seems to be well conducted. Do you think there would not be the same conditions obtainable in a large place like London ?—We get a tremendous lot of Scottish hands who are not satisfied up there ; also Welsh hands coming up to London ; if they were so pleased with it up there they would not leave it—and we get them cheaper.

15154. You have never heard that the best road in Scotland is the road to London ?—Well, I should think it is pretty true.

15155. How do they get on in London, do they do well ?—The Scotch and the Welsh do excellently, the Welshmen are the best drapers that we have, I think.

15156. So that they seem to have been well brought up ?—They have been well trained in their trade.

15157. Although they have had no living-in ?—They go in for apprenticeship more in Scotland perhaps than they do here, and that is a very important thing which is neglected now.

15158. When they come to you what age will they have reached ?—Varying from nineteen to about twenty-one. They have passed through their apprenticeship and perhaps stayed a year or so, and then want to come to London. That is the natural ambition of all young men, I think, living in the country.

15159. These people who come to you from Wales or Scotland are of a good sort really, are they ?—Oh, yes.

15160. Having that experience before you I do not think you can say anything except this, that if the conditions were possible in London you would like to bring up your own people under those healthy circumstances ?—If the conditions were possible I do not see why we should have any objection at all ; but to-day we have to deal with things differently in this country to what exists in Scotland, and it would mean a tremendous upset to business ; I do not know how it would work at all.

15161. Have you heard of X. 6 and of their abandoning the system ?—They did it for their own convenience, I take it. They let the top of their place in flats ; they did not want to keep their own people there, it paid them better to let the premises in flats. If we re-build, we shall not have a hand in our business house—not one. The place is too expensive to be used for sleeping in. I really believe that without any trouble or bother at all this thing will work out its own salvation. Business premises are getting so expensive that in time they will not be able to sleep the assistants in at all, and something will be done. It will all right itself in time.

15162. I am very interested to hear what your forecast would be. I assume with you that the value of business premises will be really too great to enable the proprietors to use portions of the premises as dormitories, and they will have to be let out for more valuable consideration ?—That is my opinion, in time to come.

15163. As things develop ?—Yes.

15164. Would you forecast this, that the system of living-in in houses such as you give would also be abandoned ?—It might not altogether, but to a large extent it might be.

15165. Of course, contemporaneously with that a system of co-operation among the hands might spring up—I mean in the way of getting suitable lodging-houses and dwellings for, particularly, female assistants ?—They do not exist at present. They would have to be quite near the business premises. What would be the result if the hands lived out ? They would not get anything near their business—at any rate taking the West End places—that they could afford to pay the price for ; they would have to go to a mere garret in some low class neighbourhood, two or three of them sleeping in the same wretched room and roughing it. If you built houses for them in the West End of London where they could live at a reasonable price, then things might be different ; but that state of things does not exist.

15166. There has been a suggestion in the evidence with regard to what happens in American towns where the system of boarding-houses is, as you know, more fully developed ?—That may possibly be so.

15167. But again, you say that to force the pace might do harm ?—Exactly.

15168. You would rather let the system develop ?—Yes. Suppose you said that in six months' time all the people should live out ; what would become of them, where will they go, they will be much worse off than they are now.

15169. Do you think it is necessary for the carrying on of the business that the whole of the staff should be on the premises during business hours ?—Under present circumstances. Even at X. 6 they think so, because although the assistants live out, they have their dinner and tea in the house.

15170. You do not think that catering outside would do ?—It would mean practically shutting the place up. We have to take things as they are. Ladies will not come in at the time we want them to come, they come in at the time that suits them ; and we have to deal with the state of things as we find it.

15171. As to the sleeping in, do you think that that, in the conditions of London life particularly, is a necessity in the case of young people ?—I think it is a very good thing that they should live in.

15172. Have you any experience of people living-out and wishing to come back ?—Several cases—any amount of them. In our place they have wanted to live out and they have come back again ; they have found it cost them too much. We cannot allow them sufficient money. It leads to all sorts of things. It is not what it costs the assistants for what they buy or what they pay for their room, they have so much more freedom that they go to places of amusement and other places that they would not go to if there was not the little restriction upon them that there is now. If they are living out they may get in at any time ; they go about spending their money, and they naturally find that it is much more costly.

15173. You are rather impressed with the dangers that would accompany a system of that kind ?—Yes, in the case of assistants up to a certain age. I do not think you should restrict a man when he is grown up ; if he wants to live out let him do so ; that is what we do now.

15174. Of course, these young fellows, up to the age of twenty-five say, are all unmarried ?—Oh, yes, we have no married men in the house ; they would not live in—unless they were separated from their wives or something of that kind.

15175. How many men sleep together in the same room ?—We have as many as four in some rooms, but a good many of the men's rooms are cubicles.

15176. Do you find that an advantage ?—Yes, they like it.

15177. You object to the system of living-in being compulsorily abolished, but you would have no objection, I fancy, to the accommodation, and so on, being open to the inspection of some official, we shall say, of the

Home Office, in the same way as factories are open to inspection ?—We have had some officials round once from the County Council; after going round they did not find any objections. We have no objection to anyone coming and looking, there is nothing to be ashamed of. The places are clean and comfortable; of course, they are not furnished with elaborate Turkey carpets and that kind of thing.

15178. And then with regard to the food; you will bear in mind that I am not asking you with regard to Messrs. Peter Robinson's case; I can see that in your case all these arrangements are most excellent; but there may be cases in which the assistants are put off with rather unappetising stuff ?—I have got a menu here if you care to see it.

15179. I was thinking of the cases in some other houses; take the East End of London for example ?—I am quite sure there may be something of this kind existing; I have not for many years moved about except in the better class of houses, but I think it is quite possible that such things do exist.

15180. But how can one get at it ? You see for yourself that a bad case or two of that kind may affect the whole system ?—That is what I object to.

15181. If it can be done without anything like inquisition, should not we allow at all events a right of entry to the inspector ? Suppose information was given that things were very bad in a certain place; would you see any objection to giving a right of entry to an inspector, who might, for instance, call in at dinner-time and see for himself what is going on ?—The worst of people coming in like that is this: they are sometimes reasonable people and sometimes they are very unreasonable, and if you leave it to one man it is very difficult. I think when you are in business you should not be called upon to have people all over the place to inspect your premises; and then perhaps if the man happens to have an attack of the liver he may say, "This won't do for me, you will have to do this or that"—we think that that is unreasonable. We have factory inspectors and all kinds of people of that sort calling upon us to do the most silly things, and then after a few years' time perhaps the thing is abolished altogether. You have not any conception of what we have to put up with.

By Mr. Walsh.

15182. You have told the Lord Advocate that in the case of illness the house doctor is sent for. Does he not make anything like a periodical visit to the place ?—No, there is not sufficient illness for that; sometimes it goes on for days and there is no one who wants the doctor.

15183. The only point that suggested it to his Lordship's mind, it seemed to me, was this, that there may be cases of illness where the girl, or the man even, would not readily declare themselves; because it is perfectly human not to expose your illness to everybody; whereas if the doctor made a periodical visit, not merely for inspection but to enable the assistants to report, they may on many occasions report more readily to a doctor than to anybody else ?—The only thing is that we should get a lot of them complaining when there was nothing the matter with them at all. If you ask people whether there is anything the matter with them it is very easy for them to talk about aches and pains. You must remember, too, that women are very peculiar at certain times; they make all sorts of complaints, but we find that what they really want is proper food at those times, and we study them; we give them milk food, or if they want fish for dinner and they are not quite well we give them it. It is more a matter of diet; if you study their diet you do not want the doctor so much, that is why we do it.

15184. You have a fairly good proportion of people living out ?—Yes.

15185. Three hundred and thirty-six out of 724 ?—No, out of about 1,000.

15186. Do you find any lessening of efficiency on the part of those assistants who are living out ?—Well, they are mostly experienced hands who are pretty well paid, and we do not find the efficiency lacking; but we should find it in the younger people, I think, if they had the same facilities. These are well-seasoned hands, and we can depend upon them.

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15187. With regard to punctuality, do you find any lack of punctuality on their part ?—Yes. We have to put up with a tremendous amount of unpunctuality in the case of those who live out—they never keep time.

15188. So that, while they are efficient hands while they are at business, you find them a little late in coming in the morning ?—Yes. They talk about the tremendous amount of traffic there is—they generally live some distance from the place of business—and have to come in by tube, or motor 'bus, and so forth, and they speak about the 'bus being full and make that kind of excuse; sometimes it is real and sometimes it is not.

15189. How do you visit such—I will not say offences—but such occasions as that ?—Well, they are reported from time to time, and if it is so bad that we cannot put up with it any longer, we just tell them to go; we say "We have had so much of this that we cannot consent to it any longer."

15190. Have you kept any record of the number of dismissals for unpunctuality ?—No, the number will be very small.

15191. So that the reprimand or the caution has its effect generally ?—Generally, but we have to overlook a tremendous lot.

15192. You put the blind eye on to those cases ?—That is it, we see all these things, but do not say much.

15193. The whole of the assistants who live out are married, are they ?—Oh, no; those who live out are composed as to a large number of them of young people getting very small salaries, who live at their own homes; the remainder are married men and experienced assistants. With a large number of the junior hands getting anything from £20 to £40 a year, they live with their parents, so that it answers their purpose. Some are apprentices.

15194. Now, of course, these young people will all be of the most impressionable age—from seventeen to twenty ?—That is right, seventeen to twenty-one or something like that.

15195. A good deal has been said to this Committee as to the danger to the morals of the young people under the living-in system. It has been said to this Committee with greater or lesser force that the system of living in itself tends towards abuses, towards the lowering of morals, so to speak, the sapping of individual character. Now, do you find any lowering of the morals of these young people who live out, or who live with their parents ?—I should say the morals are just as good in our trade as in any other business.

15196. But I mean as compared with the morals of those who live in. Of course, one does not want to press this point too closely, because one can understand that in big houses like yours you have not time to look after the morals of the individual assistants. Do you find any more laxity of morals in the case of those who live out as compared with those who live in ?—No, I cannot say that I do, because those who live out are of a more sensible age—except the very young people, and they live at their homes.

15197. They have the guardianship of their parents ?—Yes, that is equivalent to living in the house, because they have to be in at a certain time and so forth.

15198. You speak of the great upset that would be likely to result if the living-in system was abolished; yet I understood you to say that, resulting from the development of your business, when you built your next shops you will have to do away with the living-in system ?—But by that time things will have accommodated themselves to circumstances. I say that at present it would not do.

15199. That is to say if it were to be stopped immediately ?—If everyone does it, it does not matter much. I say it may come in time; the thing will work out its own salvation, and then it will not matter; but at present it would not answer. If you throw a lot of people out like that, where are they going to get their meals—where are they going to live—the places are not made for them; they do not exist.

Mr. W. A. Sergeant.

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15200. In the new business that you suggest—and that I hope will really take place—would you take over any of the old hands, or would you start it with entirely new people. I suppose you would take over some of the old hands from your existing establishments?—We should not get rid of any hands.

15201. You would transplant a few I take it?—I was speaking of our re-building in the future. If we were to re-build our premises we should maintain the same style.

15202. But you talked of building new shops, I thought?—No; I meant if we were re-building our present premises, which we may do in a few years' time, then things would be altered altogether.

15203. I understood you to say that your knowledge was confined almost wholly to the best class of houses?—Yes, that is so, especially for the last twenty years.

15204. You have no first hand knowledge of the conditions prevailing in the lower or medium class?—I have no knowledge.

By Mr. Maddison.

15205. You told us that you thought the living-in system should be limited to young people, and you gave the age at about twenty-five?—Yes.

15206. What would be the average age of these 700 odd assistants who live in? I should think that half the staff of females that are living-in now would be under the age I speak of, twenty-five, and about the same proportion of young men.

15207. I suppose if a young man or a young woman who is living in with you now gets married, you make it easy for them to live out?—Oh, yes.

15208. You raise no objection?—Not provided their income warrants it; but if a person gets married on £50 a year we say: "No, you are not making sufficient money to warrant your getting married."

15209. That is a fair bit of paternalism, is it not, for you to exercise; they may have private means?—If they have private means, that would make a difference.

15210. But you enquire into all these things?—Certainly. Sometimes they marry a woman with money; they say: "My wife is a dressmaker; she makes so much a year." Then we say all right, it does not matter. But we ought not to have people in our employ who are married on about £50 a year; it tends to make them—well, certainly not honest; I would rather they go somewhere else and get married; we do not want people in our employ like that.

15211. Does not that seem a good deal of interference with individual liberty; have not you a right to test people by what they do rather than by what they may do?—Well, we test them by what they are doing; what they are doing is what they are getting; they are getting £50 a year; is that sufficient for a person to get married on?

15212. You are taking a very extreme figure?—Well, I will take £60 or £70.

15213. £70 is what I wanted you to take because that is the average salary. Nobody in your employ could get married if he only got £70 a year?—I should say there is nobody in our employ at the present time who is married under £100 a year, total income.

15214. You have told us that you think the living-in system is good, especially for young girls?—Young people of both sexes.

15215. But I think you said especially young girls?—Yes, that is quite right.

15216. That implies that you think your system is of a sufficiently restraining character in the matter of discipline and so on to give them advantages over ordinary lodgings?—Over ordinary lodgings, but not over living at home.

15217. Now, how far do the caretakers or porters or whatever you call them really exercise any supervision over them, beyond knowing what time they come in?—They are perfectly free, excepting that they have to be in at eleven. They have no authority to interfere with them at all; they have perfect liberty.

15218. Do you mean by that that anybody could come to their apartments?—Oh, no; they can come to the door and ask for them, and come inside—not go into their bedrooms or anything of that sort.

15219. I am talking of females coming to see females?—They would not object to that.

15220. Would it be true to say that as a matter of fact these caretakers are rather lax, and that the assistants can get in considerably later than the time mentioned in the rules?—I dare say it would be possible; nothing is impossible.

15221. But would it be anything like easy to do?—I should say it could be done.

15222. Do you think it often is done?—Well, it is done sometimes, I dare say. If we found it out we should soon stop it, and we invariably find most things out. In a large business you are bound to have some things of this kind happening; but when found out we should get rid of the caretakers and replace them by others we thought more reliable.

15223. Would you think it—I should not say a common practice, but somewhat frequent, for the people sleeping in a bedroom to arrange with each other to keep quiet while one of them stops out all night—not necessarily for wrong purposes, but just stopping out for the night; would that be easy for them to do?—It would not be easy, but it might be done.

15224. So that the supervision in these houses is by no means a perfect supervision?—It is as perfect as it can be. I mean, if you get persons in as caretakers, and they are a bit lax themselves and you do not know it, they may do something which you do not want done, and directly you find out that they are doing it you put it right It ought not to exist, but it might.

15225. These houses in which you sleep your assistants, in what sort of streets are they, what is the character of the streets?—Oh, respectable streets—Mortimer street, Castle street, Hallam street, Argyle street, etc., and surrounded by respectable houses. In one of the streets, where we sleep most, there are superior boarding houses, that would charge two and a half or three guineas a week.

15226. You have made it plain that yours is a very good house; in fact, I suppose, the west end houses are above a good many in the east end?—The west end we consider, and I think we have a right to, is superior to some of the suburbs or the east end.

15227. Suppose it was proved in evidence that some of these lodging houses were in very doubtful streets, then you would not be quite so sure that it was good for the girls' morals to live in there?—We should not take houses in doubtful streets, and I do not think anyone would, because they like to have them near their places of business.

15228. Speaking generally on the living-in system, would you be prepared to admit that for assistants, especially girls, over twenty-five, it is not quite a healthy life, this enforced celibacy—I mean the non-mixing of the sexes in social relationship?—I would not admit it for one moment. I think you have only to go down to the sports ground on a Saturday afternoon, or to our annual sports, and see how bright and happy those people are.

15229. But in the social life of these lodging-houses do the sexes ever come together?—Of course they do, at the sports every Saturday; and they have a room in Mortimer Street where they have a dancing class every week.

15230. Do they mix together in the sitting-rooms?—No, because the rooms are in different houses; we do not allow men to be with girls.

15231. I thought you might have a kind of common room?—No, we have no common room; we have no big place for that purpose.

15232. But the two sexes do come together in dancing and so on ?—Yes.

15233. So that they enjoy what I may call a touch of human life now and then ?—Pretty frequently I think They can as much as I do ; I do not get away except on Saturdays ; that is the only day I have.

15234. We can hardly take your own case ?—But I mean, they have the week-ends, and their social evenings, dances, concerts, and so on.

15235. With respect to the boys, do they sleep in the same rooms as the men ?—Well, we have not many boys.

15236. I mean apprentices ?—We have only about two.

15237. Only two apprentices ?—That is all.

15238. That is one instance of the decadence of the apprenticeship system ?—Yes.

15239. Although it is nothing to do with the inquiry, I am very interested in it. I notice that you are in favour of the apprenticeship system ?—Well, I think it is dying out, and I am sorry to see it. Peter Robinson's, I may say, are a firm that took only a few ; they are not a criterion as to the apprenticeship system.

15240. About Sundays. We have had pictures drawn to us of something worse than a Scotch sabbath in some of these houses ?—I thought the Scotch sabbath was so good.

15241. It is good, but it is rather dull. The picture we have had put to us is something like this : that the assistants are not wanted on Sundays ; that although they can remain if they like, they are made to feel that they are not wanted, and the arrangements are such that they wish they were out of the place. How do your people fare on Sundays ?—The same as on other days, as far as I know ; they are perfectly free ; they go where they like ; we do not have many of them there on Sundays ; they go away, up the river or something of that sort.

15242. It is not that they are free to go away, but that in practice they are not free to stop in ; that is the sort of evidence that we have had ? - Why ?

15243. Because they do not want the trouble during the Sunday of preparing meals ?—There is no trouble about preparing meals on Sundays.

15244. On the Sunday they get meals in the ordinary way ?—Yes.

15245. All the meals go on the same as usual ?—Yes ; they have breakfast, dinner, and tea all supplied ; if they do not want it they can go away where they like.

15246. So that you would not agree that the assistants, at Peter Robinson's at any rate, are made to spend a very miserable Sunday ?—I should say not.

15247. I gather from your evidence that, so long as what one might call a time limit was given, or it was done gradually, you see no difficulty in carrying on a business without the living-in system ?—Do you say I see no difficulty ?

15248. There might be a difficulty, but not an insuperable difficulty in carrying on a big drapery establishment without the living-in system ?—To-day I do say there would be a difficulty. With many houses where the places are constructed for a staff living in, it would be very difficult for them to adapt those premises for business purposes.

15249. That is rather a question of loss ; assuming that that was got over, in the practical working of a large drapery establishment you see no insuperable difficulty in all the staff lodging out ?—Well, I see more difficulty than there is now ; keeping good time would be the trouble.

15250. There would be a little trouble ?—There would be a tremendous trouble in the time.

15251. What would you say about any attempt to prevent them feeding in ; would there be much more difficulty ?—Much more difficulty everywhere. You will find that at large houses like X 6 where they live out and have their meals in, they could not do as you suggest.

15252. So that your evidence is that, while there would be some difficulty about abolishing living in, the difficulty could be overcome, but the feeding out would be very difficult ?—I say it could be overcome, but not without some difficulty.

15253. You mean even the feeding out could be abolished ?—Yes.

15254. But you think that would be far more difficult than to abolish lodging out ?—Yes.

By Mr. Yarrow.

15255. Did I rightly understand you to say that Peter Robinson's would not object to an inspector visiting the place to examine the dormitories and see the arrangements for meals at any time they liked ?—No, as long as we knew they were coming ; we should have someone to show them round.

15256. I suppose in the case of some firms where the excellent system that you adopt is not employed, it might be a very wise thing to endeavour to ensure better treatment in that way—I mean in the east end, or in some of the outskirts of London ?—Yes ; I should think most likely you would find something there that was not as it should be.

15257. In those cases it might be a desirable thing to have some inspection ?—Yes.

15258. It would be difficult to draw the line as to which places to inspect, and which not, so that taking it as a whole it might be a good thing to have a general right of inspection ?—I think so. I think one should not be ashamed of showing people round ; we should be rather proud to do so, to show that things are not so bad as they are painted.

15259. In some cases ?—In most cases.

15260. You consider as you work your business that it is the best arrangement that is practicable now, under existing conditions, for the benefit of the staff?—Under existing conditions, I think, it is about the best thing we ould do, for them and for us.

15261. Of course, these people, the men and the women, meet together, I suppose, in the refreshment room for example ?—Yes, they go in there together.

By the Chairman.

15262. You represent here practically the West End trade, we may take it ?—I think so.

15263. Would you include in that X 5 ?—I think so.

15264. And Q 3 ?—Well, no.

15265. You differentiate Q 3 ?—I think so.

15266. And P 5 ?—Yes, I should say P 5.

15267. We may take your evidence as applying to X 5, P 5, and yourselves, but not to Q 3 ?—I think so.

15268. I do not press you about it, but would you indicate that your view is that establishments like yours are rather superior to Q 3 ?—I should say we are superior to Q 3 in the class of goods we sell, and in the class of assistants we employ.

15269. Do you know the firm N 5 ?—I have heard the name.

15270. You are not able to testify to them ?—No ; they do a low class of trade, I believe, at all their shops ; their name is well known all over the place ; they do a cheap cutting trade.

15271. In the case of young men of between twenty-one and twenty-five—unmarried—have they the franchise ? —No, I think not. I believe that a man occupying a single room can have the lodger vote.

15272. That is just the difficulty, because in the way you have explained, probably there may be two or three of them together in one room ?—Yes, and then they would not get it ; but that is not much, because we ourselves as directors have no vote.

Mr. W. A. Sergeant.

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By Mr. Yarrow.

15273. When you engage fresh assistants, either men or women, do you have a character with them ?—Always ; we never take one without—never.

By Mr. Maddison.

15274. What would you say to a closing of West End houses for an hour in the middle of the day, so that all the assistants could go to lunch together ?—Well, I do not know what to say about it, because it would be such a revolution in the present style of shopping that I could not forecast what the result would be. Of course if every one did it it would be a different thing.

By the Chairman.

15275. There is one thing I should have put to you in my examination in chief. You have porters in your employment ?—Yes, we have 110.

15276. Where do they live ?—They live, some on the premises, some are married men living out.

15277. Do you know a place called PhœnixYard ?—Yes.

15278. Do your porters live there ?—Some of them.

15279. I think about twenty men live at A Block in Phœnix Yard ?—Yes.

15280. What sort of rooms are those ?—They are not so good as the assistants' rooms.

15281. I put to you this kind of evidence ; that there is no bath-room there ?—No, but they have the use of the bath-room in another place where another lot of porters sleep.

15282. That there is no fire ?—There is no fireplace.

15283. And no other means of drying their clotnes ?—Well, if they want to dry their clothes, they can easily do it ; there are fireplaces in the place, but not in the bedrooms ; there is nothing but sleeping there. We have got another and better house where there are several bath-rooms, where the other staff of porters sleep, and these men use those bath-rooms.

15284. Where do the men in Block A feed ?—Thoy all feed at one place in Oxford street, on the premises, the same as the staff.

Mr. FREDERICK LANG, called ; and Examined.

Mr. F. Lang.

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By the Chairman.

15285. You represent Messrs. Cook, Son & Co., warehousemen, of 22, St. Paul's Churchyard ?—Yes.

15286. You know the system of living in ?—Yes ; I have gone through it ; I am thoroughly acquainted with all its details and the facts of it.

15287. Will you give us any details that you feel free to furnish with regard to your own employees. First of all, you say that among your employees who reside on the premises there is an absence of agitation against the living-in system ?—That is so.

15288. What position do you hold in the firm ?—I am resident assistant house steward ; my special duties being to reside on the premises where the young men are placed——

15289. How many young men are in the employ of Messrs. Cook ?—There are about 1,200 altogether, but of that number, warehousemen and porters altogether, about 410 reside on the firm's premises.

15290. Where are those premises ?—Across Blackfriars Bridge, at the junction of Stamford Street and Bennett Street houses.

15291. How far is that from their place of business?—About eight or nine minutes' walk.

15292. Then, do they feed as well as sleep there ?—No ; the meals are provided in the warehouse in St. Paul's Churchyard ; it is simply sleeping apartments on the opposite side of the bridge.

15293. Is the entrance to your place in Stamford Street ?—The principal entrance is in Stamford Street ; we have also another entrance in the side street.

15294. It is for males only ?—Males only ; we have no female employees who reside on the premises ; we have very few female employees.

15295. That property in Stamford Street was bought by Messrs. Cook and converted into dormitories ?—That is so. I am not quite sure that the firm are the absolute owners of all the houses ; they have been acquired at different times ; we started first many years ago with one house only, No. 16, Stamford Street ; then houses have been added as residences at different times, and now there are ten houses, with three different entrances.

15296. Who are in control of those premises ?—Housekeepers. There are three married housekeepers who have charge of the premises. Personally, I suppose I am the chief officer on the premises ; I am the resident house steward ; it is my duty to see that everything on the premises is right.

15297. Do you take charge of the 400 or so ?—Yes ; I may be described as the senior officer in charge of those premises.

15298. You have three housekeepers under you, so to speak ?—That is so.

15299. Now, Stamford Street, it has been represented to us, is a somewhat notorious street, in a bad sense ?—I am prepared to meet that by saying that Stamford Street is a place with perhaps a notorious past, but that state of affairs does not exist at the present time. If it is necessary to make such a reference, the police of the L division would probably tell you that there is not a disorderly house in Stamford Street, or its immediate neighbourhood, and those houses have not existed for several years. It certainly is a poor locality ; it may be said that a number of poor people live in the neighbourhood, but there are no disorderly houses. I am certain of that fact, because I have been in residence there now for a term of nearly eight years.

15300. There was a good deal of property appropriated and converted for the purposes of your business ; would that have rooted out any of these disorderly houses, do you think ?—I am speaking more now of the character of the district.

15301. But I am speaking of the street itself ?—Our houses are all adjoining ; it is all one property practically.

15302. The point I want to get at is, would any disorderly houses be suppressed by the simple fact that the property was taken over and converted for your business ?—Oh, no ; I am not in any way associating our premises with the disorderly houses that may have existed in the neighbourhood up and down the street. You are speaking of Stamford Street being a rather notorious neighbourhood, and I understood you to mean in that sense ; of course it is a known fact that Stamford Street many years ago was rather notorious.

15303. But you think it has been improved under police supervision ?—I think it has considerably improved, during the last six years especially. I see a lot of Stamford Street, during all hours of the day, and up to eleven or twelve at night ; and I can certainly testify most emphatically—I am very pleased to be able to do so—that there are no disorderly houses up and down Stamford Street or Bennett Street or that immediate neighbourhood.

15304. You say there is no agitation against living in among your men ?—No, it does not exist in our place.

15305. The men are from eighteen to twenty when they join the firm ?—That is generally so.

15306. Are they free to live out if they wish ?—Yes ; they may do so after having started in the house ; the firm generally prefer that the young men should come into the house for a time.

15307. Is there an abundant and varied supply of good food ?—I can testify that that is so.

15308. You have meat breakfasts ?—Meat breakfasts are provided.

15309. Every day ?—Well, no ; that is not provided on Sundays ; the reason of that is partly to avoid cooking on Sundays ; but every other day of the week a meat breakfast is provided.

15310. There are choices of meat for dinner ?—Always a very plentiful supply, and a choice of meat.

15311. Where do the porters live ?—The porters live in the end house of our premises adjoining the other houses, on the other side of the bridge ; they have a separate entrance. We have accommodation for eighty-eight porters.

15312. How long on an average do they live in ?—About seven years I think it is.

15313. Have you any notion what are the wages that these men earn ?—On that point, the men would remain in the house until their salaries had advanced to probably a little above or a little under £100 a year. When a man has advanced to that position and has also made progress in his position in the house, we consider he is getting fairly well established, and at about that period his salary is about £100 a year.

15314. Now, the arrangements are under the superintendence of the firm also. Do they give any personal attention to them ?—They give very personal attention. It is a private firm, not a limited company. Sir Frederick Cook, and his son, and Mr. Gribble, and the other two partners, take a great personal interest in the whole of our arrangements.

15315. And come down sometimes to see them ?—Are you speaking of our premises ?

15316. Yes ?—The premises at Stamford Street I should imagine are visited quite as frequently as once a month by a member of the firm.

15317. Then about a doctor ?—The doctor comes to the warehouse every day ; he has a retaining fee, and he comes every day to inquire if there are any cases of sickness.

15318. You are the resident house steward, and you have five "captains" under you ?—Yes, selected from the senior men.

15319. And they are responsible for good order ?—Exactly.

15320. How many men sleep in your rooms ?—We have fifteen single rooms throughout the premises ; there are thirty-four rooms with two beds ; there are thirty-nine rooms with three beds ; there are forty-three rooms with four beds ; there are four rooms with five beds ; and four rooms with six beds ; those are the largest rooms we have on our premises.

15321. Take the largest class there, the four-bedded room ; what ages of men are in those rooms ?—We do not sort them out in that way ; the men come in and take certain vacancies which may have occurred on the premises.

15322. You do not sort them by ages ?—No, we do not regulate them according to ages. All the young men on the premises are about eighteen to twenty-six. When a man gets to be twenty-six, twenty-seven, or twenty-eight years of age, he moves out of the house.

15323. Then you say the doors are closed at 11.15, except on Saturdays, when it is twelve o'clock ?—That is so.

15324. Suppose somebody comes at twelve o'clock ?—Very often we have to open the door to let the men in ; we have not a hard and fast line that we will never open the door if a man comes late ; we do not like opening the door if it is very late ; if a man comes half-an-hour after the time we think he ought to have been back a little earlier.

15325. And you keep him out ?—We do on certain occasions.

15326. He has to find some dwelling for himself ?—Yes ; I must admit that that has occurred, although if a man is only a few minutes late, we open the door and let him in.

15327. Are you bothered at all with drinking amongst them ?—Only a very small percentage of the men.

15328. I suppose with the porters there may be some trouble of that kind ?—No ; we cannot say that we are free from the effects of over-indulgence with some of these men, but very few.

15329. Have you facilities for recreation ?—We have very extensive facilities for recreation.

15330. There is a large billiard room with three tables ?—Yes.

15331. A reading room and smoking room ?—Yes, more than one reading room and smoking room.

15332. And libraries ?—Yes, two libraries.

15333. They have a club which they call the Ravensbourne Club, which is the largest athletic club in connection with any business house in the city ?—That is so ; it is a very well-organised club.

15334. That includes a choral society, a dramatic club, and a provident fund, and swimming is taught free ?—Yes, all that is provided.

15335. Do you think there is satisfaction with the system ?—That undoubtedly exists in our house ; our men are very satisfied, and we believe it to be greatly in the interests of the young men themselves that they should sleep in the house.

15336. Suppose we came round to see you some day, you would not object ?—Not at all ; we should be pleased to show you over our premises.

By Mr. Walsh.

15337. You gave us a list of the rooms, from the single room to the rooms containing six beds ; altogether that works out to space for 416 ?—Yes.

15338. You say here that there are 1,200 total staff ?—Yes, that is the total staff employed by our firm.

15339. So that really about 800 of them will live in other apartments altogether ?—800 of them probably are married men. They have passed through the house—they have gone out and attained higher positions. A good many of them are travellers, buyers, and heads of departments.

15340. So that the sleeping-in on the premises which are under your control only applies after all to about a third of your staff ?—That is so.

15341. You say here that the domestic arrangements have given general satisfaction ?—Yes. I do not wish to qualify that in any way. I think it is a perfectly accurate statement, I do not qualify that at all. The men are comfortable in the house, they have good bedrooms and good beds. Men who live in generally wish to remain as long as possible, and express regret when they have to live out make room for others.

15342. Has there been any fault at all found with the sanitary arrangements ?—We hold the certificate of the sanitary surveyor for the Borough of Southwark that our premises are in perfectly good condition. The sanitary inspector very often calls, he is quite at liberty to call and look through our premises. We hold his certificate that our premises are in a perfectly sanitary condition.

15343. In the feeding of your people have they to go a long distance from the shop at which they are engaged at their work to get their meals ?—No ; that is provided on the premises at St. Paul's Churchyard ; we have a large dining hall and various smaller rooms in which the staff is fed every day. We provide meals for over 1,100 persons every day at St. Paul's Churchyard.

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15344. I mean in getting to the dining room and back again ?—They do not go off the premises; they walk down from the departments to the rear of the house.

15345. That is what I mean. I am asking you as to what is the distance that they have to travel in order to reach the place where the meals are ?—It might be twenty yards, it might be 100 yards. We have two large warehouses, there is one at St. Paul's Churchyard, a front block; immediately behind it is another large block; altogether thirty or forty departments; they have to go to Carter Lane, at the rear of the premises.

15346. How much time do you allow for dinner ?—Half-an-hour for dinner and twenty minutes for tea.

15347. Is the distance to be traversed sufficient to make a serious break in the time allowed ?—No, they can get from any part of the house into the dining hall in three or four minutes.

15348. And in the event of being two or three minutes late in getting back is any fault found ?—No; it is one of the rules that they are expected to return promptly to business from meals. I am sorry I have not made a copy of the firm's rules.

15349. I suppose the distance will not really cut the people down to two or three minutes ?—Not at all; that is allowed for; they have their full time, and more than their full time, in order to get back again.

15350. When you spoke about the sanitary inspector's certificate, did that specially apply to your business premises or also to the premises where the people live at night ?—The houses in which they reside.

15351. The residential houses ?— The residential houses are in the borough of Southwark and the warehouses in the city; they would come under two medical officers. Of course, the same applies with regard to the sanitary arrangement at the city premises; we have been in communication with the city officers on that point as well.

By Mr. Maddison.

15352. I understood you to say that the young men get their food in St. Paul's Churchyard ?—Yes.

15353. But on Sundays they feed in Stamford Street ?—No; no meals are provided in Stamford Street at any time, except where a man is an invalid.

15354. On Sundays they have to go from Stamford Street to St. Paul's Churchyard ?—Yes.

15355. What about supper ?—That is all served there as well.

15356. What time is supper ?—Eight o'clock generally.

15357. And tea ?—Tea is at five o'clock generally. Are you speaking of Sundays now ?

15358. No, any day ?—There is no change. The dinners commence at twelve each day; of course, we are obliged to have four or five parties; we cannot have all our men out at once. Teas are going from twenty past four to quarter to six.

15359. I was thinking, eight o'clock is a rather awkward time for supper, is it not ?—No, it is generally a convenient time; do you mean that it is rather late or early ?

15360. If they have tea at five or six o'clock the men do not want to be eating again at eight ?—They are generally quite ready for it at that time.

15361. What time do they leave ?—They may leave according to the work they are doing, but generally five o'clock to eight. The warehouse is closed at five; it is not like shutting up a shop door and everyone going; there is a certain amount of work perhaps that has to be finished off after five, and they leave off at various times up to eight.

15362. Would your experience be that the supper being at eight they do not take it but get it later at their own expense ?—Oh, no; it would be a very small percentage who would be affected in that way.

15363. Say they leave at six o'clock, they have to come back to St. Paul's Churchyard for supper ?—Yes, that is so.

15364. That seems rather inconvenient, does it not ?—Oh, no, I think not; they do not consider it so; no difference of opinion has been expressed about it.

15365. I will put it in this way. Out of the 410 how many will take supper do you think ?—Perhaps the average number would be from 150 to 200 every night.

15366. One hundred and fifty out of 410 ?—I think I see your point. You think that having supper off the premises——

15367. Never mind what I think, if you will excuse me; I want the facts. You say 150 take supper ?—Sometimes we have a very much larger number than that.

15368. Not half take supper; you have never known 200 to take supper ?—I have known over 400 on some occasions, but take it in the ordinary way, if a man is able to get away very often we do not get the whole of them into supper.

15369. So that the supper meal is paid for by the men themselves up to 50 per cent., at any rate, because half the men buy supper for themselves ?—There may be various causes which take the men away from the house.

15370. With regard to these young men who are not in your house to time at night; at what time would you fix it that they should be shut out ?—The door is shut at eleven-fifteen; if they ring the bell at twelve o'clock it is not often that we should open the door and let them in.

15371. If a young fellow comes in at twelve he would not get in ?—Not on every occasion.

15372. Is that known to Sir Frederick Cook ?—I think it is. I am not quite sure if the point is clearly known to him; I should say that it is.

15373. It is rather important, I think. Have you ever thought about what would be the consequence of these young fellows of nineteen or twenty being left alone in London. Where would they go to ?—They generally go to some hotel in the neighbourhood: I think there is an hotel in Stamford Street where a lot of our men are very well known, a perfectly good, respectable place.

15374. Having regard to the morals and the proper character of these young men, would you not say that it is a very serious thing indeed to shut these young fellows out and to drive them into the hotels in the neighbourhood of Stamford Street ?—I hardly know how to answer that question. Certainly from one point of view you would think it wrong that the men should be shut out, but on the other hand the firm have given the rule that the door is to be closed at a certain time, and if a young man comes back too late he knows very well that he does not expect to get in. That is the position of affairs.

15375. What happens to a young fellow who does not come in; what do you do the next morning ?—If we know that he has been out we should report him to the firm for being out. The rule is, they practically have the firm's permission to sleep out by signing a book which is kept at the steward's office.

15376. But I am talking about a young fellow who is breaking the rules and has not signed for that permission; what do you do with him the next morning ?—If we knew that he had been out we should report him to the firm for being out without signing the book.

15377. Have you had cases that you have reported ?—Many times.

15378. What has happened when he has been reported ?—He has then been cautioned by the firm.

15379. You say, "if we knew he was out." I gather from that that it is quite possible, and indeed probable, that you would not know; is that so ?—It is quite possible that we should not know. Of course, the housekeepers report if he has not been sleeping in; they are supposed to let us know, especially if it occurs more than once.

15380. So that we must take it as your evidence that it might very well happen that a young fellow does stay out and it is not known to any of you; so that he stays out, you do not know where he has been, and nothing can be done to him in any sort of way; and that is one

of these young men that you have described; do you think that is good?—I wish to point out that we have a certain weakness in that direction; from the way you have put it I admit that that might be so.

15381. Apart from our inquiry, if I may say so, would not it be very desirable to put that point to your firm about the locking out of these young fellows?—Yes; that shall be done.

15382. Do you not think it would be wise to put to your firm the necessity, as these are young men, of having a really accurate system of registering whether they are in or out?—You mean every night?

15383. Yes?—That, of course, does not exist; not an accurate record of their being in every night, but occasionally the stewards go round the premises to see that the men are all in.

15384. I put this to you, because we have had it put forward in the evidence that, so far from the living-in system being good for the morals of young people, it is just the opposite; and we have had put to us some very serious things that have followed the living-in system. Your evidence has shown that there is at any rate a weakness in that direction, which you have frankly admitted. Now about Sunday; I notice you said that they have no meat for breakfast on Sunday; that is to save cooking, I suppose?—Yes, and there is a little uncertainty as to the number who might be there.

15385. Would you say that there is a real effort to make the young people comfortable on Sundays?—Certainly; a good meal is provided for them, and everything is done in that way. *Mr. F. Lang.* 31 July 1907.

15386. That is to say it would be quite wrong in the case of your firm to say that a young fellow on Sunday was not wanted in your Stamford Street houses?—That would be quite wrong, because every attention is paid to them on Sundays as on other days.

By Mr. Yarrow.

15387. May I take it you are quite satisfied with the arrangement now prevailing as regards the dormitories and the feeding?—Yes.

15388. Would there be any objection on the part of your firm to have some Government inspection, or would they welcome it?—I think the firm see that that may possibly be the outcome of such an inquiry as this. They are quite prepared for anything that might happen in that direction.

15389. You think it would be a desirable thing, having regard to the fact that some houses might not be so well managed as your own?—We should not object to inspection of any part of our premises, either the domestic or business premises.

MR. RICHARD BURBIDGE, called; and Examined.

By the Chairman.

15390. You are the Managing Director of Harrods, Limited?—Yes.

15391. You have no system of living-in?—Not of sleeping-in.

15392. How many persons are employed at Harrods Stores?—We have between 4,000 and 5,000.

15393. Of those, how many have their meals in?—About half.

15394. Is that dinner and tea?—Dinner and tea, and breakfast in some instances. We encourage some of the younger people to come early for opening letters, and that sort of thing, and for that we give them breakfast and 2s. 6d. If they come at half-past seven, instead of half-past eight, they get their breakfast free and 2s. 6d., extra, which is not included in their ordinary salary.

15395. What is that for?—That is for the benefit of their services earlier; we find that by having a good breakfast such as we give them, we get so much more out of them.

15396. You have brought some specimen menus?—I have here a menu for one week last year, and I have the book here showing the menus for twelve months. Taking this weekly menu, you will see that for breakfast in the superintendent's room on Monday, there is grilled kidneys, bacon, cold meat, tea and coffee; then for dinner, fish, roast lamb, potatoes and greens, cheese and pickles, cold meat; the menu in the buyer's room, the ladies' room, and the men's room is much about the same. If you follow the week through you will find that there is a similar abundance and variety.

15397. Now will you tell us the time allowed for those who have their meals in?—Half-an-hour for dinner; twenty minutes for tea, and the same for breakfast.

15398. And for those who have their meals out?—We give them an hour for dinner and half-an-hour for tea.

15399. How far in your experience has the living-in system tended to the industrial efficiency of the assistants?—When you mention living-in, do you mean sleeping-in?

15400. Sleeping-in?—I have had varied experience altogether. I have been in London now about forty-six years. First of all I lived in; I may say that I could never have come to London if it had not been for the living-in system; my parents would not have allowed me to go into lodgings, and by going to a good business house in Oxford Street I was apprenticed, and I appreciated the living-in. I think that if there was no place where young fellows and young girls who come up from the country could live in, there would be a dearth of respectable young people. I think they could not come up from the country and go straight into any lodgings that they come across; I do not think their parents would allow them, there is such difficulty in getting lodgings; it seems to me that both systems are almost necessary. *Mr. R. Burbidge.* 31 July 1907.

15401. Do you know the system in Glasgow and other places in Scotland?—I do not know much about Glasgow.

15402. In Glasgow the living-in system is unknown. What I am pointing to is this. Do not you think that if the system were unknown here, things would economically rectify themselves by the appearance of lodging-houses and places of accommodation for those people?—I do not think the ordinary lodging house would do at all.

15403. These would require to be boarding-houses?—Boarding-houses and larger establishments such as would accommodate them.

15404. Have you any experience of the American system?—I have been all over New York and Chicago in the larger houses, and I have seen what they do there; there they all adopt (at least as far as I found), a system of canteens where the people can buy what they require; they all sleep and feed off, but they buy what they require at the canteens at cost price. When I came back from visiting the United States and Canada two years ago, I started a canteen for the staff who did not have their meals on our premises, and we found it answer very well indeed. They get things so much cheaper. The danger we find is with girls and young fellows who go out to their meals, that instead of spending their money on good diet they buy cheap pastry and sweets and do not get the benefit they should from it.

15405. Of course, if they have less appetite to begin with they are apt to grow worse in that direction by taking things that are really not substantial?—That is just it; that is why we prefer giving them their meals in—that we get a healthy and very hearty class of assistants when they are fed as we feed them. We do not pretend that we do it from motives of philanthropy. We do make a deduction of about 5s. a week for their food but it costs us on the average 6s. 2d. a week, but we get the benefit in a more hearty class of assistants and we also get the half hour which would have to be given them if they dined out, which would be rather awkward in the middle of the day.

Mr. R. Burbidge.

31 July 1907

15406. Reverting again to the American system, you mentioned canteens, but I wanted to refer to the actual living-in houses. Have not they a system of boarding houses in America ?—I did not find any. In the case of Wannamakers & Maceys and all those large places they have no responsibility for their staff after business hours.

15407. Do they seem to have a good staff ?—Yes. I do not think they are anything like as good as the English ; they are not up to what we think the best business methods.

15408. So that the system in large towns in New York seems to be that there is freedom after business hours and there is the option of a canteen during business hours ? —Yes.

15409. And so far as we know that system goes on satisfactorily ?—Yes, it is going on. There is one thing that I should mention. In New York especially, rents and everything are so exceedingly high that they all live some little distance out, and they live cheaper than they can if they lived on the premises. That was explained to me by both Wannamakers and Maceys, firms of large standing.

15410. Now, with regard to your system. Your system, I think, practically amounts to this, does it not, that one half of the assistants are regularly fed inside ?—Yes.

15411. With regard to the other half they can supply themselves if they like from the canteen ?—It is only the porters and drivers who can supply themselves from the canteen ; the assistants almost all feed in, unless they are married men who want to live near ; if there are any that want to we allow them to take their meals out if their home is near or anything like that.

15412. The thing I want more particularly to get at is this ; you having abandoned the living-in system ?—May I say that we never started it.

15413. You never adopted it ?—No.

15414. You have 4,000 or more employees ; do you find in point of fact that they have difficulty in obtaining sleeping accommodation—lodgings ?—No, we do not, but I do not know how it would be if every other house did the same. We take the opportunity if possible of engaging assistants whose homes are somewhere near, especially girl assistants, and counting house clerks. We like those who are living at home.

15415. But suppose this case that a person in the country sends, we shall say, a couple of daughters to live with an aunt in your neighbourhood ; that would be quite the ideal case for you would it not ?—Yes ; and if she were to say : "No, I am going into lodgings" we should hesitate to engage her, or at any rate we should want to know something about the lodgings. We generally refer them to some of our own staff who are householders who have larger houses than they want, and if we hear that they are suitably housed we engage them ; otherwise we should hesitate, because we should not know where they went to or what influence they would not be under.

15416. Do you think that the living-out system in the sense of the sleeping-out system is good for them in regard to their disposition and their view of life, their energy, and so on ?—Yes, I think it is.

15417. Do you think it is better than the system of living-in ?—It is, I think for a man or woman who has arrived at a mature age, but I do not think it is for a young girl coming from the country.

15418. Then it is a question of the surroundings that in fact she is able to get ?—That is just it.

15419. Now does the fact of the assistants going out for meals cause you inconvenience ?—It does in this way, that we have to allow them an hour to go out, whereas they can have their dinner comfortably if it is ready for them in half an hour.

15420. Do you make any difference in wages ?—Yes ; if anyone is going out we allow them what we reckon in the salaries—5s. an adult and 3s. 6d. for a junior if they dine out.

15421. So that you have the payment of 5s. or 3s. 6d. plus the loss of forty minutes ?—Yes, thirty minutes and ten minutes, that would be forty minutes.

15422. Then do the assistants who board in pay for their meals or are they given so much less ?—We say : "Your salary is so much, including dinner and tea."

15423. Now, if you feel free to do it, could you give us a comparative statement ; we shall take a young woman of twenty-two and we shall take a young man of twenty-five ; suppose the young woman of twenty-two living-in, what is the average wage ?—It depends whether you mean taking all departments, the clerical staff as well as the other. The drapery is more highly paid than the clerical staff, and then they get commissions ; it is rather difficult off hand to say what it would be. What age would you suggest ?

15424. Say twenty-two ?—Including food, females would get about 23s., and males 30s., with, on the top of that, commissions, which vary.

15425. The commission is according to their sales ?—Yes.

15426. Do they make 2s. or more out of commissions ? —Oh, yes ; our average commissions would be considerably more than 2s. ; male assistants 8s., female assistants 6s., that is the average of the assistants ; the country house people of course, get no commissions ; they get some little premiums.

15427. And 23s. for the females and 30s. for males ?—Yes.

15428. Now suppose those persons to dine out and provide their own meals what are the wages then ?—The 25s. and 32s. would be the average including the board.

15429. It is money that I want ?—Money including commissions and everything ?

15430. Yes ?—We should add 5s. if they were going out.

15431. Still I have not quite got it. Take this young woman of twenty-two as an instance ; she has her meals in according to the system. What money in addition has she in wages and commission ?—23s. and another 6s. 6d. —say 29s.

15432. Then she has her dinner in ?—Yes, the mid-day meal and tea.

15433. Now suppose she has not dinner and tea, what wages has she ?—We should give her another 5s.

15434. She would have 34s ?—Yes.

15435. Now take the man, say of twenty-five years of age ; he has dinner and tea in, plus what ?—He has dinner and tea in and he would get his commission—I suppose it would be 8s.—and he would get his 30s., so that he would get 38s., I am referring now to the assistants, the clerks would not average the same.

15436. I think you have given evidence that your assistants never had difficulty in finding suitable lodgings ? —I think not, we never heard of any difficulty.

15437. You do not take boys and girls as apprentices ? —No.

15438. The very young assistants very often find lodgings with members of your staff ?—Generally, or we do not employ them unless they come from their homes near ; of course, we have boys in the counting house, and so on, but we never take apprentices ; we have none bound for any length of time.

15439. It has been represented to us (rather by way of contrasting your evidence) that it would be impossible to get young people coming up from the country except upon the footing that they slept in ; what do you say to that ?—I think there would be a good deal of difficulty if every young fellow who came from the country had no house that he could stay in—unless there is a home started on the principle of the Young Women's Christian Association, for example.

15440. The thing would work itself out on the ordinary doctrine of supply and demand ?—Yes. Speaking of some of the larger drapery houses, they will take a porter and give him £20 with living indoors; a man can do that until he has got experience and then he goes out and gets money. Take O. 8 or Y. 5; they start them in that way. The porters and assistants do something like that. They will start at a low salary, because a man from the country is not worth as a rule very much at starting.

15441. So that he gets £20 a year and his board and lodging ?—Yes, that is in the case of porters.

15442. And if he lived out— ?—Well, if he lived out and he got something like 10s. a week, that would be no good to him.

15443. From the financial point of view it is better for him to agree to live in ?—Certainly, if he has not sufficient experience to earn more money.

15444. Roughly speaking that stands true all round—that while the employers make the arrangements the assistants, if they had to furnish themselves with lodging and feeding outside, could only do it at a considerably larger figure ?—Considerably larger.

15445. With regard to sleeping out, you have adopted the system of freedom ?—We have; it has always been in vogue with us; I have been there seventeen years and we have always done it.

15446. I need hardly put the point to you, but your assistants are a very good class of assistants ?—Yes. We pay, I think, good wages, more than the ordinary, and we do get a good class; but I do not think we should get as good if we did not feed them; I do not think they would be as healthy and as contented and as good a class generally.

15447. Then let me put this final point to you. We understand, of course, about your firm, but in making a rule or regulation we are constrained to make it in respect of firms that require regulation a great deal more than the like of yours would ?—Quite so.

15448. Do you see yourself how any respectable firm that is doing its duty in the way of lodging, and food, and all that, could have any objection to a right of entry being given to a Government official to see to the accommodation in the case of sleeping in or in the case of feeding in—to enter the premises and see the kind of way in which things were being done ?—I should say not, as long as it is not arbitrarily practised, and as long as they come at convenient hours.

15449. Always assuming that a sensible person is appointed to inspect ?—Certainly, I think there would be no objection at all.

By Mr. Walsh.

15450. You say that you have between 4,000 and 5,000 assistants ?—Not assistants; that is the total number of our staff.

15451. Can you give us roughly the proportion of females ?—I should think 1,500 females.

15452. About one-third roughly speaking ?—Yes, it might be rather more but that is near it. It would not be qui e half.

15453. Your firm is one mentioned before this Committee as showing the easy possibility of doing away with the living-in system, that is to say that you employ a very large number of males and females, and that you do not compel them to live-in, and that what can be done by Harrods can very well be done by other firms of repute. Do you find any falling off of efficiency at all because of their living-out ?—None at all.

15454. Is the punctuality well maintained ?—Yes, thoroughly.

15455. You have had very few occasions of complaints because they are not there in the morning ?—No; we have a very strict rule. We do not fine; we have done away with fines for ten years or more; but we allow five minutes grace to every one, taking whatever their hour is. If they are late thirteen times in the quarter we caution them; if that continues we discharge them; and that is known throughout the house.

15456. That is pretty considerable grace—thirteen days in a quarter ?—Well it is only once a week, and if a man cannot keep that he is not much good to you, or a woman either.

15457. That is what I mean; you give pretty considerable grace, thirteen days a quarter ?—Yes, but still it is sufficient to keep them up to their time.

15458. So that although you have abolished the fines and you do give fair grace, you have found a little reprimand or caution is all that is necessary ?—Yes. I should think out of the whole of our staff this half year, there were not fifty discharged for being late. We go through them twice a year.

15459. You spoke of the cost to you of the feeding being 6s. 2d. a week ?—Yes.

15460. Of course, your catering will be on a very extensive scale, and I suppose you have got that up to a pretty high perfection ?—Yes, I think it is pretty good. We serve something like 7,000 meals a day when we are busy.

15461. That would be the prime cost to you, 6s. 2d. a week ?—Yes, not reckoning labour.

15462. No cost of attendance, lighting, rent of dining-room, or anything ?—No, just the cost of the food at wholesale price—cost price, in fact.

15463. So that in the case of assistants under adult years, you are giving practically 2s. 8d. (*i.e.*, 6s. 2d. less 3s. 6d.) a week to them ?—Yes. Of course, we reckon that a young girl does not eat quite as much as a man, but that is the average. I think we feed them better than many houses. They have, as much as they want and everything is of the very best and they get ale, milk, minerals or anything they want. The waiters do not sell anything. In many houses that is the bane of the living-in, the waiters sell everything they want almost. They are provided with the bare necessities which the waiters very often make as unwholesome as they can, dry bread, and so on; then they are allowed to sell eggs, pork, bacon, and so on. In many of these houses I think that is done still, and it encourages the waiters to make money out of the staff. We provide jam, and if there is any little delicacy they want they can buy it in the shop. And there is special diet for invalids.

15464. In the event of any of these assistants feeling a little out of sorts, you do make special provision for them ?—Oh, yes; there is an invalid diet list; they have what they want, what they are ordered; we have a doctor to examine them; if they say: "I do not feel up to the mark, I have no appetite," or anything of that sort, the doctor sends a note and they are put on special diet.

15465. Does your doctor make periodical visits ?—Yes, he comes three times a week.

15466. He does not merely come when he is sent for, but he comes periodically ?—He comes periodically, and waits as long as required. That is entirely free.

15467. You do not find the assistants not report their little ailments ?—Oh, no. Perhaps we do not deal with all the little ailments on the list, because if a girl is living at home with her mother they may have another doctor, and as long as we get a certificate she stays away; so that we do not hear so much of the illnesses as we should if they lived in.

15468. Do you take certificates of character with your assistants ?—Yes, in every case.

15469. Have you gone into the question at all as to the average distance that your people live from your stores ?—We did get out something a little while ago, I think more than a twelve month ago, but I am really not prepared quite to say what it was.

Mr. R. Burbidge.

31 July 1907.

By Mr. Maddison.

15470. I gather from your evidence that you do think the lodging-in system is necessary for the young people who come up from the country?—I am under that impression; I draw that from my own experience.

15471. Would you say that it was more desirable to recruit in London or from the country?—I think the man who has learned his business in the country and is accustomed to hard work in the country is the best sort of assistant or porter that you can possibly get.

15472. Then your system does not provide for that?—We do not engage that class; we rather take on hands that have had that country experience, that have lived in other houses in London, and then come to us.

15473. We have a wide inquiry here, and I wanted to draw upon your valuable experience over the whole area of the shop business. If all were to do the same as you, then what would you say would happen to these country recruits?—I do not think we should get them, and I think there would be a dearth of employees.

15474. I think that his Lordship in examining another witness called attention to this. I have never been to a university myself, but I understand that at Oxford and Cambridge they register the houses of the undergraduates who cannot live in the colleges; that is to say, in Oxford and Cambridge they do not allow any student at the university to live anywhere except in registered houses recognised by the authorities. I should like to ask you, as a practical man with a wide experience of London, suppose Parliament were to say that the living-in system must end as a condition of employment, would there, in your opinion, be any difficulty in getting registered houses within a reasonable distance of the shops—the sort of houses that you would be quite willing for your young people to go to?—Well, perhaps it might be done on something like the lines of the Young Women's Christian Association, on philanthropic lines; but I do not think it would on paying lines.

15475. I am not speaking of philanthropic lines; I am thinking of the ordinary person who takes for profit lodgers—not necessarily a big house at all, a small house; in your own neighbourhood I gather you think that that would not be difficult?—Yes in our neighbourhood.

15476. But generally speaking would you say that there would be a difficulty?—I do not think, if everyone lived out all over London, there would be enough accommodation, I mean on profitable lines.

15477. In the country it could be done?—Oh, yes.

15478. It is a London problem?—Yes.

15479. And it is a problem you do not see your way out of?—No; one might have done a short time ago, when the cheap transit fares came in, but now they are going up again.

15480. Mr. Walsh put to you a question with respect to the cost of the food to the firm and the allowance you make when the people live out. It would seem from your answer that you put a premium really on feeding in?—You must not say that we put a premium on feeding in. We get a staff who have been well fed, and therefore they are able to do their work better, and they are more satisfied, and we get the forty minutes extra service.

15481. I will not use the word premium, but what I mean is, a man really by your fixing 5s. a week as the amount of the food you give, if he does not feed in is distinctly at a loss?—But we put that on when he is engaged. We say, "We allow you 5s.; we give you so much and your food, which we value at 5s."

15482. It costs you 6s. 2d.?—Yes, because we are doing it better than we did; we get their forty minutes service in the most valuable part of the day, and that more than meets it.

15483. That meets it from the business point of view?—Yes.

15484. But it does come to this; that (unless a man is living at home) unless he is a very foolish man he will not feed out at your establishment?—No. Although they can go out if they ask I should not think we have got forty living out, and those are usually men who are newly married and do not like to leave their wives so long; and they live near.

15485. A man would not lose then, because living together with a family you can live so much cheaper?—Just so.

15486. What would you say to closing for an hour during the middle of the day?—Oh, it could never be done in London. They are doing it in Paris, and they are thinking of it in America; but in London the stream of trade goes on all the time.

15487. Do you know whether Wannamakers and Maceys have ever attempted it?—No; they were talking about it when I was over there two years ago, but I do not think they have done it.

15488. If they could do it in New York I should think it might be done in London?—Well, in New York they work under different principles. They do a large trade in the shops, but not the aristocratic trade that we do. Their aristocratic trade in New York is nearly always done by sending samples of work to the customers' houses.

15489. I was only thinking this; they are geared up as much as we are here?—Oh, yes, more; but it is a different class of trade.

FIFTY-SEVENTH DAY.

Tuesday, 4th February, 1908.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

MR. J. Y. BELL, called; and Examined.

Mr. J. Y. Bell.

4 Feb. 1908.

By the Chairman.

15490. What is your official position ?—I am a Clerk in the Secretary's Office of the General Post Office.

15491. How long have you been there ?—Between eight and nine years.

15492. Are you acquainted with the practice of the Post Office with regard to the punishment for certain irregularities ?—I am.

15493. Did you give evidence before the recent Committee on Post Office servants ?—No; the Secretary to the Post Office gave evidence there, and the Second Secretary.

15494. Who were they ?—Mr. Babington Smith and Mr. A. F. King.

15495. Is their evidence recorded anywhere ?—It is printed. I have some of it here, and perhaps I might be allowed to read some passages which might be useful to you.

15496. Yes. Speaking generally, are you here giving evidence in the same sense as those gentlemen ?—Of course, their evidence was very much wider in scope than anything I presume I should be called upon to give. Discipline is from the Post Office point of view a comparatively narrow section of administration.

15497. It is even narrower than that in so far as this Committee is concerned because we have only to do with the question of fines or deductions from wages.—In the Post Office those are comparatively unimportant.

15498. The Committee would like to know whether you are here substantially representing the view of the Post Office ?—Certainly. I represent the Post Office.

15499. Now tell me about the irregularities which are dealt with by punishment. They are classified and issued in schedules, are they not ?—I believe you have been furnished with a list of registered letter and parcel irregularities which are usually met by a fine. Those are minor irregularities in the performance of duty. They are not what we should call serious irregularities. They are not offences against discipline but mistakes in the actual performance of the duties.

15500. Is this list prepared for us or is it a copy of the list which is issued to the servants ?—It is a copy of the actual list issued to the Post Office employees.

15501. In what way is it placarded or published ?—It is printed on card-board in large type and fixed on the wall of each office where men are employed on registered letter or parcel duties.

15502. Are these sheets in all the Post Offices throughout the Kingdom. ?—They are in all Post Offices where those fines would be in force.

15503. Is it a universal system ?—The fine system is not universal, but it is in operation in the majority of offices. At other offices there are other methods of dealing with those irregularities.

15504. It would be a guide to us if you would make a statement with regard to the general system.—As regards the graver irregularities, what would be called serious offences against discipline, fines are hardly employed at all.

15505. Do you mean in the Post Office as a whole ?—They are employed only to a very small extent. Such an offence as drunkenness might be met by a fine of one or two days' pay, that is, the pay would be withheld over that period, but we would depend mainly upon a caution that the man would be more severely dealt with if he did it again. We do not attach great importance to the actual withholding of the pay. But it is something definite to bring home to the man that his offence has been regarded seriously, and to impress it upon his mind.

15506. That would be a major offence ?—Yes.

15507. For minor offences or irregularities the sheets of fines are published in nearly all the Post Offices ?—Yes, in all the Post Offices where the fine system is in force.

15508. Can you give us the proportion of offices where the fine system is in force as against those where it is not ?—As regards late attendance I should say in provincial offices the fine system was in force in quite three-fourths of the offices, and probably more. In London it is not in force at all.

15509. With regard to London and the minority of offices in the country, how is the result achieved without fines ?—The optional system is what we call extra duty, that is compulsory overtime without pay.

15510. That is the secondary method of discipline ?—That is the alternative method.

15511. Of discipline ?—Well, dealing with small irregularities such as late attendance, and registered letter irregularities.

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15512. Compulsory overtime without pay ?—Yes.

15513. Is there a third set of cases where discipline is enforced without any punishment either by way of fine or overtime without pay ? Do you know of any such cases ?—Those are our two main punishments for the lesser irregularities. Of course we can always meet a graver offence by a serious caution ; that is, a man may be told that if he commits the same offence again he will be punished much more severely, if indeed it does not become a question whether he will not be dismissed.

15514. Before coming to your detailed evidence there are some general questions which I would like you to answer. In the first place, do you think that the Post Office system can be carried on on the principle of not imposing fines ?—Do you refer to monetary fines ?

15515. Yes, to begin with ?—We rely on them to a comparatively small extent. I should say that extra duty as a punishment was more effective than a monetary fine. The staff dislike it more.

15516. When you refer to London do you refer not merely to the General Post Office but to all the Post Offices in London ?—Yes, to all the Post Offices in London.

15517. There are no fines there ?—There are no tabulated fines there. There are no fines for registered letter irregularities or parcel irregularities or for late attendance In London a man might possibly be fined one or two days' pay for a serious offence, but I may say generally there are no fines in London.

15518. Is the discipline good in London ?—We have no reason to believe that there is any difference in the maintenance of discipline as between London and the provinces.

15519. That is with regard to tabulated fines. In London does the system of compulsory unpaid overtime exist as a punishment ?—It is one method of meeting late attendance. In London it is the usual method. If a man is late he is made to work off the time lost. The time is sometimes accumulated. Suppose a man is late three or four times in a month for half an hour or twenty minutes on each occasion, the time is accumulated and at the end of the month it amounts to two hours, perhaps, and in that case the man may be made to work off those two hours.

15520. In a sense that is not a fine at all ; it is as it were equating his obligation ?—That is how we look upon it.

15521. As I gather, he works up his full time ?—He makes up the time which he owes to the Department, and to the public.

15522. He equates his obligations ?—Yes. But sometimes he may be made to work up more than the time actually lost.

15523. Is there anything further ?—Unless a man is late with undue frequency we allow a certain number of late attendances without taking serious notice of them. But if a man was late say, three times a month over a few months then special attention would be called to his unpunctuality and he would be warned that he must attend more regularly.

15524. And I suppose it is the ordinary principle that if he will not attend to his warnings he must take his final warning ?—The warnings would become more severe. But there are certain other factors which enter in at that point. For instance, in the case of postmen, they have increments and good-conduct stripes. A postman gets a good-conduct stripe for every five years' unblemished service, and if his service is marred by late attendance his stripe is postponed ; he cannot get it until he has given five years' unblemished service. This means indefinite postponement of his stripe so long as he continues to attend late, and that, though not a definite punishment, of course acts as a deterrent. Also postmen and other officers who are on scales of pay have annual increments which accrue to them regularly, and if their conduct in any given year has been marred by late attendance then the increment cannot be allowed when it is due. It is deferred, and that has the effect of a monetary penalty, and acts as a deterrent.

15525. Now, with the leverage which the Department has in the way of withholding the good conduct stripe or increment in consequence of lapse from duty, is it your opinion that it is necessary in addition to have a system of fines in the Post Office ?—I do not think the fines are absolutely necessary ; I should say they are convenient. As an alternative to extra duty they are preferred by the staff. We should hardly be prepared, I think, to dispense with them unless some very good reasons were adduced. The staff do not as a rule complain of fines. They admit that some system of the kind is necessary to call their attention to small irregularities, and they are prepared to accept the fines without complaint, generally. There were certain complaints before the Select Committee, but they were not regarded as very serious.

15526. I call your attention to the Report of the Committee on Post Office Servants in 1907, which states that the views of the witnesses were very divergent ; one asked that the irritating system of fines as well as extra duty should be abolished ; another witness objected to fines and thought extra duty less objectionable ; another witness, asking that fines should be abolished, suggested caution ; another witness asked that a uniform system of fines should be universally introduced. So that there seems to have been a divergence of opinion among the servants ?—There was great divergence of opinion amongst the staff. The different Associations sent their own delegates, and there was no co-operation among them on that particular matter. All sorts of divergent opinions were expressed, and the conclusion come to by the committee was that the existing system was fair and should be maintained.

15527. I know, but I was on the point that you made that there were no complaints.—I think I said that there were no serious or well-grounded complaints.

15528. At all events, representing the Department, I think your evidence is that fines are or may be a convenience, but you do not represent them as a necessity ?—I should hesitate to say that they were necessary, when there is the alternative punishment of extra duty.

15529. I think it has long been the practice in the Post Office to impose fines ?—Yes, as a punishment for certain irregularities. The irregularities most commonly dealt with in this way are classified and issued in schedules, and the fines are inflicted locally, in accordance with the schedules, by the district surveyors and the postmasters. Apart from these schedules, punishment by fine is as a rule only imposed by the direct authority of the Secretary.

15530. Has the question of the utility and the propriety of the system of fines been considered on several occasions ?—Yes, notably by an Inter-Departmental Committee on Post Office Establishments, presided over by Lord Tweedmouth, which sat from 1895 to 1897. This Committee expressed the opinion that the system should be maintained, and recommended that the scales of fines for various offences, which had already been fixed by the Department and printed in the book of rules for Head Postmasters, should be posted in the various offices so as to be within the knowledge of every employee. This recommendation has since been acted upon.

15531. The Select Committee of the House of Commons appointed in 1906 to enquire into the conditions of Post Office Service heard various representations from the staff on the subject of fines, I think ?—Yes. The matter has been dealt with in the Report which the Committee presented to Parliament.

15532. I understand that you divide the fines at present in force in the Post Office broadly into four classes ?—Yes. (1) Fines for registered letter and parcel irregularities ; (2) Fines for telegraph irregularities ; (3) Fines for late attendance ; (4) Fines for serious misconduct. The fines imposed for errors of duty fall mainly under the first head. Special importance is attached to accuracy in the manipulation of registered letters and parcels, and a system of small fines provides a simple and convenient method of punishing inaccuracy or carelessness. These fines were introduced in the year 1855, and the intention was that the fines, besides being a punishment for errors, should form a fund to meet the payment of claims in respect of lost registered letters.

15533. Was that plan followed ?—Yes ; it was actually followed for many years ; but eventually it was arranged that such payment should be made from the vote for losses by default, and latterly the fines have been carried to revenue.

15534. Has their amount been reduced ?—Yes, it has been greatly reduced. The exact nature of the finable irregularities, and the present amount of the fines are shown in this schedule, which is exhibited in every provincial sorting office in the United Kingdom. It is also printed in the Book of Rules for Head Postmasters, a copy of which is supplied to every head office, and which may always be consulted by members of the staff on application. The amount collected annually in fines for registered letters and parcels irregularities is about £250. The number of the staff liable to such fines is about 20,000.

FINES FOR REGISTERED LETTER IRREGULARITIES.

Nature of Irregularity.	Amount of Fine.	
	At Head Offices.	At Sub-Offices.
	s. d.	*s. d.*
1. Omitting to enter a Registered Letter Bag on the Letter Bill accompanying it.	1 0	0 6
2. Omitting to enter on the accompanying List or Letter Bill, as the case may be. — A Registered Letter	0 6	0 3
— A Letter compulsorily Registered.	0 6	0 3
— A Remittance or other Official Money or Property Letter.	0 6	0 3
— A packet of Returned Registered Letters.	0 6	—
— Cash sent for Stamps, or Stamps sent in return for Cash.	0 6	0 3
3. Omitting to enter on the Returned Letter Claim Form a Registered or Money Letter.	0 6	—
4. Omitting to mark a Registered Letter with blue lines. — Exceptions, Parcels of Postage Stamps, Pouches.	0 6	0 3
5. Omitting to send a proper Letter Bill in the ordinary bag, or a list in the Registered Letter Bag.	0 6	0 3
6. Omitting to register a Letter received in a private bag and marked "Registered."	0 6	0 3
7. Any other irregularity involving a breach of the hand-to-hand check -	0 6	0 3
8. Omitting to report any one of the above irregularities - - - - -	0 6	0 3

Fines for Parcel Irregularities.

Errors involving a Fine in each case at Head Offices of 6d. *and at Sub-Offices of* 3d.

(1) Omitting to affix an "insured" label to an insured parcel, or, if no such label is used, to mark the official label with blue lines drawn from corner to corner and with the letter "I." (2) Affixing to an uninsured parcel an "Insured" label, marking its official label with the letter "I." (3) Omitting to mark a registered parcel with blue lines. (4) Omitting to enter a registered parcel or an insured parcel or uninsured valuable Foreign or Colonial parcel, on the bill or returned parcel claim form accompanying it. (5) Omitting to send a proper bill in any parcel basket, bag, etc., or to cross-total bill when necessary, or to find a bill duly sent with a parcel mail. (6) Omitting to label correctly a basket, bag, or wrapper, either with the address label or the number label. (7) Omitting to find a parcel entered on and accompanying a bill. (8) Omitting to register a parcel received in a private bag and marked "registered." (9) Any other irregularity involving a breach of the hand-to-hand check of registered or insured parcels. (10) Omitting to report any one of the above irregularities.

15535. The fines for telegraph irregularities only date from 1870 ?—Yes, when the Post Office took over the business of the old Telegraph Companies. As in the case of the registered letter fines the intention was to form a fund to meet losses to the Revenue. In the earlier days of the Post Office Telegraph Service fines were inflicted for many kinds of errors, the amount of the fine being usually 1s. or 6d. for each error.

15536. Has the practice of fining been discontinued latterly as regards most telegraph errors ?—Yes, and the amount of the fine has been reduced in nearly every case to 3d. These fines are only imposed by the direct authority of the Secretary.

15537. Are they published in the form of a schedule ? —No, but the few irregularities which are punishable by a fine are well-known to the staff. Practically speaking, these fines are imposed only for the following irregularities :—(1) Figure errors ; (2) omission to transmit "Reply Paid" ; (3) "Monday" for "To-day," and other words requiring special care, to which attention is drawn in the Books of Instructions ; (4) cases of frequent carelessness ; (5) errors in telegrams of advice of a telegraph money order or Savings Bank withdrawal, 3d. is the usual amount of the fine in these cases.

15538. The average amount collected annually in telegraph fines is about £35, is it not ?—Yes, spread over perhaps 10,000 officers. Fines have also been imposed occasionally for errors in telephone working.

15539. Then with regard to the fines for late attendance are there money fines as well as making the men serve additional time ?—No ; it is one system or the other. If a man is made to pay a fine he is not made to work up the time he has lost. The fines for late attendance form the largest item in the Post Office system of fines. They are levied in accordance with this scale :— In the case of overseers, and sorting clerks and telegraphists : For each late attendance exceeding two minutes and not exceeding fifteen, 3d. ; for each late attendance exceeding fifteen minutes and not exceeding

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thirty, 6d. ; for each late attendance exceeding thirty minutes and not exceeding forty-five, 9d ; for each late attendance exceeding forty-five minutes, and not exceeding sixty, 1s. Beyond this the case must be dealt with specially. In the case of postmen (town and rural): for each late attendance exceeding two minutes and not exceeding fifteen, a fine of 2d. ; for each late attendance exceeding fifteen minutes and not exceeding thirty, a fine of 4d. ; for each late attendance exceeding thirty mniutes and not exceeding forty-five, a fine of 6d. ; for each late attendance exceeding forty-five minutes and not exceeding sixty, a fine of 8d. Beyond this the case must be dealt with specially.

15540. That scale is printed in the Head Postmaster's Rule Book ?—Yes, and exhibited in Post Offices, like the scales of fines for registered letter and parcel irregularities. This scale was fixed in 1855, but the practice of fining for late attendance dates from the beginning of the last century. It is left to district surveyors to decide whether or not the system of fines for unpunctuality shall be employed in their districts. The general punishment for late attendance is a fine. The question of abolishing these fines has been considered, but there have not hitherto appeared to be sufficient grounds for this course.

15541. What is the average amount of the fines for late attendance ?—About £800 a year. The number of the staff over whom the fines are spread is more than 50,000.

15542. That is what we might call the extra-London system ?—Yes, neither late attendances nor, as a rule, errors of duty are punished by fine in the London Postal Service. The conditions in London are somewhat exceptional.

15543. Then you say that the fine system is preferred by the men ?—Yes, they prefer a scale of fines for late attendance to the system of extra duty. They seem to find extra duty more irritating than a monetary penalty That is the general opinion of our controlling officers.

15544. The fourth head is fines for serious misconduct ? —Yes, for serious offences against discipline, such as intemperance, insubordination, gross carelessness or inveterate unpunctuality. If the offence is a first one, the fine may be imposed, within certain limits, by the surveyor or head of department ; but where the misconduct is repeated the Secretary's authority is required.

15545. The occasions on which these fines are resorted to are comparatively few ?—Yes. The total number of cases in the whole service calling for a fine of one or two days' pay is estimated at about seven a week, and the amount of the fines at rather over £100 per annum. In the case of the fines for serious misconduct the amount is deducted from the officer's wages. In the other cases the fine is actually paid by the officer either in cash or by affixing a postage stamp for the amount to an official paper.

15546. How is the accumulation of fine-money disposed of ?—It is disposed of in various ways. The fines for registered letter and parcel irregularities and telegraph irregularities are carried to Revenue. The fines for late attendance are allowed to accumulate locally in the form of a Savings Bank investment, until they amount to a useful sum, when they are devoted to some purpose for the general benefit of Post Office servants or their families. This is done at the discretion of the Surveyor if the amount does not exceed £5, and with the approval of the Secretary if the amount exceeds £5.

15547. What do you mean by saying that the fines for registered letter and parcel irregularities and telegraph irregularities are carried to Revenue ?—They go to form part of the Post Office surplus ; they are simply appropriated by the Department.

15548. The Post Office as employer gets those fines ?— Yes. Ultimately they go to the public.

15549. Can you tell me why they are not dealt with in the same way as the fines for late attendance, and devoted to some purpose for the general benefit of the servants ?—Those fines mainly come from errors with regard to registered letters and it is such errors which lead to the loss of registered letters, and of course the Department has to bear that loss. It was thought that as the Department bore the loss when registered letters were lost, it was fair that the fines should go to the Department. But I may say that the Select Committee last year recommended that all fines should be devoted to some charitable purpose, and it is proposed to carry that recommendation out.

15550. What are the objects to which the fine fund are applied ?—They are applied to : (*a*) Some charitable or benevolent institution for the benefit of Post Office servants ; (*b*) local institutions of benefit to the staff ; (*c*) the relief of members of the staff who, through no fault of their own, may be in necessitous circumstances ; or (*d*) the temporary relief of cases of distress among widows and orphans of deceased members of the staff.

15551. A statement of receipts and payments is exhibited periodically in the Sorting Office ?—Yes.

15552. How is the Department guided with regard to the mode of distribution of the fines ? Is there a committee of the servants ?—The staff form a committee among themselves and make suggestions, which are very generally adopted.

15553. And that has given satisfaction ?—So far as we know it has given complete satisfaction. Under heading (*a*) the Rowland Hill Benevolent Fund has benefited considerably ; but the tendency is to devote the funds to local institutions, such as hospitals, from which members of the staff have received benefit, rather than to institutions of general scope. At some Offices the money is retained by the postmaster until a necessitous case arises among the staff.

15554. What is the total amount of the fines ?—About £1,200 per annum.

15555. And there are nearly 200,000 employees ?— Very nearly.

15556. We may take it that for the purposes of discipline, fines are not very much relied on ?—Yes. The Department relies only to a slight extent on the practice of fining as a punitive measure. I have referred to some of the other methods of punishment, which are compulsory extra duty without pay, suspension from duty with loss of pay, deferment of increment, deferment or deprivation of good conduct stripe, reduction in pay, and finally, of course, dismissal. An officer of the Post Office who is a sub-accountant of public money is liable for losses thereof caused to the Revenue by his carelessness, and this principle is usually enforced in cases where the amount is small.

15557. What do you mean by a sub-accountant of public money ?—That is intended to describe a counter clerk who has a certain amount of money entrusted to him to meet claims at the counter. He has a stock of stamps, or postal and money orders, and an amount of cash, and he is responsible for them. As regards larger amounts I may say that the principle is considerably modified in practice, the Department bearing the loss, or part of the loss, wherever this course appears to be justified by the circumstances. But the procedure in cases of this kind where an officer is called upon to make good a shortage has never been regarded as coming under the description of punishment by fine. Officers of the Post Office may also be called upon to make good damage to Post Office property which they have caused.

15558. Then I understand that every officer who is subjected to a fine has the right of appeal to the postmaster, or through the postmaster to the Surveyor or Secretary or Postmaster-General ?—Yes.

15559. And he may also appeal to the Postmaster-General directly ?—Yes.

15560. Is that often done ?—Very frequently.

15561. And the Postmaster-General has to adjudicate upon those disputes ?—Yes ; they are all referred to him. Any officer who appeals to the Postmaster-General has his complaint laid before the Postmaster-General personally.

15562. In conclusion I would only ask you this : are there many cases of actual dismissal from the Post Office ? —I can give you the figures. Last year there were 762 cases of dismissal.

15563. Out of 200,000 employees ?—Yes ; out of the 88,000 established and 111,000 unestablished employees.

15564. What do you mean by the established employees ?—These figures would not represent the actual number of persons who left the service of the Post Office

because in certain cases of temporary employment the Surveyor or Engineer has power to dispense with the services of a man.

15565. We take it that you are the employer of a regular staff which has rights of pension and increment and so on before it ?—Yes.

15566. How many of those are dismissed in a year ?—About 350 established people. There are also a number of unestablished people, that is to say those who have not all the full privileges of pension and sick pay and so on, but who are still permanent employees of the Post Office.

15567. Would dismissals among them be included in the 762 ?—They are included in the 762; the rest would be established servants.

15568. Of course, those cases of actual dismissal must be grave cases ?—Yes; they must be grave, otherwise we do not fall back upon the penalty of dismissal.

15569. In the majority of cases I suppose dismissal would follow only after several warnings ?—That is generally the case.

15570. Except, of course, in case of proved dishonesty ?—In such a case dismissal would usually follow as a matter of course, but in the case of almost any other offence dismissal would only come as the culmination of a series of warnings.

By Mr. Walsh.

15571. Can you tell us why fines prevail so generally in the provinces and not in London ?—The choice between the two systems—fines and extra duty—has largely been left to the discretion of the Head of the Department or the local surveyor.

15572. But it is also left in London in the same way ?—Yes. We have been guided by the advice of the Controllers of the London Postal Service, and they have preferred extra duty.

15573. Have you any idea why preference is given to the one in London and the other in the Provinces ?—For one thing, in London extra duty can nearly always be applied to some useful purpose. There are cases in the provinces where it is difficult to impose extra duty as a punishment, as for instance, in the case of a rural postman.

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15574. You think that is the reason ?——That is one reason.

By Mr. Delevingne.

15575. Is extra duty employed in London as a punishment for other than registered letter and parcel irregularities ?—It is the general form of punishment for offences which are not very serious.

15576. You have referred to reduction in pay as one form of punishment: Is that a common form ?—That would only be imposed for a serious offence which would not justify dismissal but which would call for very sharp notice. The pay would be reduced by one increment, or in the more serious cases by two increments.

15577. You have said that officers of the Post Office may be called upon to make good damage done to Post Office property of which they have been the cause ?—Yes.

15578. Is that for wilful damage, or simply cases of carelessness, or both ?—It would be in cases of wilful damage. Also in cases of gross carelessness we should call upon a man to make good the damage. But where we had reason to believe that the damage was accidental no question of the kind would be raised.

By the Chairman.

15579. Have you anything to add ?—May I say that we should not regard fines in the Post Office as a method of maintaining discipline so much as merely a deterrent against the commission of comparatively small irregularities, and a check on the recurrence of those irregularities. Discipline would rather be maintained by close supervision of the performance of duties.

15580. That would largely depend upon what one meant by discipline ?—Largely.

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By the Chairman.

15581. You are a member of the Institution of Civil Engineers and Chief Superintendent of Ordnance Factories ?—Yes.

15582. You know that the object of this Committee is to enquire into the subject of fines and deductions from wages ?—Yes.

15583. The regulations governing the employment of civilian subordinates in Army Departments are not quite the same ?—No. I think you may group them together in this way, that all those in the immediate neighbourhood of Woolwich are similar. The only case which stands out rather different is that of the employees of the War Office who are employed all over the world. They are covered by separate Regulations, of which I hand a copy, as also a copy of the Regulations at Woolwich. (*The Witness handed same to the Chairman.*)

15584. The Blue-book is entitled "Army Ordnance Department, Woolwich. Rules for Civilian Subordinates." This is the book which they get the men to sign ?—Yes, for the Army Ordnance Department. I have also the Regulations for the Ordnance Factories, which the men have to sign. (*The book was handed to the Chairman.*) The two red books are for the Army Clothing Department for day work and piece work. Broadly speaking, those fall under the same rules, but there are one or two small variations in detail.

15585. In all of these some references are made to the liabilities and possibilities of deductions being made against employees ?—Yes.

15586. You have prepared certain memoranda giving the conditions under which deductions are made from wages ?—Yes.

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MEMORANDUM OF THE CONDITIONS UNDER WHICH DEDUCTIONS ARE MADE FROM THE WAGES OF WORKMEN IN THE ORDNANCE FACTORIES.

Rules 7, 9 *and* 15.

"Each workman on entry is given a number and is furnished gratuitously with a set of metal tickets bearing this number, one of which is to be deposited in the ticket box at each hour of commencing work. Anyone losing or defacing a ticket is furnished with a new ticket for which a charge of 3d. is made.

"(Under a new timekeeping system now being generally adopted a ticket is picked up from a tray before entering the workshop and deposited on leaving work. The charge for loss of ticket is as above.)

Rules 10 *and* 10*a*.

"Anyone failing to deposit, or take up as the case may be, his ticket is not allowed to proceed to his work for the period represented by the deposit, unless he has obtained the permission of his foreman who reports the case to the Superintendent. The penalty for breach of this rule is suspension, but the penalty is at the discretion of the Superintendent and is not enforced if the omission be accidental or if the men be in good time and be not a frequent offender. This is also allowed to men who arrive late in consequence of fog or stress of weather.

Rule 14.

"Any man on night shift who may happen to be too late to deposit (or take up) his ticket at the first period is allowed to proceed to his work provided he presents himself at the ticket office within ten minutes after the proper time, but is liable to be checked one hour's pay at his day work rating. Remission of this fine too is left to the discretion of the superintendent.

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Rule 16.

"Special tickets are issued when necessary to men when night shift or overtime is worked. Anyone neglecting to deposit his ticket on leaving work loses his extra time unless it is applied for by his foreman, who must give full explanation as to the cause of the omission.

Rule 11.

"Locomotive engine drivers and stokers who absent themselves at the first call may be suspended for the day. Any driver or stoker, however, reporting himself within ten minutes of the first call is allowed to proceed to his work, but is checked one hour's pay.

Rules 18 *&* 79.

"If idleness, loitering about the factories, or leaving the shops without permission be detected, the time lost is deducted, the persons concerned being also liable to suspension or discharge.

Rule 67.

"Payment for a free holiday is not made to any man out waiting work who has not been employed in the factories within the six working days immediately preceding the holiday.

Rule 53.

"Men out sick, if not entitled to sick pay, are not paid for a free holiday unless they have been employed in the factories or have been entitled to sick pay within the six working days immediately preceding the holiday.

Rule 54a.

"Employees admitted to hospital, at Woolwich or Waltham are subject to a stoppage of 1s. a day to cover the cost of food, except in the case of those who entered or re-entered the Ordnance factories subsequent to July, 31st, 1900, who have accepted the scheme of compensation, and whose admission to hospital is due to injury or to sickness clearly attributable to the nature of their work.

"All work rendered waste through defective material, including the operation during which the defect becomes manifest, is paid for by the State. When work becomes waste through carelessness or bad workmanship, payment is generally made only up to the stage immediately preceding that in which the work was spoilt. In the turning, boring, etc., of large masses of material, payment is made at a rate estimated to cover the labour performed up to the time of the work being actually spoiled. No deduction from wages is made on account of the value of the material spoiled, the penalty for spoiling work being suspension or discharge according to the merits of the case.

Rule 66.

"Absence without leave before or after a holiday forfeits holiday pay and may lead to suspension."

"The following is a statement of conditions drawn on similar lines for men falling under Standing Orders Army Ordnance Department Woolwich, and Regulations for civilian subordinates in Army Departments respectively.

Standing Orders 64 *&* 91, *and Regulations* 11 *&* 39.

"A subordinate responsible for loss or damage of public property may be dismissed, or may be given the choice between dismissal and making good the loss of part of it. If dismissed, any money due to him may be withheld.

Standing Order 65, *and Regulation* 12.

"A week's notice is required from a subordinate (not casually employed) wishing to leave the service. In default, any sums due to him up to the week's wages may be withheld.

Standing Order 118, *and Regulation* 19.

"In case of unpunctuality due to fog or other exceptional circumstances, a man may be paid for the whole or part of the call, under the *Regulations*. Under the Standing Orders men are admitted at 8.30 a.m. or 9 a.m., being checked for half-an-hour or an hour, and no entry for the morning call will be allowed after 9 a.m.

Regulation 21.

"For men paid at time rates, absence on Saturday, with or without leave, counts as three-fourths of a day if the previous five days have been worked; otherwise as one day.

Standing Order 96.

"A charge of 2d. will be made for loss of call ticket Failure to deposit his correct ticket, and proceeding to work without reporting to his foreman renders a man liable to suspension. A man who neglects to deposit his call ticket twice in three months will be liable to suspension for a subsequent call.

Standing Order 73.

"Non-deposit of ticket may deprive a man of his pay although at work. (*See also* No. 96.)

Standing Order 86, *and Regulation* 29.

"A man suspended from duty will cease to draw his pay.

Standing Order 117, *and Regulation* 45.

"Absence before or after a holiday forfeits holiday pay.

Standing Orders 146 *&* 147, *and Regulations* 59 *&* 64.

"Hospital stoppage of 1s. a day (2s. in some cases.)

Standing Order 244.

"Any person loitering or doing work negligently or imperfectly will be stopped one-eighth of a day's pay or be suspended or discharged."

ROYAL ARMY CLOTHING DEPARTMENT.—

TIME-WORKERS.

Rule 10 *and* 11.

"Failure to deposit a metal ticket in box leads to forfeiture of 3d. or an hour's pay, whichever is smaller. Loss of ticket involves a charge of 3d. Deposit of ticket for another leads to dismissal. Persons arriving too late to deposit ticket may proceed to work but will forfeit one hour's pay. Habitual irregularity leads to loss of privilege of proceeding to work and is otherwise punished. Persons one hour late, or more, will remain out for the half day.

Rule 12.

"Idleness, or the negligent, or imperfect performance of work, is punished by stoppage of one-eighth of a day's pay, suspension or discharge.

Rule 15.

"Any person stopping work before the bell rings will be fined a quarter of a day's pay.

Rule 17.

"Absence before or after a holiday leads to loss of holiday pay, and possibly suspension.

Rule 21.

"Anyone causing damage to machinery, implements goods or property will be held responsible.

Rule 34.

"Persons absent for three days without notifying the cause will be struck off the books.

Rule 38.

"A person who reports himself too ill to attend at the surgery and is found to have left his home for business or pleasure will be stopped such sick *or other pay* as may be decided upon, or will be suspended or discharged.

Rule 67.

"A week's notice is required from a subordinate (not casually employed) wishing to leave the service. In default, three days' wages will be forfeited."

ROYAL ARMY CLOTHING DEPARTMENT.—

PIECEWORKERS.

Rule 5.

"Any who do not arrive by 8.30 a.m. will not be admitted to work until 10 a.m.

Rule 10.

"Loss of pay tickets may lead to loss of the money.

Rule 15 *and* 16.

"Absence without leave may lead to suspension. If absent for a whole week, the woman will be discharged.

Rule 24.

"Unless an injury be at once reported, injury pay may be withheld.

Rule 34.

"Any deficiency of materials must be reported when the work is given out, *otherwise the deficiency will be made good at the worker's expense, as will also any material damaged through carelessness in making up.*

Rule 38.

"Machinists provide themselves with oil-cans and screwdrivers.

Rule 45.

"Workers who after six months' service earn less than 10s. a week will not be retained.

Rule 46.

"Those reported for bad work may be suspended or discharged.

Rule 48.

"Anyone causing damage to machinery, implements, goods or property will be held responsible for the same."

15587. Will you explain to us the difference in the application of these various Regulations?—I do not know that you can say there is any actual difference in treatment. Each individual case of a fault which merits strong action is considered on its merits, whatever the Department is. In the Ordnance Factories the superintendent has given to him a certain amount of discretion in dealing with diciplinary measures. In the same way the principal Ordnance Officer uses his discretion in dealing with individual cases. Similarly in Pimlico, the head of that particular place deals with his diciplinary measures in the same way.

15588. You refer in your *précis* to some essential differences in the application of these various Regulations?—When I wrote that I was under the impression that the Army Ordnance Department did not take an agreement from their men. That was what I meant when I wrote that. I subsequently discovered that they do, and that for some time past they have issued that little blue book and made the men sign. It was my mistake.

15589. We are very glad to have it right, whichever way it is. You suggest in your *précis* that the Ordnance Factories, the Army Ordnance Department at the Arsenal at Woolwich and the Army Clothing Department are the only cases where the procedure observed is such as would in a private firm legally bind the workman under agreement to abide by the Rules and Regulations, in that each newly engaged employee is handed a copy of the Rules and has to sign a receipt for them, thus forming an agreement?—I was in error when I wrote that.

15590. You find in point of fact that these are not the only cases?—That is so.

15591. Practically, so far as regards civilian employment it is the universal practice in the Army Department?—With the exception of the civilians who are employed elsewhere.

15592. What do you mean by "elsewhere"?—They may be employed at Gibraltar or Plymouth or anywhere. The regulations for civilian subordinates of the Army Ordnance Department, 1904, do not provide for them, and so far as I am able to discover they do not take any signature from the men, and therefore there is nothing to bind the men to abide by these Rules except it be got by posting notices at the entrances.

15593. Confining yourself to those places to which the document you hold in your hand applies, as, for instance, Plymouth, are you able to testify whether in point of fact the notices are posted?—I believe they are. I believe I may say "Yes" to that.

15594. So that they also would conform to the Regulations?—It would bring them within the line certainly.

15595. Then you say that an examination of the memoranda you have put in will show that the method of handling faults among employees varies?—Yes, it varies in small details. I will take one case in point. If a man loses his metal ticket which he has in the Army Ordnance Department he is fined 2d.; he has to pay 2d. to replace it. On the other hand, at the Ordnance Factories, and I think at the Clothing Department, he has to pay 3d. Those are slight differences. Similarly the Army Ordnance Department provides for hospital stoppages differently from what we do. For men who are entitled to hospital attendance with us 1s. a week is charged for maintenance, and the same charge is made by the Army Ordnance Department, but they admit men who are not strictly entitled to it and charge them 2s. That is also a small difference. In the Army Clothing Department they have no hospital, and therefore they have no hospital stoppages. At the Arsenal we have our own hospital inside the walls of the place. Those are small differences, which I thought it was necessary to refer to in the *précis*, but they are not important in themselves, I think.

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15596. The Assistant Director of Ordnance Stores has at your request made a search for cases where resort to the two clauses, Nos. 64 and 91, of the Standing Orders and Regulations, and of Clauses 11 and 39 of the Regulations for Civilian Subordinates in Army Departments has been made?—Yes. I asked for them on the idea that he had no agreement with his men.

15597. You find that there is an agreement?—Yes, I find that he has an agreement with his men and I withdraw any suggestion which I made that he is outside the pale; I think he is inside the pale. At the same time it is valuable to see the number of occasions on which he has had to resort to those clauses.

15598. Yes. He is only able to trace three since November, 1902, up to the present time?—Yes. In November, 1902, 1s. 3d. was paid by a foreman for the loss from store of a reed foghorn. In October, 1903, 1s. was charged to a boy for the replacement of glass broken by him. I presume he was flinging stones about, as boys will, and was caught at it. In November, 1905, 1s. was paid by a labourer, being one-third of the value of a small hand lamp lost through his negligence, through leaving it in a cart over night, from which it apparently was stolen. Seeing that in this Department the average number employed in the Army Ordnance Department during this period at Woolwich would be something over 1,500, the need for using the safeguard provided in the Regulations evidently occurs but seldom.

15599. Judging from those instances it seems clear that dicipline is able to be maintained without anything in the shape of necessity for imposing a fine?—Yes, without the necessity, but I think it would be a pity to lose the power which we have. Supposing we are very busy, in a time of stress, if a man deliberately breaks the Rules we have only two methods of punishment unless we have this small fine; one is to discharge him, which under the circumstances might be extremely awkward, and the other is to suspend him and make him suffer in wages because he is not allowed to work. That also might be very detrimental to the country's interests, especially if there were many cases in a week Those are the punishments which we adopt as a rule—discharge and suspension. Suspension is the most frequent punishment,

15600. For what period?—It might be three weeks and it might be one day, according to the nature of the fault.

15601. Suppose that this Committee were to report that upon the whole, taking the lean and the fat so to speak, the best rule would be to have no system of fining at all with ordinary employers, do you think the Government would wish to be excepted?—I think from the employer's point of view it is desirable to have something short of fining himself for his man's fault and short of discharging the man for his fault. So far as we are concerned, it is within your knowledge that the War Office, and I believe all Government Departments, have been held by the law officers to be not absolutely bound by the Truck Act at all. That is the opinion which has been given on more than one occasion. Of course there is the other side of the question, as to whether it is politic, to act in accordance with the Truck Act.

15602. It is upon that that I am rather anxious to have your view. We have seen the infrequency of the prac-

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tice of fining, and on the other hand we have heard what you say with regard to the advantage of having it as a convenient deterrent. Now I put to you the case which I have indicated, viz., that the law of the country was changed, or that there was a movement in the direction of changing it, in the sense of objecting to fines on principle: do you think that notwithstanding that the law was made applicable to all outside employers it would be to the advantage of the public service that the War Office should be treated as an exception?—I think it would. Even though we use the power very, very seldom it is still an advantage to retain the power, I think.

15603. I am in no way suggesting what may be the Committee's recommendation, but I just wanted to know whether you would rank yourself along with the employers in a general rule of that kind, or whether in the public interest you think there should be an exception in your case?—I am not quite sure, speaking for myself, that I would debar properly managed businesses from having the same power.

15604. I know. That is on the general question. But assume the principle?—Then I think we would like to stand on our present rights.

15605. I gather from you that you say so notwithstanding the fact that in actual practice the leverage of fines has been seldom resorted to?—Yes, notwithstanding that. That side of the question seems to me merely evidence that we would rather not use that particular method, but that there are occasions on which it is a very suitable method.

15606. Yes, I see exactly your position. You have no data I think available for quotation, but you believe that in other Departments fining is also rare?—Yes.

15607. And the stoppages are small in value?—Yes. The only case I know is that which occurred in Ireland a year ago or thereabouts.

15608. That was a case in the Army Ordnance Department of Dublin?—Yes.

15609. Something disappeared in Dublin?—Yes, I believe that is what it was. It was very much the same as our loss of the lamp.

15610. In that case I think the foreman was fined 4s. 1½d. and two labourers 2s. 6d. each?—Yes. In these cases the usual course was followed of recovering separately, and not by means of a deduction from wages. The men had to pay the amount. The only alternative under those circumstances, would be, I submit, absolute discharge. If a man says: "I have made a mistake; I am very sorry, and I pay for it," he is forgiven. Otherwise I do not think there would be anything intermediate between the two, and the punishment of discharge might be a very, very serious matter.

15611. You would make enquiry on the spot where it occurred?—Oh yes; I think every case of the sort requires individual consideration. I would like to point out in connection with the value of these fines and other punishments that discharge is, at any rate to our men in the Arsenal, and to a good many others, a matter of enormous importance. Discharge may involve a man in a loss of anything you like from £30 to £150, because he will get no gratuity. If he is a long-service man and has done good service and he makes a bad mistake which requires very serious treatment it is very hard to say that you shall make him lose his job and also his bonus or pension. That is why I would like to keep the power of fining. Perhaps other employers are not similarly situated, but many pay gratuities or even pensions to which the men do not contribute.

15612. We have had evidence with regard to the Post Office this-morning where similar considerations arise to a certain extent. Now there are some differences with regard to late attendance, are there not?—Yes, there are. In the Ordnance Factories a man late is not permitted to start work for the call except as provided in the Rules, of which mention is made in my first memorandum which I have put in.

15613. Tell us what happens if a man is ten minutes late?—His first difficulty is to get past the gate. He has to pass the main entrance gate at the Arsenal before the bell stops, otherwise the police say: "Where are you going?" and he is held up at the gate and does not have the chance of going in.

15614. For how long?—Until the next call.

15615. How many hours is that?—It may be four and a half hours. Our calls are now divided in this way: On ordinary days from 8 a.m. to 1 p.m. and from 2 p.m. to 5.40 p.m.; on Saturdays from 8 a.m. to 12.40 p.m. So that a man loses the whole of the morning call or the whole of the afternoon call. If he has got past the gate he will probably go straight to his foreman and say: "I am late; can I start work?" If he is a habitual offender the foreman will very likely say: "No, I have given the work I had for you to somebody else for this call."

15616. Are these men on piece-work?—Yes.

15617. They are immediate sufferers? It operates automatically against them?—Yes. In the Army Ordnance Department a man is allowed to start work during the first hour of the call, being checked one hour or half an hour according to whether he arrives less or more than half an hour late. A man however is not compelled to start work immediately on arrival, but can approximate the start of his work to the amount of time he is going to be checked; that is to say if he arrives during the first half hour he may wait until 8.30 a.m. before starting work, and then lose half an hour's pay; and similarly with regard to the hour. He would not however be allowed to start after 9 a.m.

15618. Then you have something to tell us with regard to the question of quarters?—Yes. The occupation of Government quarters may be divided into approximately three classes: (1) Those whose appointments require that they should live in such quarters, that is where quarters are a part of the emoluments of the office; (2) those who, while their appointments do not contain that obligation, it is desirable should be in close attendance in the interests of the service; and (3) those who, as a matter of convenience to themselves, become tenants of Government quarters. The first is part of the rate of pay, and the pension is calculated upon the basis of the value of the quarters plus the salary paid—that is to say where the pension is due. In the second case the value to us of having a man close handy to his work is considered in deciding what the proper rent is. It may be a little under market value in consequence, and he gets an advantage there, but he has to pay rates and taxes. In the third case the man takes his chance like anybody else, preference being given to men whose duties are such that their living in the immediate neighbourhood of their work is beneficial to the State. But in that case the rent would be much more like what one would call a fair rent. In both (2) and (3) the rents are not deducted from wages but are paid separately by the tenants.

By Mr. Maddison.

15619. You have told us that there are only two alternatives to fines, viz., suspension and discharge. Assuming that you did away with fines could not there be a system of caution which was neither suspension nor discharge?—I do not call that a penalty.

15620. Would not a man regard it as a deterrent if he knew that after two or three cautions it would lead to dismissal?—You see we have that now. If a man is reprimanded his record is marked. There may be no other action taken on that.

15621. Sometimes you do use the system of caution?—Undoubtedly.

15622. Without a fine?—Yes. Cautioning did not strike me as being an actual penalty, because there is nothing tangible about it at the moment.

15623. Do you fine all the employees at the clothing factories if they lose their tickets?—Yes.

15624. What would be their lowest wage?—I am afraid I have not come prepared with that.

15625. Will they be very low in the case of some of the girls—4s. or 5s. a week?—I cannot say for certain, but think the lowest rate would be 6s. or 7s. for the younger employees.

15626. Do you think it is quite right to fine a girl who is only getting 4s. or 5s. a week, for losing a metal ticket? —We do not want them to be lost. It is not the intrinsic value of the ticket, but there are illegal ways of using it.

15627. Would you say that the amount of the fine should be the same in spite of the great difference in wages ?—Yes.

15628. Is that not an undue punishment to the low wage people ?—It really occurs very seldom.

15629. But do you not think it is wrong in principle ? —The fault is the same and the danger is the same whether it is a highly paid person or a low paid one.

15630. Does it not become a gross act of injustice with a poor girl earning 4s. or 5s. a week, when the same fine is imposed on a woman earning perhaps 20s. a week, as I hope many of them do ? Then the offence is not quite the same, is it, in the case of these very young girls ?—That does not matter. The tickets could be used for fraudulent purposes.

15631. There is a Regulation in that memorandum that any deficiency of materials must be reported when the work is given out, otherwise the deficiency will be made good at the worker's expense as will also any material damaged through carelessness. So that a worker has to pay for the mistake of not seeing that it was improperly given out ?—No, as a matter of fact I think sufficient material is always given out, and occasionally cotton and needles and other things are usefully employed at home.

15632. In the case of deficiency of material or spoilt work at the Army Clothing Department, who decides that ?—Probably the superintendent.

15633. What is the status of the official before whom these fines have to go ?—I personally have nothing to do with the Clothing Factory. I am not superintendent of it.

15634. Perhaps you could not say ?—I could not say. In my own department a thing of that sort would go to the superintendent of the factory, and if it were a large matter it might be thought desirable to bring it to me as well—he would mention it to me.

15635. With regard to the comparison of Government Factories with private employers' factories, with the exception of this question of the gratuity you see nothing different in a State Factory from an ordinary factory as regards discipline ? What can be obtained by one means in a private factory ought to be obtained in a State factory ? There is nothing peculiar in a State factory, is there ? — Yes, I think so. There is the pension or gratuity question.

15636. I mean in maintaining discipline: you only make things which a contractor makes under the same circumstances ?—Yes.

15637. You have more red tape perhaps but apart from that there is no difference ?—No, I do not suppose there is. A manufacturing business is a manufacturing business. I do not know whether I may refer again to the tickets. So far as we are concerned we have started a system, partly with a view of removing that difficulty, by which a man does not have to take his ticket away, so that he does not run the risk of leaving it at home.

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15638. I was not thinking of any fraudulent transaction at all, but the mere careless loss of a ticket, and my point to you was that in the case of quite a young girl earning 4s. or 5s. a week the fine should not be the same as in the case of a woman earning much more. That was my point ?—Just so.

By Mr. Delevingne.

15639. You said that the amount of fines imposed in your Department annually was very small ?—I have not any in my Department. I have not any in the Ordnance Factories at all. The Ordnance Factories cover the manufacturing departments at Woolwich, Enfield, and Waltham. The Army Ordnance Department has storage at Woolwich. That is under the Quarter-master-General, and not under the Master-General of Ordnance.

15640. What were those cases you read out ?—Those were in the Army Ordnance Department.

15641. In the case of that Department were you referring only to fines under Clauses 64 and 91 or to all classes of fines, fines for late attendance or damage, for instance ?—If you mean by "fines" refunds of money, yes, to everything; if you mean deductions due to suspensions or things of that sort, no.

15642. I mean refunds of money ?—Those three are all I can find of any sort of kind.

15643. Under all the rules you have given to us in your memoranda ?—Yes, where money has been paid by the men.

15644. Or taken off the wages ?—It is never taken off the wages. Their money is paid to them in full and they have to hand back the money.

By the Chairman.

15645. Is that the practice of all the Departments ?—Yes, right through from beginning to end, except as regards the 3d. fine for a lost ticket for which a deduction is made. Otherwise there is nothing on the pay sheet to indicate a deduction.

By Mr. Walsh.

15646. In every case it is recovered ?—Yes, and not deducted, except as regards lost tickets.

By Mr. Maddison.

15647. The man knows he will be dismissed if he does not pay ?—That is what it comes to.

MR. MICHAEL McNELIS, called; and Examined.

By the Chairman.

15648. You are from Ireland ?—Yes, from County Donegal.

15649. From South or West Donegal ?—South Donegal

15650. You are a Justice of the Peace ?—Yes.

15651. What is your town ?—The town I live in is Ardara.

15652. What is your business ?—I am clerk to the union at Glenties and clerk to the district council at Glenties.

15653. Have you no business apart from that ?—No.

15654. It is a very congested district where you live, is it not ?—Yes.

15655. The number of ratings in the union is 10,165, and the entire valuation is £22,311 ?—Yes.

15656. What do you mean by ratings in the union ?—The number of householders.

15657. On the ratepayers' list ?—Yes.

15658. And the number of ratings under £4 valuation in the union is 9,228, or 75 per cent. of the whole population ?—Yes.

15659. Each of the ratings represents a householder, and the whole population is about 34,000 ?—Yes.

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15660. I think you conclude from that that at least 75 per cent. of the inhabitants have to make an existence from other industries than agriculture ?—Yes.

15661. Let us see how you work that out ?—On account of the way they have their holdings, and on account of the population being disproportionate to the valuation of the land the people must have a means of livelihood other than the land.

15662. You say that 75 per cent. have to make out an existence from other industries than agriculture: in the 75 per cent. you are including wives and children ?—Yes.

15663. How many persons who pursue an industry are pursuing the industry of agriculture ?—You can take it at about one-fourth of the whole population.

15664. Can you not give me the number ?—Say 8,000.

15665. 8,000 are engaged in agriculture out of 34,000 ? —Yes, about that.

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15666. Do you not see that if 8,000 are engaged in agriculture you have only 26,000 left for all the women and children in the place ?—Yes.

15667. How can you say that 75 per cent. of the whole population must be engaged in industries other than agriculture, if there are 8,000 agriculturists and there is only a population of 34,000 altogether ?—The explanation is that assuming that they would not all be working at other industries the means of livelihood would have to come for at least 75 per cent. out of industries other than agriculture.

15668. I want to see that I understand you. You have told us that 8,000 people out of 34,000 are engaged in agriculture ?—About that.

15669. How many wives and children are there ?—Roughly speaking there would be about five or six to each family.

15670. That would make 40,000 wives and children, and 48,000 people, whereas you have only 34,000. When you say that 8,000 people are engaged in agriculture do you mean that there are 8,000 agricultural ratings in the place ?—I meant to convey that they are not entirely and exclusively engaged in agriculture. In the rural districts they devote a certain amount of time to it, and they go over to the north of England, and to Scotland and devote a certain amount of time to fishing.

15671. I will try it in another way. You say the number of ratings under £4 valuation is 9,228 : how many of those are agricultural ratings ? Are they not all agricultural ratings ?—Yes, they are all agricultural ratings.

15672. The tenants of agricultural land and their families account for all the population in the place, viz., 34,000, do they not ?—Yes.

15673. So that when you said that 75 per cent. of the population had to make out an existence from other industries than agriculture it would seem that you referred to the children, among others ?—What I meant to infer was that of the total population those who derive a livelihood from agricultural land would be one-fourth of those who derive their livelihood from other sources.

15674. That is a different thing. Really all your evidence comes to is that in your opinion agriculture does not feed more than one-fourth ?—Yes.

15675. That is the way you put it ?—Yes.

15676. How do they eke out their existence ?—The majority of the men go over to the harvest in Scotland and England and when they return they get some employment in the shape of fishing, and the women and girls are employed at the local industries, the making of Donegal homespun, hosiery manufacture, and the crochet and carpet factories.

15677. Are they good workers ?—Yes.

15678. I want to get that from you very specially : the work is of a quality that really would command a market if the commercial world were aware of it ?—Certainly. Of course there are sections of the Glenties Union which do nothing but manufacture Donegal homespun ; there are other sections where they work at the manufacture of hosiery ; and there are other sections where they devote a great deal of time and attention to embroidery. But the Donegal homespun industry is certainly one which has secured for itself a market all over the British isles.

15679. What is the system that prevails there ? Are the workers supplied by the traders or merchants ?—With regard to the Donegal homespun industry the people make it in their own homes. They grow the wool on their own sheep and manufacture the stuff in their own homes. They spin and card the wool and bring it out to the markets and sell it there to the best advantage they can There are only two markets altogether in the county for it.

15680. These workers are really their own merchants in that case ?—No, not with regard to Donegal homespun.

15681. I thought you said they themselves went to the market and sold it ?—Yes, the people go themselves and sell it at the markets.

15682. They sell their own products ?—Yes, but they do not sell them to the merchants.

15683. We have nothing to do with that. What we have to do with is the case of truck. You understand what truck is ?—Yes.

15684. Have you instances in Donegal of traders who supply the raw material to the workers to be wrought into hosiery and the like ?—Yes.

15685. What is the business of those traders who supply the material ?—Drapers and grocers.

15686. General merchants ?—Yes.

15687. Everything from a needle to an anchor, so to speak ?—Yes.

15688. The people work the material up in their own homes ?—Yes.

15689. And their homes are very humble places ?—They are humble of course, but there has been a good deal of improvement in them lately. The conditions of things has generally improved along the seaboard since the establishment of the Congested Districts Board.

15690. Having wrought the material up in their own homes into the articles required they take them back to the merchants ?—Yes.

15691. How are they paid ?—The majority of the people are paid in cash, so far as I can ascertain.

15692. How are the others paid ?—We have no evidence to prove that the others are not paid ; it is only what one can infer.

15693. Give us your evidence with regard to the minority ?—There may be some cases where people are possibly paid by goods.

15694. What kind of goods ?—General goods—drapery and grocery and things of that sort.

15695. Articles of consumption like tea and sugar and so on ?—Yes.

15696. Have you any personal experience on this subject ?—No, not further than knowing the habits of the country.

15697. Do these people run accounts with the merchants ?—Yes, I am nearly certain they do.

15698. You are the clerk to the union and you know the people : what would happen suppose these poor people said " We must have our money this time ; we are not going to take your goods." Tell us frankly what you think would be the result ?—It would be very difficult to infer what would be the result, because really the merchants as well as the people are at a disadvantage with regard to the working of that system.

15699. Will you just explain that ?—The merchants sometimes find a difficulty to refuse people quantities of goods, and the result is their accounts are overdrawn.

15700. The people get into debt ?—Yes.

15701. And things go from bad to worse ?—Yes, as a natural consequence.

15702. Under those circumstances if anyone stood out for his money instead of taking goods, however much he might want the money, he might find himself in a worse position than before ?—Yes, it might be possible.

15703. Because his debt would be sued for and his back would be at the wall ?—Yes.

15704. This has become a habit of the people there, apparently ?—Yes.

15705. And you think it would be difficult to upset the system ?—There would be a certain amount of difficulty about it, no doubt.

15706. Just be frank with us ; you know that this system of paying in goods instead of in money is against the law ?—Yes.

15707. Why has the law not been conformed to ?—I think the reason is that the law was not made public enough throughout the district.

15708. I am obliged to you. I think there is a good deal in that. In fact, you think that neither party to the transaction knew what their rights or obligations were ?—That is a fact. That is quite true.

15709. If the law were made known to them there might be a little trouble to begin with, I daresay ?—Yes, for some time, but in time you would get the system remedied.

15710. You think the system would be remedied in time ?—Oh, certainly.

15711. You are a Justice of the Peace: supposing the system was remedied and people were paid in money instead of in goods, do you not think it would let the people hold up their heads and have a greater sense of independence than under the present system ?—It would. It would be very much better for both parties.

15712. So far as the merchant is concerned, he might lose a customer or two to begin with, but ultimately there would not be so many bad debts ?—That is so; there would not.

15713, In a case of that kind, I suppose it is mostly the women that are paid in that way—in goods ?—Yes, chiefly women.

15714. They will not have very much voice as to the price of the goods: the merchant will have them pretty much in his hand ?—Yes, but at the same time I do not think the merchant would charge them exorbitant prices. I think he would only charge them ordinary trade credit price.

15715. You would think so, but still the people are pretty much at his mercy ?—Oh, yes; they would be; there is no doubt about that.

15716. I believe there are about 180 agents for hosiery, sprigging, and drawn-thread work in the Glenties Union ?—Yes.

15717. And those agents are men of the kind you have described, general merchants and the like ?—Yes, the majority of them.

15718. The workers can go to any agent they please ?—Yes.

15719. But still the system prevails such as you have described it ?—Yes, it is universal.

15720. You think that there is no dissatisfaction among the workers, arising from the fact that they really do not know how the law stands ?—That is the apparent reason for it, but they do not change from a merchant unless he pays less for the work than his neighbouring merchant.

15721. It would be interesting to us to hear about the Congested Districts Board; what has been the effect of its operations in your union ?—The operations of the Congested Districts Board in the Glenties Union have been very successful. They established depots for giving out drawn-thread work, and for lace.

15722. I hope they paid in money ?—Oh, of course they did. But the people seemed to be inclined to follow the old system, and go to the local shopkeepers in preference.

15723. The merchants were all against them going past them ?—No, I do not think there was any antagonistic feeling against them, but the people seemed to slide into the old system of getting their goods and getting the work. Generally the Congested Districts Board has done a lot to improve the condition of the people in the district by means of parish committees. They have given certain prizes for improvement of the condition of the holdings, and there has been great general improvement since the board was established.

By Sir F. Cawley.

15724. I suppose the agent who sells them their goods and buys the stuff from them makes a pretty good thing out of it ?—I do not know that he would make so very much when you calculate all the bad debts he will possibly make, and take everything into consideration with regard to the ordinary credit system. I do not think there would be very much profit.

15725. I suppose these people are all so much under his thumb that whatever terms were offered them by somebody else they could not go away from him, because he would immediately put the screw on ?—I do not think so. I would not go that far.

15726. Supposing another agent did come and make them a very much better offer as to terms do you say that they would not go to him ?—They would.

15727. But I thought you said that they are quite satisfied, and would not go to anyone else, whatever terms were offered ?—I did not mean to convey that. The people seem to be satisfied with the existing condition of things—for what reason I can hardly tell.

15728. Have they any chance of knowing whether the agent is treating them fairly or not ?—What I infer from your question is that assuming there are two or three agents for one class of stuff in the town, if another agent offered them better terms they would go to him.

15729. Would they ?—They would.

15730. But could they ?—Yes.

15731. Are they not already so much in the hands of one agent that they really could not leave him ?—No; some of them may be, but the majority would not be.

15732. You think the majority are not under the heel of the agent ?—No, they would not be.

By Mr. Walsh.

15733. You told the Chairman that there were about 8,000 people dependent upon agriculture plus other industries ?—Yes.

15734. That would leave about 26,000 women and children ?—Yes.

15735. Roughly speaking, how many of that 26,000 would be engaged in this industry ? In this particular district, West Donegal, having those two markets of Carrick and Ardara, what is the population that is actually engaged in this industry to which you have referred ?—You mean the Donegal homespun, hosiery, sprigging and drawn-thread work ?

15736. Yes.—With regard to the Donegal homespun, the people manufacture it in their own homes, men, women and children, and they sell it in the market.

15737. Can you give us an idea of the numbers who are so engaged ?—I suppose about a thousand families.

15738. On the average about five or six to a family ?—Yes.

15739. That gives us roughly a population of 6,000 ?—4,000 to 6,000.

15740. We will call it 5,000 ?—Yes.

15741. And there are 180 agents ?—Not in that industry. There are no agents in connection with that. The people take it to the market and sell it.

15742. There would be a certain number of receivers of these goods who distribute them to London and other places ?—Yes.

15743. Can you tell us how many such receivers there are ?—I suppose there will be about eight or nine.

15744. Eight or nine people who may be said to be publicly engaged in the trade ?—Yes.

15745. Whose addresses and station are well-known ?—Yes.

15746. Do they engage in any of these businesses of supplying goods as payment in kind ?—No, they do not.

15747. With regard to the hosiery, sprigging, and drawn-thread work, for which you say there are 180 agents, can you tell us the population that are engaged in that kind of work ?—Roughly about 12,000 people.

15748. That is an approximate figure of course ?—Yes.

15749. You think about 12,000 people are dependent on the work given out by these 180 agents ?—Yes.

15750. About seventy to an agent ?—Yes, about that.

15751. Does it not rather seem to limit their freedom of choice of agent, there being so many people dependent upon each agent ?—Yes, that is a fact.

15752. You say that the workers get paid for their work and purchase their supplies from the trader who supplies them with goods: does that mean that they actually get paid in cash for the work done and then are at liberty to pay fair market price for the goods they buy ?—They are at liberty to do so, but so far as we can ascertain they act otherwise.

15753. Yes, I am afraid that the conditions you yourself have admitted to the Chairman are hardly consistent with this statement of yours. There are 12,000 people, men,

Miss G. Tuckwell.

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matter of discipline and the deduction is out of proportion to the damage, it is illegal ?—You do not need me to remind you of the case of the Bristol tailors ?

5784. Perhaps you will give the Committee the details ?—I think I have it here, but I know it has been put in evidence so I was not going to put it in. A girl was paid 6½d. per pair for making trousers. Amounts were deducted from this wage until the total amount of a spoilt pair (viz., £2 5s.) was paid off. This took two years. It was held that the deductions were fair and reasonable.

5785. That was a case where the girl had to buy damaged trousers ?—Yes.

5786–7. You are aware the Home Office has taken prosecutions since where almost exactly the same point was raised, and in which convictions were obtained ?—You can obtain convictions now and then. My point is you cannot be sure of getting them under this Act. You can never be sure that you will not get a magistrate who will say, perfectly justly under this Act, that the amount deducted represented the loss to the firm.

5788. As you have mentioned that, I should like to take it at once. The Bristol case was a very important case, of course, but the Home Office was not satisfied that compelling workers to take damaged goods and pay their value in full was legal under the Truck Act. Cases have been taken since then with the express object of raising the point, both in London and Leeds, and in each case since convictions have followed, and the employers have not so far ventured to take the case to a higher court. We should have been pleased if they had done so, so that we could have had an authoritative decision from the High Court. But that Bristol decision has not been followed elsewhere, and, so far, the fact that the practice is illegal is not questioned ?—Really ! Do you know the Brandauer case at Birmingham ?

5789. That was not a case of compelling the worker to buy damaged goods ?—The decision was that on the question as to whether the deductions were "fair and reasonable" three things must be considered : (1) the nature of the work ; (2) the loss to the employer ; (3) the actual wages after deductions were made. I think the same point exactly arises, and my strong view is it will go on arising. A great many of the cases which I brought were cases in which this point might have arisen. It does not seem to me that while you have a law which allows you to deduct for the possible loss to the employer you will do much good. I have followed your cases very carefully, and am glad to know they are as many as you say. You may get one or two magistrates to hold that the deductions were not fair, but I do not think under the present law, which brings in questions like the total loss to the employer that you can possibly be sure of getting a better result than in the case of *Squire* v. *Brandauer*.

5790. I admit the cases are difficult for the Home Office to establish as to what the loss is to the employer, but I am confining myself for the moment to the question of compelling workers to buy damaged goods, such as compelling the woman worker to take the pair of trousers and pay their value to the employer, and compelling the seamstress to take a shirt and pay the whole value to the employer. That was the point in the Bristol case, if I remember rightly, and it is a point which has been raised since in two cases, if not in three—two in Leeds and one in London, or two in London and one in Leeds—in which the decision has been given exactly the other way, in favour of the contention of the Home Office. I have mentioned it because many of the deductions which you mention were cases in which the girl was compelled to take the damaged goods, which the Home Office holds to be entirely illegal under the Act of 1896 ?—Of course, I can only say what I said before, that it is not a bit of good for the Home Office to hold a thing illegal while such questions as "the loss to the employer" are considered by the courts. You remember our great case in which the girls danced to a harp in the dinner hour, and it was held that the deduction made was reasonable because they raised dust. So long as you have a law like this, you will have such cases.

5791. Coming to the instances of fines proper, disciplinary fines as distinguished from deductions, I notice that the great bulk were fines for unpunctuality. May I ask whether in those cases the fine is usually assessed in this way, that if the worker is, say, perhaps five or ten minutes late she is shut out for the whole of the morning ?—In some cases that is so. I should say that to be shut out for the whole of the morning is comparatively rare, but she may be shut out till breakfast time, or perhaps for half-an-hour. In some cases there is no shutting out ; they would be admitted.

5792. In cases where they are shut out, how far is the fine which is imposed equivalent to the amount of wages not earned during the period for which they are shut out ?—I am afraid I should have to work that out from each of the individual cases. My own conclusion, as I said to the Chairman when he asked the question, is that it bears no relation at all to the amount which would be earned.

5793. You say that the fine is in excess of the amount the girl would have earned in that amount of time ?—Extraordinarily in excess. If we could introduce a system of payment on a scale equivalent to that of the fines, the Women's Trade Union League would have done its work ; I think we might feel that we could almost retire from the field.

5794. Supposing fines were abolished entirely, would you think it possible to prevent the employer shutting out his girls till breakfast or dinner time, as the case might be ? There would still be that loophole ? The employer would still be at liberty to close his factory gates till breakfast or dinner time ?—Yes.

5795. Fines would still exist, therefore, though in a different way : it would be a system by which the girl would be prevented from working for a certain period as a punishment for unpunctuality ?—Yes, I presume that would be so.

5796. You do not see your way to deal with that ?—That is a point I have not thought of. I have thought a great deal about the question of suspension and so on as a punishment. It seems to me in cases in which the admission of girls late would disorganise the work, a girl who chose to come after the proper time would have to bear the penalty of not getting to work until breakfast time ; but then she should have no other penalty.

5797. You do not see anything objectionable in that ?—I have not thought about it. On the face of it it appears to me a thing which must be.

5798. Just one word with regard to the case which you mentioned in which a whole gang was fined because the damage could not be traced to any particular girl ; was that case brought to the notice of the factory inspectors ?—All our cases are received from the workers, or from the organisers and others working among them. They are registered, and the complaints sent in on the forms suggested by Miss Anderson to the women inspector's office. If it is the case of a boy or man, it would go to Dr. Whitelegge, but the women inspectors' cases all go automatically on.

5799. You cannot say what was done there ?—We are under this difficulty that unless there is a prosecution, such as there was at Briggs's factory, we do not know what happens in the cases we send on.

5800. It seems to me to be quite illegal to fine a gang for damage which was done by some individual worker who could not be traced. You state in many cases the contracts are not posted up in conspicuous places ?—Yes.

5801. That is a very easy breach to prosecute an employer for ?—It appears now to be the only resource left to the factory inspectors to prosecute on a formal point like that. It is clear you must stick a list up or have a contract signed in writing. They can prosecute on that, but that appears to be the only resource left to them.

5802. Is it your evidence that you find a great many cases at the present time in which the notice is not posted up ?—We do get complaints about that still.

5803. Frequent complaints ?—No, I do not think they are very frequent, but we do get complaints. And as I have said, we do get fairly numerous complaints that they are put somewhere where they cannot be seen—behind a desk or somewhere out of sight.

5804. That of course is also illegal, is it not ?—Yes.

5805. It must be in a conspicuous place ?—Yes. All these complaints are immediately forwarded to Miss Anderson or to Dr. Whitelegge.

5806. If there are still a great number of cases in which that state of things exists, though it is such an easy thing both to prove and to secure a conviction for, it rather points to some other cause for the continuance of fines and deductions than to a breakdown of the Act itself ?—In the case which you took in the Potteries, where the girls were made to pay for damaging the machines, the only reason you got a conviction was that some formality, such as the announcement that the deduction was going to be made, was not complied with.

5807. With regard to deductions for hospitals. You did not go into these at any length. They are not covered by the Act of 1896, and in view of the cases it is very difficult to say whether they are covered by any Act. What in your opinion are the abuses connected with deductions for subscriptions to hospitals ? Do you see any advantage in them, or are they entirely a disadvantage ?—My strong view is against every single form of fine and deduction ; I have seen too much of the harm they do. We frequently come across cases of deductions for hospitals and for dispensaries. I had an interview with an employer the other day in which I explained to him that there appeared to be a great deal of suffering in his factory as he was paying £52 a year to the dispensary. He said he was not aware of it. I pointed out he was employing five hundred girls and deducting a halfpenny from their wages, which were already very small, per week. He said he was not aware of it. I never can find that the use which is made of the dispensary by the girls is really what is paid for. I know cases in which the girls do not go to the hospital at all, although money has been deducted for it.

5808. Do you suggest that in that case and in other cases the employer makes a profit for himself out of these deductions for the hospital ?—Not in all. I suppose when K. 2. deduct 2s. 6d. from the girls to give them a picnic in the summer, they have the picnic in the summer, but I think these are a great many cases in which it adds to the profits of the employer.

5809. In your opinion that is so ?—In my opinion there are a very large number of cases in which the money does not go to any object which benefits the employees.

5810. It is a very serious matter for employers to deduct money from their employees' wages for hospitals, dispensaries, and so on, which they do not pass on to the hospitals and dispensaries ?—Yes. I am taking the whole of the cases—I am not only taking hospitals and dispensaries. I say in a very large number of cases I believe the deductions which are made for those purposes do not represent the sum which is paid. I would go further and say that in a great many cases the deductions which are made are not spent on the object for which they are ostensibly deducted. For instance, there is the case where all the girls had twopence deducted to pay the cook, their payments working out at over £3, while the cook received 8s. Where does it go ? There was no treat. The girls come eagerly to tell you if anything is done for them.

5811. It would be very interesting to know if that custom of making deductions from wages for hospitals and dispensaries, which go into the employer's pocket, exists to any extent ?—I do not confine myself to hospitals and dispensaries. I think it is one case out of all cases, where you cannot say that the money deducted goes to the purpose for which it is deducted. There are a good many cases. The people who fine and deduct on every pretext are not the best kind of employers, and they are not very particular where the money which they get goes to in a good many cases.

5812. You do not see the advantage, even under certain restrictions which do not exist at present, in regard to deductions for hospitals, of allowing an employer to arrange in that way for his employees to contribute to some sick fund, or for them to provide themselves with medical attendance in the case of sickness ? —It seems to me where an employer employs workers, their illness and the suffering which is entailed on them during their work is his business and not theirs. I think that sort of subscription ought to be paid, not by the workers, but by the employer himself.

5813. You mean for sickness arising out of their employment ? Or do you mean any sickness, from whatever cause arising ?—How are you to make a distinction ? I am thinking now of the case of the girls who paid a halfpenny a week, £52 being paid to the dispensary. In that case, bronze was used, and lead was used, and the work entailed a great deal of standing. There were some cases in which you would have distinctly said there was suffering from lead poisoning—mild, mind you—and other cases in which you would say that the sickness and general ill health came from bronzing. There were also a good many cases where the girls were anæmic. When you get 8s. a week to live upon you are not going to keep yourself in such a state of health as to prevent you being bowled over by colds and every sort of ailment. I consider that nothing ought to be taken from those wages for the benefit of the employee ; the employer ought to do it.

5814. With regard to mess rooms, there is no obligation upon the employer to provide a mess room except under special rules ?—That is so.

5815. Is it a convenience to workers to have a mess room provided ?—It all depends. In some instances it is a great convenience where they live far from their work and where there is nowhere to go.

5816. Would you be against an employer making a small charge where he provides that convenience for his employees ?—Yes ; I should prefer very much, if his employees have to go a long distance, that he should provide them with a room. There is very often a room which can be set aside Directly you begin to make deductions you get them taken from people who do not use the room in order to get a uniform rate ; it is easier to do. You charge every girl, although a lot go home. I have had case after case in which the girls have complained that they are made to pay for tea or hot water although they go home because they happen to live near.

5817. Supposing the practice was brought under regulation so that only those girls who made use of the convenience should pay for it, and that it was entirely a voluntary matter between the employers and employees, what would you say ?—I do not like it. There is the same objection as I have to all these things. If you do away with the whole thing, you do away with the possibility of illegality. If you allow no fines and deductions, you make the inspectors' work comparatively easy and you stop an enormous opportunity of breaking the law. If you are going to do it at all, it ought to be done by a club of the workers themselves ; they ought to manage it and run it. It ought not to be done by the employer.

5818. But the employer finds the room ?—Do you not think he might do that when he only pays 8s. to the girls ?

5819. I am looking at the matter not from my personal point of view, but of what the employers may say. Now just one or two words upon the alternatives. Supposing fines and deductions were abolished, you said you were not in favour of employers having the power of suspending ?—Yes.

5820. Have you any idea of how that could be enforced in practice ?—Only what I said—from my experience in other directions and by watching how it works and seeing how much better the discipline is where you have a capable foreman and there is no punishment. I am judging from individual experience.

5821. I was thinking of it from the administrative point of view. Say suspension for disciplinary reasons is prohibited—and that the prohibition has to be enforced by the factory inspector : will not that be very difficult to do ?—I do not see why. I do feel most strongly on the point. I can only tell you my own experience with children, and I think there is a close likeness between the two cases. You do not get good order by punishing. You get good order by capacity in managing people, and the great captains of industry ought to be more and more careful, and are becoming so, to choose the right people to manage their employees. The only way you are going to do it in the case of the employers I have been describing is by forcing them. When they find it is dismissal or nothing, they will begin to find the right people to manage their employees, and you will

Mr. J. Smith Whitaker.

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15800. Under the law the employer agrees to pay the wages less 3d., or whatever the amount is, per week and these threepences go to pay A. B. The point I want to get at is where is there a right in the minority, or have they any rights at all in such circumstances ?—Our view would be that the matter rests entirely with the employer who under the present law is master of the position. The body of workmen, either the minority or majority, have only rights as individuals, not as a body. Any individual amongst them can say: "I am not going to allow any of my money to be stopped under that system." Workmen can refuse to enter into the agreement.

15801. Or refuse to enter into the employment ?—That is another question. We were told that it is a question whether the employer has a right to say: If you will not consent to this deduction we will dismiss you. That is being tried at U 8.

15802. In what way ?—There has been a dispute there between the doctors and the workmen's committee. About 1,000 workmen at U 8 gave notice to the Company that they objected to the money deducted from their wages being paid any longer to a committee of workmen who had dismissed a doctor formerly employed in their district. The workmen of the district in question preferred to retain their old doctor, and demanded that the sum deducted from their wages be paid to him direct. The manager of the Company, however, has stated that it is a condition of employment that the deductions from the wages should be sanctioned by each workman and should be paid into the fund controlled by the workmen's committee. The manager asked representatives of our Association to meet him in conference, and we also met deputations of the workmen with a view to arriving at an agreement. It was then the manager stated what I have mentioned as to the condition of employment. The matter would have come into court but unfortunately we did not get our test case tried because it was found that the whole arrangement had been illegal because the book had not been regularly signed; now the workmen in question are suing the Company to refund all the money which has been deducted from their wages and seeking to obtain an injunction against further deductions, and at the same time the majority of the workmen are threatening to strike if the Company gives way to the minority.

15803. What we wanted you here for, and what I am still at a loss to know is, what is the view of the medical profession as to what would be the best way of dealing with this matter ?—We think the best way is that the individual patient should have the choice of his doctor, and, next to that, that the general body of the workmen should hold a meeting or otherwise decide by a majority upon their doctor. We think the choice should rest with the workmen and preferably with the individual workmen. I must guard that, however, by saying that there are several parts of the country where the profession take a different view. The opinion of our Central Committee is that all kinds of contract practice are best organised on the principle of giving the individual patient the choice of doctor; but in the Rhondda Valley, for example, the colliery surgeons hold strongly the view, and have given good reasons in support of it, that you get a better type of doctor if he has the prospect of a reasonably good income and the security that comes from being appointed by the general body of workmen. It is felt that if a doctor serves the general body of workmen properly, they will be loyal to him, but that if each workman is allowed to choose his own doctor, it leads to some unsatisfactory results, such as men trying to get one another's patients, etc. But that is not the general opinion of the profession. In Lanarkshire, the colliery surgeons appear to prefer the system of appointment by the employers.

15804. Do you know the W 8 case ?—Yes.

15805. That was a case in which there was a very general sense of satisfaction amongst the workmen ?—Yes, and a big fight resulted when the directors tried to dismiss the doctor and bring in one of their own selection. The British Medical Association supported the workmen in opposing this. Eventually the doctor who had been dismissed was, I think, reinstated.

15806. Do you happen to know that the shareholders also supported the workmen ?—I did not know that.

15807. Does not that case suggest to your mind that on the balance it would be better that the workmen should have the principal say—we need only go so far as that—in regard to the appointment ?—That is entirely the view of our Association.

15808. With regard to the working of that out. I now put another point to you. Would it not be very difficult in remote districts to obtain the presence of a skilled resident medical man unless there was some general agreement that he should be employed by at least a very considerable quota of the employees ?—Yes.

15809. We are agreed that the main say in the matter should be with the workmen. Does not that point as a matter of practical convenience to allowing the controlling voice to be by way of either a general vote or by the appointment of a Committee of the workmen ?—Certainly so, as regards remote districts but not necessarily so elsewhere. At a recent meeting of our South Wales branch Contract Committee, we had to decide this point as between two doctors, each of whom was supported by a number of the workmen, and a deputation was received. We had to give the advice that such cases must be dealt with on their merits and that it was almost impossible to lay down a general principle. The general principle we should prefer would be that the individual workman should be allowed his choice of doctor. In a fairly congested district like Aberdare, or the districts of Northumberland and Durham, the system of a choice of doctors is, I understand, almost universal. They would never think of reverting to the system of having only one doctor appointed either by the employer or by the general body of workers, but I agree that in remote and sparsely populated districts you must provide an inducement to any man to settle, and the only inducement is that he shall be allowed to do all the work of the district.

15810. Or, within limits, that he does, say two-thirds of the work, leaving a third of it, perhaps, to another man ?—In small rural districts one man does the whole work, and he must do it.

15811. I now pass to the second branch of my questions. I find it suggested in your *précis* that the employer can charge for medical attendance, yet need not disburse the whole money so received for medical attendance, but may reserve a portion of the sum either for himself or for hospital or other purposes ?—That is Mr. Mcmorran's opinion. We are resting on his opinion upon that matter.

15812. Have you got the section of the Statute before you ?—Yes.

15813. The proviso refers to stoppages or deductions in respect of materials, etc., providing that the amount stopped shall not exceed the real and true value, etc., but there is no exception there with reference to medical attendance; and then the proviso reads on: "And shall not be in any case made unless the agreement be in writing." I fancy what you do found upon, very naturally, is the failure to include in the reference to values the subject of medicine and medical attendance ?—Yes, I think that was so. We are relying on Mr. Mcmorran's opinon.

15814. That is quite proper, and I suppose we are agreed it should be made impossible that any wage deductions made by the employer in the name of medical attendance should be appropriated by the employer ?—Yes, or applied to any other purposes.

15815. I presume you are not giving your evidence upon that point from speculation, but from actual knowledge as to how some of the deducted money is in certain cases applied ?—Yes, we have records of the history of one of the first committees formed in South Wales about thirty years ago. The company had previously been retaining a considerable proportion of the deducted money. The workmen insisted upon the matter being put under their control, and the committee was appointed. That was, we are informed, the first committee appointed in South Wales. Up to that time, I think, all the appointments of doctors had been made by the companies and one doctor was appointed for the whole work. Then in the case of these committees, I have the balance sheet of the U 8 Workmen's Doctor's Fund, which shows, under general expenses, secretary's salary, £55 8s. 4d.; fees to committee men, £66 18s. 9d. Printing is an

ordinary expense. Then there are contributions to hospitals. I will hand this in. (*The same was handed to the Chairman.*) Then I have the balance-sheets here, extending over several years, of the X 8 scheme, but practically the points are the same as those which you have.

15816. Now, just to make this second point more detailed, assume that the money is not given to the doctors in attendance or for medicine, but that the destination of the balance not so applied is actually paid in support of a hospital for the men, even in such a case I fancy you maintain that that ought to be a separate arrangement ?—We do. We think it is much better for everybody that they should know what is being done and that a definite levy should be made for the hospital. At U 8 I believe they do make a separate levy of ½d. in the £ for the hospital.

15817. You have been kind enough to prepare a Memorandum on the working of the Truck Acts as regards medical attendance ?—Yes.

15818. That raises all the different questions and shows how the difficulties have arisen ?—Yes.

15819. As to the general solution, you have given us evidence in answer to my questions ?—Yes.

15820. And you allow us to use Mr. Macmorran's opinion on the case presented to him ?—Yes. The memorandum I have prepared is as follows:—Contracts between employers and workmen for the provision of medical attendance and medicine are among the matters in respect of which an exception was made in the Truck Acts to the general principle of payment in money, and not in kind, and in respect of which deductions from wages are accordingly permitted. According to legal advice which has been obtained by the British Medical Association, the position of employer and workman, respectively, in arrangements for the provision of medical attendance in accordance with the Truck Acts, is that the employer, in consideration of the sums which the workman, by a signed agreement, authorises him to deduct from wages, is under a contract to supply medical attendance and medicine, but is not under an obligation to expend the whole amount deducted from wages in the provision of such attendance. He may make a profit for himself or incur a loss, or he may devote part of the money to other objects for the welfare of the workmen. He is a contractor. So long as he fulfils his contract by supplying medical attendance and medicine his obligation is discharged. The arrangements for providing medical attendance under the Truck Acts differ widely in different districts. Those which have been brought to the notice of the Association may be classified as follows: (*a*) Where the employer deals with the whole matter directly, himself appointing and paying the doctor. As a rule in such cases the full amount deducted from wages is paid by the employer to the doctor, who thus becomes virtually a sub-contractor, his contract being with the employer, while the employer's contract is with the workmen. (*b*) The employer arranges for each workman to select his own doctor from among the practitioners practising in the district, and the deductions from each workman's wages are paid periodically to the doctor of his selection. In some cases a committee of the workmen is formed to look after their interests in the matter. (*c*) A single doctor is employed to attend to all the workmen of a particular colliery, steel works, or other establishment, the selection of the doctor being left to the workmen voting in a mass meeting or by ballot. (*d*) The deductions from wages are paid in the aggregate to a Committee of workmen who make the arrangements for medical attendance, in some instances employing doctors at fixed salaries and sometimes applying part of the funds to other purposes, such as the establishment and upkeep of hospitals, and the payment of fees to members of the committee. With regard to the system (*d*), in particular, the following questions have been raised:—(i.) As to the legality of applying money deducted from wages, ostensibly for the provision of medical attendance, to the purchase and upkeep of hospitals or even to objects having no relation whatever to the relief of sickness. The Association has been advised that inasmuch as the employer, regarded as a contractor, can keep back a part of the money for any purpose that he things proper, so long as he fulfils his obligation to provide medical attendance, it is competent for him to hand the money over to another body and to allow them to apply a part, for example, for the provision of a hospital, so long as the same obligation is fulfilled. Different views, however, appear to be taken by eminent lawyers as to the legality of this arrangement. (ii.) As to the question whether it is lawful for the employer to hand the money over to a committee of workmen or to other persons, or to allow them to distribute it at their discretion. Some authorities have taken the view that the employer cannot divest himself of his personal responsibility to the individual, workmen from whose wages the money is deducted, and that it is therefore his duty to see that proper medical attendance is provided, that is to say, that the money is paid to medical practitioners who gave that attendance. (iii.) As to the right of workmen to refuse to allow such deduction from their wages. At U 8 about 1,000 workmen gave notice to the Company that they objected to the money deducted from their wages being paid any longer to a committee of workmen who had dismissed the doctor formerly employed in that district. The workmen in the district in question preferred to retain their old doctor, and demanded that the sums deducted from their wages be paid to him direct. The Manager of the Company, however, has stated that it is a *condition of employment* that the deductions from the wages should be made, and should be paid into the fund controlled by the Workmen's Committee. Of the foregoing questions, the most important, perhaps, is that as to whether it should be made a condition of employment that workmen should agree to permit deductions from their wages for the provision of medical attendance, and should agree that that medical attendance should be provided in a specified manner, thus compelling them to permit a portion of their wages to be devoted to paying for medical attendance under a system, or by a medical practitioner, of which or of whom they may possibly not approve. It will be seen that two distinct questions are involved, namely, first, whether the workman ought to be compelled, as a condition of employment, to enter into a contract to permit deductions from his wages for medical attendance, and secondly, whether he should be compelled to accept such attendance from a medical practitioner whom he might personally not wish to employ, under penalty of losing the benefit of the money deducted from his wages. Each of these questions may be regarded from the standpoints both of whether such compulsion is legal under the Truck Acts, and whether it is according to public policy that there should be such compulsion. Considering the matter, not in its legal aspects under the present Truck Acts, but on broad grounds of public policy, and dealing first with the question whether a *consent to deduction from wages for medical attendances* should be made a *condition of employment*, it is contended in favour of compulsion that it is to the interests of the general body of workmen, and to the interest of the average individual workman, regarding his life as a whole, that such an obligation should be imposed. In the absence of compulsion, there is a temptation for young unmarried men, who personally need little medical attendance, to refuse to contribute to funds for the provision of medical attendance, disregarding the fact that in the natural course of events the majority of them will become married men with families, needing assistance from their fellows in order that adequate medical attendance may be provided. In the medical profession it appears to be generally felt among those who have considered the subject, that compulsion is justified on this ground, and could be justified on no other. As to the second question, namely whether the contributing workman should be compelled to employ a doctor chosen by the employer, or by ballot of the body of workmen, or by a committee appointed by the workmen, there are some differences of opinion in the medical profession. The conclusion arrived at by the British Medical Association, as the result of enquiries and deliberations extending over three years, has been that, generally speaking, medical attendance under contracts of any kind will be most satisfactorily given when the individual patient is allowed, so far as the circumstances of the district permit, to choose his own doctor. It is considered that such an arrangement affords the best incentive to the individual practitioner to do the best he can for his patient. It must, however, be stated that, with reference to the special class of contracts now under consideration, there is an opinion among members of the profession in

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some districts that the employment of one or two doctors to attend all the workmen in a colliery or works will secure better medical attendance, as affording greater security to the medical practitioner, and better prospects of a permanent career, and therefore a greater inducement to men of ability to devote themselves to such work. A distinction must be made between the three systems under which an individual doctor or a small number of doctors are employed to attend the whole body of workmen, the individual workman being allowed no personal choice. The three systems as above described are: (*a*) appointment by the employer; (*c*) appointment by direct vote of the general body of workmen; (*d*) appointment by a workmen's committee. Of these three systems, the system (*c*) is probably regarded with the greatest favour by the medical profession generally, and the greatest difficulties have arisen with regard to the system (*d*). The objections to the system (*d*) apply particularly to those cases in which doctors are employed at fixed salaries, the balance of the funds after payment of such salaries being devoted to the purchase of drugs, payment of fees to committee men, and other purposes. The objections are based not upon theoretical grounds but upon grounds of experience of the results.

By Mrs. Tennant.

15821. I gather you are in favour of a contract system which you believe will secure a better class of doctors in remote districts?—Not only in remote districts. In all these works the testimony is overwhelming that any attempt to get the doctor paid by private arrangement breaks down, and that the only way which really secured working men satisfactory medical attendance is to have the money deducted from wages at the pit or at the works office.

15822. At the same time you wish that none of the money deducted should be paid except to the doctor?—Yes, of the money deducted as for medical attendance.

15823. In works on a big scale a system of the kind involves machinery for administration?—Only the expense of making the deductions—only the purely clerical labour of the book-keeping.

15824. I do not know whether you have ascertained from any of the Committees who have the matter in hand how much time they have to give?—In what respect?

15825. In respect, we will say, of the possible strike which may follow unpopular action. You gave us an example in which there were legal proceedings and a strike?—That is because of the existence of a committee. That is one of the objections to the Committee system. We consider that the formation of these committees does not result in giving the attendance which is most satisfactory to the individual workman. We think that it is very much better that the relation of the doctor with the patient should be as direct as possible.

15826. In a remote district, where you wish that the doctor should be chosen by the workmen, do you wish the money to be deducted from the workmen?—Yes.

15827. Surely that does involve some machinery?—Only the payment to the doctor of so much quarterly and the deduction from the wages of the workmen, and very simple machinery for calling the workmen together whenever it is necessary to choose another doctor, or whenever there is any question as to the employment of the doctor.

15828. There is the collection of the money and the payment of the amount to the doctor and the keeping of accounts?—Yes, that is all done in the office by the company's servants, and a great many colliery proprietors have refused to make a charge. When Mr. Z8 took over certain works in South Wales he stopped the charge previously made; he said he was quite glad to do it to help the workmen.

15829. What happens in the case of an employer who says he is out of pocket?—He charges 2½ per cent. on the amount collected.

15830. And that you would like prohibited?—Well I do not know. Perhaps as a matter of business it is as well that everybody should pay and be paid, and perhaps as a matter of business it is as well that the employer should be paid a reasonable amount. I think 2½ per cent. is perhaps excessive. It is perhaps reasonable that he should be paid the actual cost of the clerical labour of book-keeping. That is all that there is.

15831. Have you considered whether he should ask the workmen specifically for so much a week for the doctor and so much a quarter for the expense of the administration?—Yes, or he should be allowed to take so much out of the amount deducted.

15832. I thought you wished nothing taken out of the amount deducted from the wages?—The bare cost of collection is such a small matter that I do not think there would be any objection to the bare cost of book-keeping being taken out.

15833. But you would like it to be declared that that was done?—Yes.

15834. To ascertain how much went to the doctor and how much went to the expenses of administration?—Yes.

By Mr. Walsh.

15835. You spoke of the employer assenting to a scheme put before him by the body of workmen?—Yes.

15836. Do you know of any such case as that where the scheme of surgical attendance and the payments that are to be made for that object have been put before the employer by the workmen? Yes, many. The one which I can mention at once is the U 8 scheme. There they have had varying systems during the last thirty years, from the system of one doctor attending the whole district to the system they have now of employing about ten doctors at fixed salaries. There have been meetings of the workmen; they have agreed to what they wanted; they have put the scheme before the Company, and the Company has approved it.

15837. Has the whole thing remained in a state of comparative chaos until a large body of men has formulated the scheme? Has there been no scheme until a large body of men has been employed?—Yes; they have gradually worked up different schemes. We have come into this matter at a stage when large bodies of men have been employed.

15838. But until then it has been a kind of gradual and tentative thing?—Yes, but we have had a case of a new district. The case of A 9, already mentioned as recently considered, is one of this kind. Some new collieries have been sunk there at B 9. At first there were no collieries, but only sinkers who had a neighbouring doctor to attend them. The Colliery Company agreed that payment for the doctor should be deducted from their wages in the office. There are now a considerable number of men employed there. I think the population is about 5,000, another doctor has settled in the district, and there is an agitation that they should now have an arrangement with the employers by which the money should be deducted for either doctor according to the choice of the individual workman.

15839. I suppose they have now got to the coal—they have got well underground and there are many people employed?—Yes.

15840. Is this in South Wales?—Yes.

15841. The main body of your evidence, that of which you have practical experience, refers to South Wales?—I have had more to do with South Wales. I have seen something of the troubles in Northumberland and Durham, and, of course, I have had reports from Lancashire and other counties, but there have been very few difficulties in Lancashire. It is not general medical attendance there, only accident attendance.

15842. You say upon legal advice that the employer is under no obligation to expend the whole amount deducted from the wages of workmen in respect of medical attendance upon that attendance, but he may make a profit for himself? Do you know of any cases where that profit has been made?—I gave the case of the C 9 Company. It was stated definitely there that the Company had made a profit.

15843. The Company?—Yes.

15844. You say "he" may make a profit for himself?—"He" is generic; it means the individual or the firm as the case may be.

15845. Do you know of any case where a surgeon has been giving consistent attendance for say three months and where deductions have been made from the wages of the workmen, and where that money has been retained by the managing director of a colliery ?—I could not say that we have had any cases brought to our notice in recent years. The strongest case is that of C 9 and there it was not the retention of the whole sum—they could not make that challenge—but retaining part of it. The men at C 9 considered that the doctors were being sweated, and they thought they were paying enough to pay their doctors handsomely.

15846. I suppose the operations of your association extend right over the United Kingdom ?—Yes.

15847. You have not heard of any case in Scotland—in Lanarkshire—have you ?—Well, we have had reports of trouble in Lanarkshire, but it has not come very directly under our notice.

15848. You have said: "it is contended in favour of compulsion that it is to the interests of the general body of workmen"; is it your idea that there should be compulsion at the works to contribute ?—Yes, for medical attendance. We think on the whole that that is for the best.

15849. There are large numbers of work people who are members of friendly societies, are there not ?—Yes.

15850. Who have in many cases paid for long years to those societies ?—Yes.

15851. Which guarantee them medical attendance and surgical attendance ?—Yes.

15852. Why should there be compulsion upon those men who have voluntarily undertaken an obligation of that sort ?—I do not say there should not be exceptions. For example, I should say there should be no compulsion unless a considerable majority of the workmen agree that it is desirable that the money should be deducted. For example, to take Lancashire, we find that in the majority of the works in Lancashire the money deducted under the Truck Act is in connection with the permanent relief societies, and is for accident only; there is no deduction for general medical attendance. In South Wales the deduction is for general medical attendance. In South Wales the provident societies provide scarcely any medical attendance.

15853. Are there two deductions made in South Wales, one for medical attendance and another for the permanent relief societies ?—No. It is in Lancashire that they have the permanent relief societies.

15854. There is one in South Wales, is there not ?—It does not touch medical attendance.

15855. Can you state whether there are two distinct deductions which are kept separate ?—I cannot say.

15856. There is a permanent relief society in South Wales; the secretary has given evidence before this Committee: you are not aware that there are two distinct deductions ?—No.

15857. Is there a possibility therefore that the deduction for medical attendance and the deduction for the relief society go into one box ?—No. As far as the medical profession is concerned the work of the relief society has not come under our notice at all in South Wales. I do not know of any case there in which a doctor is employed in connection with a relief society.

15858. Where you have a permanent relief society in very close contact with the working life of the people it seems rather difficult to conceive that there would be an entirely new set of surgeons brought in to deal with the question of medical attendance ?—I can only go on the facts as I find them. I know that in the districts with which we are most familiar, the colliery districts of Monmouthshire and Glamorganshire, and to some extent further west, the whole system seems to be deductions at the works, and we have never come into contact with any permanent relief society.

15859. I do not wish to press the point except that it certainly is the case in Lancashire, and these societies really are all in a central society having its headquarters here in London ?—Yes.

15860. It is the case that in Lancashire the surgeons for the relief societies are the very surgeons who give medical and surgical attendance ?—Yes, but in Lancashire medical attendance to miners and their families, apart from accident, as far as we are, aware, is not deducted for at the works. It is a matter of private arrangement. The Truck Act deductions in Lancashire in the cases which have come under our notice have been for accident only, and not for attendance on the men and their families.

15861. There are a good many sick clubs ?—Yes, it is done through the sick clubs, but not through the Truck Act. I take a Truck Act arrangement to be one which rests on a written agreement between the workmen and the doctor that the money shall be deducted from wages. There have been many cases brought to our notice in this inquiry which turned out not to be Truck Act cases at all. There are many works clubs which are private organisations amongst the workmen themselves, and there is no Truck Act arrangement because there is no contract between the individual workman and the employer.

15862. You seem to think that if a large majority—a very considerable majority was the term you used, I think—could be obtained at the various works, that majority ought therefore to be empowered to place compulsion upon the minority ?—To the extent of requiring them to allow the money to be deducted from their wages for medical attendance.

15863. Supposing that this minority consisted of the class of men I have mentioned, who have been already members for years of various friendly societies which have already guaranteed to them this special kind of assistance, why then should that majority, however considerable be allowed to impose its will upon that class of men ?—I said it should be subject to conditions and exceptions, and I think that that would be a reasonable exception. I think that an individual who could prove that he was contributing through some organisation for his medical attendance should be under no obligation to join in this fund. The whole object of compulsion, as I hope I have made clear, is purely in the interests of the workmen, in order to secure that they are provided with medical attendance. It makes no difference to the doctors from what source they are paid; it is the same thing to them whether it comes from a friendly society or a works club.

15864. I do not wish to put the argument that the doctors are thinking of themselves. They never do—they are like the lawyers ?—Oh, yes, we do.

By Mr. Maddison.

15865. I am interested in this question of compulsion. I think you have now made it clear in answer to Mr. Walsh that if it could be proved that men do provide for medical attendance through friendly societies you think that they should be excepted ?—Yes.

15866. On what ground do you say that we should make it compulsory at all for men to contribute ?—Only on the ground stated in the memorandum of my Committee.

15867. You would hardly care to have it made compulsory in your own case, would you ?—I do not know; we make education compulsory; I am compelled to have my children educated, and I think it not unreasonable that I should be compelled to provide medical attendance for my family.

15868. It assumes that men would not provide it if they were not in a friendly society; may there not be thrifty men who have their ordinary doctors in the ordinary way, who do not belong to friendly societies and who do not care to join these works clubs at all ? Why should you interfere with those men ?—From the point of view of the medical profession there is no objection to not interfering with them, because the private doctor thinks it is hard lines to compel his private patient to go into one of these schemes.

15869. I am thinking of the men, and not of the doctor. A man has a doctor in whom he has confidence, and he has always been able to provide all the attendance he needs; why should any compulsion be put upon him to contribute ?—Only on the ground of balance of advantage.

15870. For whom ?—For the total body. I am afraid we find from experience that the man who does provide

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medical attendance is the exception. In those districts where there is no arrangement for deduction at the works, we find there are a very large number of people who do not employ any doctor at all, and very often do not pay their doctor, and therefore their families do not get the medical attendance they ought to have.

15871. There are those who do it in the interests of health ?—I am not thinking of the thoughtful man who has objections to doctors but of the thriftless man.

15872. You make it plain that you only go upon those grounds, which are very arguable ?—Yes.

15873. In any system of compulsion would you make it a condition that the workman should have individual choice of a doctor ?—We think that is preferable.

15874. I want more than that. If it was to be compulsory would you make it a condition that he should have an individual choice ?—I cannot go beyond what is stated in my Committee's memorandum. I can only state that the Association as a whole thinks it preferable that there should be the choice of doctor. Members of the profession in some particular districts object to the system of the choice of a doctor.

15875. And the Association think it preferable that there should be compulsion ?—Compulsion to the extent of contributing for medical attendance.

15876. I wonder whether you have such a strong view with regard to the individual selection of a doctor as to make it a condition of such compulsion that that right should exist ?—I think if you could take a ballot of the whole body of the profession their vote would be in favour of choice of doctor, but there are districts in which we certainly could not say that the profession there are in favour of it. We know that they are not.

15877. Then would you say that it amounted to an injustice to the minority to be compelled to have the one doctor selected by the majority ?—I personally should say so; and the Committee which drew up this memorandum would say so; they would be inclined to think so, but then they look at the thing from the outside point of view. We know that a good many, with much closer contact with the system, say that there are advantages to the workman which compensate him for being compelled to employ a particular doctor.

15878. But in the ordinary course of practice it is a very unusual thing for one doctor to be liked by such a large number of men ?—Quite so; very unusual.

By Mr. Delevingne.

15879. Is the requirement in Section 9 of the Truck Act of 1887, that the employer every year shall make out a correct account of the receipts and expenditure and submit the same to be audited by two auditors appointed by the workmen always observed ?—No, I should think not. You mean as regards medical attendance ?

15880. Yes, medicine and medical attendance.—I could not speak positively upon it, but I should be under the impression that it was not always observed.

15881. Your Association has not taken any action in the matter ?—No.

15882. As regards those cases in which payments are made out of these deductions for committee men's fees, contributions to hospitals, and so forth, you have handed in one or two balance sheets ?—Yes.

15883. Which bear the signature of two auditors ?—Yes.

15884. Would those be balance sheets which have been presented to a meeting of the men ?—Yes.

15885. Can you say whether any complaints have been made by the contributors ?—I have had no evidence of it.

15886. When you say your Association thinks such payment should not be made, you are not going upon any evidence you have of dissatisfaction among the contributors ?—It is very difficult to get such evidence. That dissatisfaction would rather come to us through the individual doctor. We should not have the evidence in the form of a mass meeting of the contributors to protest. We should only know if the doctor told us that some of the patients did not like it, or something of that kind.

15887. You are not voicing any general complaint from contributors ?—No.

15888. What is the objection to these payments being made provided they are for work done ?—Do you mean the hospitals and so on ?

15889. Well, take committee men's fees in the first place.—We think that the workman supposes he pays so much for medical attendance; in his view it is the cost to him of medical attendance.

15890. These committee men are appointed by the general body of contributors ?—Yes, they are appointed by the contributors.

15891. And they spend a certain amount of time in managing the fund ?—Yes.

15892. And I suppose the fees which are paid to them are approved by the contributors ?—Yes.

15893. And yet you see objections to such payments being made ?—We certainly see objections from our point of view. It is the usual objection to mixing up two different things. We think that the average contributor, although nominally responsible for the two, never realises it. He would call the money he pays the "doctor's money."

15894. But several thousands of pounds pass through the hands of these committees; they are large concerns and necessarily involve a great deal of book-keeping, and care, and time, and work, and so on ?—We think that that is an over-elaboration—that it is unnecessary. Take, for example, that with which I am most familiar, the South Wales coal-field; the number of schemes in which there is a committee whose fees are paid in this way could certainly be counted on the fingers of both hands, and over the rest of that large area the money is paid direct to the doctor from the works.

15895. You mean the employer does the book-keeping ?—Yes, such little book-keeping as is required.

15896. Is there a committee of the men ?—Yes, to watch their interests sometimes; I do not know that there is always a committee. In some cases there is a committee, but it is merely a Watch Committee to see that if there is any complaint it shall be properly investigated. Suppose there was a complaint of negligence against a doctor, the complaint would come before their committee, and if they considered it a serious matter they would ask to see the doctor and possibly make representations to the works.

15897. It is simply a supervising committee ?—Yes, not a managing committee. Our contention is that no managing committee is required at all.

15898. I saw in one of the balance sheets you handed me items for the dispensary ?—Yes.

15899. I suppose that is for the supply of drugs ?—Yes.

15900. Do you object to that ?—No; I do not think that is unreasonable.

15901. Who is to manage it ?—If you have a committee to manage the dispensary I think we should allow a fee for that. The advantage of having drugs separately contracted for is recognised. We do not want medical men to make a profit out of the drugs. Their charge should be for medical attendance, and it is quite reasonable that the drugs should be separately treated.

15902. Do the workmen get an advantage through having drugs supplied through their committee ?—They think they get an advantage. They may or may not.

By Mr. Maddison.

15903. Would you go so far as to make these expenses to which you object illegal ?—I do not know. It is rather strong to say that you shall not allow the workmen to pay whatever fees they think proper. What we feel is that we do not object to the committee men being paid but we object to mixing the payments up in the same payment. We think that if payment is required a separate levy should be made for it.

By Mr. Walsh.

15904. You speak in your memorandum of a man being under penalty of losing the benefit of the money deducted from his wages if he did not accept a certain medical practitioner: that would be a real hardship ?—Yes, it is a real hardship.

15905. Have you considered how much the workmen change from place to place ?—I do not know that we have specifically considered it. Of course, we know they do.

15906. Take the case of colliers with whom you are best acquainted, you probably know that these people do change their works from time to time ?—Yes.

15907. And that at one colliery you might have a medical fund in existence and at another colliery you might not have it in existence at all ?—Yes.

15908. When these men, either of their own initiative, or through causes over which they have no control, are compelled to leave the colliery where there is a fund, they lose the benefit of the money which has been deducted from their wages, do they not ?—Yes.

15909. Therefore you have a hardship there in addition to the hardship of compelling those people who are already members of friendly societies, to subscribe to the Fund ?—Well, you see the hardship is very small because the money is only deducted weekly, and he is insured with regard to medical attendance for that time. It is really an insurance scheme. He is insured against the cost of medical attendance during the time he is at those works. It is not as if the deduction were monthly or quarterly; it is deducted once a week.

15910. You say that there is a temptation for young unmarried men who personally need little medical attendance to refuse to contribute towards the provision of medcal attendance: but you must remember that if they do contribute they are insured against something for which there is but little contingency ?—You must balance one case against another.

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15911. Therefore you would compel the young unmarried men who incur little risk of sickness to provide for the greater risk to which the older and married people are subjected ?—Yes; they get the benefit when they come to that time.

15912. On the ground that later on they become fathers of families ?—Yes.

By the Chairman.

15913. May I trouble you with one practical question before you leave. Take the case of 600 workers, and the ordinary principle applied that they choose their own doctor, and for simplicity's sake assume that there are six doctors, so that there will be 100 men to each doctor: how does the employer know for whose benefit the individual 3d. per week is paid ?—The doctor gives his name in at the pit and the money is deducted from the workmen for the doctor of his choice. There are different systems of changing. In some cases you can change when you like.

15914. The weekly pence are deducted to the nominated medical man ?—That is so.

Mr. CHARLES MARSHALL, called; and Examined.

By the Chairman.

15915. Will you give us your address ?—79, High Street, Fulham.

15916. What are you ?—I am the proprietor of a laundry.

15917. There is a document which you have been good enough to put forward that contains rules applicable to every person employed in the laundry ?—Yes.

15918. Does it apply to your laundry ?—I have adopted some of the Rules, but not all. I had the Rules printed for the Laundry Association. They are as follows:—

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"Rules Applicable to Every Person Employed in this Laundry.

"The working hours are from ..... until ..... and may be altered from time to time as far as the Factory Act permits.

"Time will be kept by the ..... clock.

Every employee must be known by a number, such number to be given from the office.

"Every employee must use the time registering clock when entering or leaving the laundry at all times.

"Singing or unnecessary conversation is forbidden.

"Employees will not be paid during absence from work.

"Employees absenting themselves from work will be liable to be suspended.

"No employee is allowed to bring clothes into the laundry to be done up, neither are they allowed to do up their working aprons or pieces of finery.

"No parcels or baskets are allowed to be brought into the laundry, these must be left in the mess-room.

"Calender workers folding up dirty or torn work or folding work badly will be liable to dismissal without notice.

"All employees must give and will receive a week's notice before leaving, the same to be given upon any Friday. This also applies to piece work ironers upon the permanent staff, or who have been employed longer than four weeks.

"All employees are liable to be searched at any moment.

"Any employee using bad or objectionable language will be liable to instant dismissal.

"Subscription clubs are not allowed in this laundry.

"No alcoholic liquors are allowed to be brought into this laundry. Any employee breaking this rule will be instantly dismissed.

Rules as to Fines and Deductions.

1. On each occasion of commencing work employees will be allowed five minutes grace, after that time 1d. will be stopped from each hand earning 10s. per week, and ½d. from each hand earning under 10s. per week, for each fifteen minutes late or portion thereof, in lieu of deduction for time lost.

"2. Employees leaving off work before the bell rings will be fined 2d. upon each occasion.

"3. Employees will not be paid during absence from work.

"4. Each employee participating in the following benefits must pay:—1d. per week for medical attendance (payments under this head to be optional and accounts to be audited); ½d. per week towards gas or coal used for cooking or heating food or drink in mess-room.; ½d. per week towards cost of attendant in same.

"5. Any employee carelessly, deliberately, or wilfully damaging the property of the laundry or of the laundry's customers will be liable to a deduction which shall in no case exceed the amount of damage occasioned and shall be fair and reasonable, having regard to all the circumstances of the case.

Ironers or Machine Workers.

"6. All gas irons or gas-heated machines to have gas turned off at every stopping time. Hand ironers or machine hands leaving the gas of their irons or machines or the gas jets in connection therewith alight at meal times or when leaving off work, will be fined 6d. upon every occasion. The risk of fire is very great through this carelessness.

"7. Hand ironers sending up goods to the examining table without marking their number on the article, or hand ironers ironing goods which are damaged, will be liable to lose the payment for ironing the article.

Packers and Sorters.

"8. (*a*) For checking or marking work incorrectly or badly will be liable to be fined 1d. for each article. (*b*) For packing and despatching work incorrectly will be liable to be fined 1d. for each piece so packed. (*c*) For omitting to call the attention of the head of department to customers' instructions in their washing books or lists, will be liable to be fined 1d. upon each occasion. (*d*) For failing to see that specials for delivery are noted in the office diary will be liable to a fine of 1d. upon each occasion. The total of all fines under Rule 8 shall not exceed 4d. in any one week.

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Carmen

"9. To inquire in office each time before going out if there are any parcels to be delivered or calls to be made. Carmen omitting to enquire or leaving parcels behind will be fined 3d. for each offence.

"The amounts of any payments or fines due in pursuance of the above Rules and Fines to be deducted week by week from the wages of such employees to the extent of his or her liability under the said Rules as to Fines and Deductions."

15919. Will you tell us about the Laundry Associations ?—Mr. Trenchard, the President of the Federation of Laundry Associations, is here. The Associations represent all the laundries, practically, all over the country. There are various Laundry Associations in various towns all over the country, and they are federated into this Association, of which Mr. Trenchard is the President.

15920. With regard to these laundries and their Associations, are they comprised of those which work with the assistance of elaborate machinery, or otherwise ?—The tendency, to-day, is for laundries to have elaborate machinery.

15921. But your Association includes all classes ?—Yes.

15922. You necessarily employ a great number, mostly women, I suppose ?—Yes.

15923. Are they the actual launderers ?—They are. The washing in the large laundries to-day is done by men.

15924. British workmen ?—Yes, who have been trained for that particular purpose.

15925. What I want, in the first place, to know is this : is this paper of rules generally used in connection with the laundries represented by the Association ?—Yes, it is being gradually adopted. I think our secretary has had a good demand for it.

15926. Will you tell us the *locus* of the Association ; is it in London only ?—There is a large section in London called the Launderers' Association, Limited. Then there are Associations in the North of England, in Bristol, Liverpool, and in Yorkshire. There are some dozen Associations scattered all over the country, even Scotland.

15927. Can you give me any idea of the number of works that are represented by these combined Associations ?—It would go into thousands. I could not say off-hand.

15928. And the numbers of workers ?—Thousands upon thousands.

15929. Tens of thousands ?—Oh, yes. The laundry trade employs an enormous number of people. It is one of the biggest industries in the country, I should imagine.

15930. I gather from your memorandum that some of the launderers have only adopted a portion of these Rules ?—Yes.

15931. Some have adopted the whole ?—I think some have adopted the whole.

15932. And there are other launderers who have no fines at all ?—A great many have no fines at all ; at any rate we do not know that they have fines.

15933. What proportion would they bear to the total ?—They would be the smaller laundries. The larger laundries have become big factories and have to adopt rules and regulations. It would be the smaller ones which have not adopted them.

15934. Are those smaller laundries well conducted ?—That is a very difficult thing to say ; some are, and some are not. Last year's alterations to the Factory Act will probably cause the smaller ones to be better conducted ; at least we hope so. I think that will be so in consequence of the alteration of the law which took place last year. There was room for great improvement in the smaller laundries.

15935. You are aware of the provisons of the law with regard to the imposition of fines ?—Yes, to an extent I am. I am not a lawyer.

15936. You are aware that there must be individual contracs made in writing for fines and deductions ?—Yes.

15937. Would the note at the end of these rules be an individual contract ?—No. I have suggested a contract in my own laundry in which the workwoman says she has received one of these books and agrees to it. We have circulated that among the laundry trade and made it known that they should adopt that method.

15938. Do you know of any cases where these Rules have been modified or abandoned ?—The idea of our association when we drafted the rules was that they should take those rules which were suitable to their particular laundry. We did not suggest that they should adopt them *in toto*.

15939. This list in its completeness is applicable to all ?—We say : "There is a guide : take out what you think is right for your particular laundry."

15940. Do you happen to know of any who have adopted the whole or some of these rules and who have gone back to what we may call the open non-fine system ?—I do not know off-hand because I did not know you would require such information. But undoubtedly our Association has been in touch with those who have adopted them all over the country.

15941. And have abandoned them ?—We should not hear of them being abandoned. I do not think we should hear of that because what they do is this : they write for particulars of the association's system and then we send them on.

15942. There would be no need to communicate with you when they gave it up ?—No ; we should not hear of it.

15943. These fines are numerous and very detailed ?—We do not consider them very numerous. They are very few, I think.

15944. Have you considered them to be a necessity ?—Yes, I do, because you are dealing with a type of worker whom you must cause to understand that your plant is running and your coal is burning and that your engine is running, and that they are keeping that plant idle. You must make them understand that point somehow.

15945. Do you mean the workers are of an unintelligent type ?—Yes, unintelligent.

15946. Of a very humble class ?—Of a humble class.

15947. What would be the average number of hours of the women employed ?—The average number of hours is sixty hours a week. It is practically a 10½ hour day.

15948. Is it piece work ?—Laundries have different methods. Generally, ironing is done in piece work all over the country, but washing would not be done by piece work ; it would be either day work or weekly wages. Packing and sorting which forms a very large part of the work is done by day work, or rather weekly wages.

15949. What we are anxious to get at is some kind of general figure in our minds as to what they would earn ?—I have ironers in my laundry earning from 2s. 6d. to 7s. a day. I have one ironer who can earn 7s. a day. She is on exceptionally bright woman. She never puts an iron 7ver the same place twice. On piece work she can earn as. a day, but the majority will earn about 3s. 6d.

15950. Are these full-grown women ?—Oh, yes.

15951. It would come to about £1 a week ?—Yes, an average of £1 a week.

15952. Have you young women also ?—Yes.

15953. Less experienced ?—Yes.

15954. What would be the average of the wages earned per head ?—You start them as apprentices. I have apprentices in my laundry. They are very difficult to get, but I have some six of them. They have half what they earn for the first three months ; two-thirds of what they earn for the second three months ; and three-fourths of what they earn for the third three months. During the last three months they have the full amount of what they earn, based exactly on the same rates as the woman who earns 7s. a day works at. But if they stop with me a second year I give them a bonus of £5 as an incentive to keep them—to stop with me after they have learned my ways and my means of doing business.

15955. I am still trying to get at a general figure, taking the young with the old, the experienced with the inexperienced, and the experts with the rather awkward ones ?—I should think 15s. would be the average providing they come in each day and do their work. A great many do not come in each day. That is the great difficulty. The ironing branch consists of an enormous number of married women. In a great many cases they are widows. They have to look after their homes on Monday and very often a great many do not come in on Monday. I may say that out of all my ironers not above half would come in on the Monday, and therefore they lose that day's pay.

15956. Have they children ?—Yes, and they have to see to their homes and keep them clean and do little odd jobs at home, naturally.

15957. What is the amount of fines and deductions ?—In no case do we go over 4d. a week. If one has a woman that one has to fine often one gets rid of her, if one is a wise man ; one would not be bothered with her.

15958. I see that "the total of all fines under Rule 8 shall not exceed 4d. in any one week" ?—Yes.

15959. That only applies to packers and sorters, does it not ?—It applies to everybody. In my own place it would apply to everybody. If I have a woman fined three or four times within a given time it is brought to my knowledge and then I have her in my office and say : "I do not want to fine you. I shall have to find somebody else unless you do your work so that you are not fined." With some that is effective and with others it is not. Fines are very small in my place except when they are late. That is the only rule practically that I enforce. I would sooner discharge a hand, because she is a bad example.

15960. You think it is really necessary in the interests of discipline ?—I do, absolutely, because I have some 150 hands in my laundry and if I had not that method the ironers would come in at any time they chose.

15961. Have you ever had experience of a laundry without fines at all ?—I have never been connected with a laundry without fines. I hardly call it a fine for coming in late because it is really loss of wages ; it is a deduction for their not being there. It is not a fine in the ordinary sense, which is in connection with work done badly. It is no good fining a woman for bad work ; it is better to discharge her.

15962. After five minutes they are fined 1d. ?—Yes but we really give them a quarter of an hour. We print "five minutes" because on taking on new hands we try to get them there as punctually as we can.

15963. Do you think if fines were abolished altogether and you adopted a system of warning, such as you have described is done when the 4d. limit is exceeded, that would be satisfactory ?—The warning takes place before they are fined. We never fine a new hand for some time. When we take on a new hand she is not fined for the first month. She would be warned. Then my chief book-keeper would come to me and say : "This woman is always late ; she is really a bad example." Then I should have her in my office and tell her I would give her one more chance and then she would have to go.

15964. Would you fine her ?—My book-keeper would have done the fining. Then she would come to me and say : "This woman is late twice or three times a week," or whatever it was. Then before I got rid of her I should argue with her and try to show the necessity for her to come at proper time, telling her that we were running our plant and that it must be done.

15965. I thought you indicated that even before imposing any fine ?—For the first month I should not impose any fine on any woman. We find out what the woman is. Then if she was still late the book-keeper would begin to fine her. Afterwards she would bring the name to me and say : "This particular woman is always late."

15966. For the first month there is no fine ?—That is not adopted everywhere. I am only saying what is done in my own laundry.

15967. I gather that your laundry is well-conducted ?—As well as I can conduct it.

15968. You have a period of a month during which they are getting into your ways ?—Yes.

15969. And you warn them ?—Yes.

15970. Then comes the second period, when they are fined ?—Yes.

15971. But that is under the limitation that they are not fined more than 4d. ?—That is so. In no case are they fined more than 4d.

15972. Then comes the last period when you think it necessary in the interests of discipline to warn them, and after that, to get rid of them ?—That is so. That puts the whole thing in a nutshell.

15973. Is it your opinion that the fines, thus limited are a necessity ?—My own feeling is that I would much sooner see no fines at all, and that we had a class of workers who would be punctual and would not require fining ; but into the laundry trade drifts every unsuccessful person from every possible class of business. They tell you that they are good ironers. In an hour almost you can tell whether they are or not.

15974. I gather from what you say that this is done solely in the interests of discipline ?—Solely in the interests of discipline.

15975. There is not the slightest suggestion that there is any profit made ?—There is no profit to the firm whatever, because it goes to the beanfeast ; every fine goes to the expense of the annual holiday. But then I have to make up the balance of the annual holiday, so that indirectly I do get a benefit. I would like you to clearly understand that

15976. Have you a system of living in ?—No. The laundry trade have adopted that very little.

By Mr. Walsh.

15977. You have told us that some launderers have adopted a portion of these Rules and others use modifications ?—Yes

15978. And you have said that others have no fines at all ?—Yes

15979. Can you give us the proportion of launderers who do not fine ?—The majority of small laundries do not fine. The hands practically do what they like in those small laundries.

15980. Can you tell us the proportion ?—There would be thousands. Very large laundries like Mr. Trenchard's and my own are very limited.

15981. Do any of the large laundries fine ?—As far as I know the large ones do ; they must have discipline.

15982. In your first Rule you discriminate with regard to the amount of fine for coming late according to the amount earned ?—That is so.

15983. From each hand earning 10s. per week you take 1d., in the event of their being a quarter of an hour late, although you say here five minutes ?—That is so.

15984. And you take from those who earn under 10s. only ½d. ?—That is so.

15985. That is for being late on arrival ?—Yes.

15986. The rule says that for leaving off before the bell rings employees are fined 2d. upon each occasion ?—Yes.

15987. Does that apply to every case ?—No ; we do not enforce it. I wish we could do it more. You will find twenty boards vacant before eight o'clock because the women have gone to wash and dress in the lavatory, and do their hair. At eight o'clock they will be off to the tick, but they spend half-an-hour titivating up.

15988. Suppose they were young people who were earning little ?—The young people do not do that ; it is the older ones who go into the lavatory.

15989. You do not fine young people ?—I do not put this rule in force once in twelve months.

By Mr. Maddison.

15990. I gather that the total amount of fines in your laundry is not great ?—No ; I do not think they are £5 a year ; I am sure they are not—the whole lot.

15991. And they are chiefly for being late ?—It is chiefly time deducted for being late, and not fines at all.

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15992. I suppose in your business you can very well keep them out ?—If a woman is not in by half-past eight we will not let her in at all that day. That is why we do not fine them. It is better to give them a lesson now and then.

15993. That is very interesting, because you have told us that fines are chiefly for being late, but even in what is about the most awkward offence, if I may use that term, you resort more and more to other means than fines ?—That is so.

15994. So that you do not find fines are a great factor in discipline at all ?—No, very little.

15995. And as a matter of fact, supposing that Parliament was to say that fines should be abolished it would not affect you very much ?—No.

15996. And yours is an average laundry ?—Yes.

15997. An average well-conducted laundry ?—Yes. It would not punish my business.

15998. I want to know with regard to deductions for damaged work : does Rule 5 apply to your laundry ?—No, because I never enforce it. I simply get rid of the woman directly she damages anything. An inexperienced woman comes and says she is an ironer and you find that she cannot iron, and the sooner you clear her out the better.

15999. Your experience as a laundry proprietor is that it is better to get rid of people who are incompetent than to fine them for damaged work ?—Yes.

16000. You would not object to deductions from wages for damaged work being done away with ?—No. It is very seldom enforced. I do not believe it is enforced in one laundry in 500.

16001. Do the county council laundry schools help you ?—I am one of the examiners of two schools of the county council. The second is not open yet.

16002. Is the first one practical ?—Yes, it is most practical.

By Mr. Delevingne.

16003. There is one rule here which says "Employees absenting themselves from work will be liable to be suspended" : is that a method of punishment ?—No. It means this, that the employee shall come to the office and inform us that she has been out, and then we consider whether we will let her start work again or not. If she is a good hand we should let her start, but if she is a bad hand, we should not.

16004. For that day ?—Probably altogether. Perhaps we should have had to fill up her place, with our machinery running.

16005. What does the rule mean "liable to be suspended" ?—If she was a good girl we should try to find work for her ; we should try to give her work. Good girls are few and far between.

16006. It does not mean that you impose a punishment ?—No ; it simply means she must come to my office before she starts work again if she is out for two days.

16007. You say the laundries which do not fine are small laundries ?—Yes.

16008. You mean hand laundries ?—Yes. In Acton there are dozens and dozens of very small laundries, which buy their power and everything. They are not worked on factory lines—I will put it in that way.

16009. The system of fining would be practically impossible in these laundries ?—Quite impossible there, I think. That type of worker does not come to my laundry to work.

By the Chairman.

16010. Have you anything to add ?—No. Mr Trenchard, the President of the Federation of Laundry Associations is here, and also Mr. Coats, who is the Secretary of the London Association and also of the Federation.

16011. Are they engaged in laundry work practically ?—Mr. Trenchard has three laundries, or is interested in three laundries in different parts of the country.

MR. HUGH TRENCHARD, called ; and Examined.

By the Chairman.

Mr. Hugh Trenchard.
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16012. May I take it generally that you have heard Mr. Marshall's evidence and concur in it ?—I regret to say that I do not concur in all of it.

16013. What are you ?—I am a laundry proprietor.

16014. Where is your place of business ?—93, Gillespie Road, Highbury.

16015. How many employees have you ?—About 200.

16016. Have you been long in the business ?—Twenty years.

16017. How long have you had this large number in your employment ?—I started with fifty, and it has gradually worked up.

16018. You have heard Mr. Marshall's evidence : I gather that you agree with some parts of it and differ with regard to others ?—That is so.

16019. Will you mention to the Committee the points upon which you do not agree with Mr. Marshall ?—Well, Mr. Marshall said the workers were of a somewhat low class and for that reason he required to fine them. I should have suggested that it was not so much on account of their being a low class of worker, because they have ve y much improved of late years, but because they are largely undisciplined young girls. Mr. Marshall will agree with me that we take them soon after they leave school. When they go out to work they think they are somebody, and very often they have a young man, more or less, in attendance, and the difficulty is to get them in to time. I should like to emphasize that point of Mr. Marshall's that lateness is the principal thing for which any deduction is made. I would also like to point out another little matter, that it is not those who are half an hour late that we have to trouble so much about, in my experience, because they would very soon get the running ticket altogether, but it is those who are five or ten minutes late who are the nuisance, because there are so many more of them.

16020. What is the system of discipline with regard to that ?—We give them five minutes' grace and then fine them afterwards in accordance with the rule.

16021. May I interpolate one question. Have those young girls who come to you had any technical training in washing or laundry work before hand ?—No. They may have a little, but not much. The London County Council have only just started that kind of school for teaching them something, I think probably the Committee do not realise that in large laundries no women do any washing at all. Women are not washerwomen now a days it all goes through machines with men in charge. The women are wanted for ironing, which is nice clean work—either hand-ironing, which we all understand, or passing handkerchiefs, sheets, or table-linen through a calendar, which is as nice a thing as you can do, keeping the fingers clean and never getting them dirty, or in packing and sorting.

16022. One does not strain at a term, but in a sense the more machinery is introduced the more artistic becomes the work which remains to be done ?—That is so.

16023. You will have garments, including lacework and the like, which have to be delicately handled ?—Yes ; that is all handwork, and you can keep one woman to do that, but the old-fashioned type of washerwoman standing over a steaming tub is absolutely obsolete except in the smaller laundries.

16024. Are there any other points on which you substantially differ with Mr. Marshall ?—I think you should understand the reason of the smaller laundries not fining. There are possibly many exceptions, but as a rule it is because the employees are of a rougher class, and their discipline is connected with the tongue more

than anything else, and they are more mixed up together. But in what we call a factory laundry I do not suppose you would hear any bad language at all. We do not. If we did we should clear them out.

16025. In the smaller laundries you are approximating to the old washerwoman principle?—Yes. Therefore you must have something short of dismissal to mark disapprobation. I fancy Mr. Maddison has an idea that a record of lates or errors should be kept, because I have spoken to members of Parliament on the point and I know that many of them think that there should be a record, a black list and that sort of thing. But I am very firm in the idea that a black list is not the same thing as actually taking up a ½d. or 1d. You have the record in either case, but the black list is apt to be overlooked; it does not amount to anything. But when you take up a ½d. or 1d. it is recorded, and you know it and they know it. In our case twice a year we give prizes to those who have had no fines at all. With regard to those who have had a great many fines, the manageress and I consider whether or no it is worth keeping them, because we say, "This girl is nearly always late. What is the good of keeping her? She upsets all the rest."

16026. But you do that by the black list?—A mere black list is like a card-player playing for love; he has nothing to bite upon.

16027. Have you any other point you wish to mention?—Yes. You asked about the wages of the ironers. I do not think Mr. Marshall sufficiently emphasised the fact, with regard to 18s. being the average (I can substantiate from my own case, that it works out between 17s. and 18s.) that that is only for five days—as a rule from forty-eight to fifty-two hours. If they work a full week of sixty hours it would be higher. I think Mr. Marshall overlooked that. People say that they only get 18s. a week, but they get a day at home as well—quite ten hours. I know that because I have taken the time of the ironers personally. It would be forty-eight to fifty-two hours. Occasionally in the summer the number of hours would be greater, but then the wages would be higher. I have never known of any place without fines, but am not in any position to prove that there are not plenty. All the places I know have always fined, as they call it, for being late; I say that it is merely making up for time which is lost. It does not compensate us, as we have explained to Dr. Whitelegge and others, for the time lost because we have to run our engines and keep everything going and they are not there to do the work.

By Mr. Maddison.

16028. Do you agree with what Mr. Marshall said, that even in connection with lateness fines were not a very material factor?—I think they are. I am very firm on the point that they are a very material factor.

16029. How much will your fines amount to in a year?—Perhaps £5 or £7 or something like that. I should think so, from what I have seen. They are small. They simply mark disapprobation.

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16030. Why not stop these people an hour?—My dear sir, do not suggest that! We have hard enough work as it is to get the work out without indulging in the luxury of stopping anybody.

16031. What about the county council laundry schools? Do they help you. I merely ask this question, because you mentioned it?—They are not in my district. Mr. Marshall knows more about them than I do.

16032. Are there any fines in connection with the men?—Yes, if they are late. We fine them just the same, but not less than 1d., and if they are very often late we send them off.

16033. Have you many fines in connection with the men for other things than lateness?—The number of men are few. As a rule there are very few men.

16034. What about deduction for damaged work; do you agree with Mr. Marshall there?—Well, we do occasionally deduct if it is a very careless case. We should deduct about 25 per cent. of the cost of the damage.

16035. It is not a serious thing?—No

16036. If you had not the power to deduct for it, it would not hurt you very much?—I think it is just as well to have the power, because we say: "If you go on in this careless way we will have to fine you."

By Mr. Delevingne.

16037. You say that fines for lateness are really only deductions for time lost, but in the case of piece workers they also lose what they would have earned?—Yes, but it is really re-payment for keeping the plant going. We light up the stoves and pay £2 a day for keeping them going, and I cannot afford to have thirty or forty ironers losing half-an-hour of that time.

16038. But it is something more than the mere non-payment of the worker in respect of work not done?—You can say so if you like. In that case it would be so, of course, in the case of piece workers.

16039. In the small laundries employer and workers are pretty much on the same level?—Yes.

16040. Do you impose fines under Rules 6, 7, and 8?—Rule 6 is the one with regard to damaged work.

16041. Rule 5 is damaged work?—As a matter of fact, we have no gas irons. We are just putting them in.

16042. No. 7?—No, we do not.

16043. No. 8?—No.

16044. How do you deal with packers and sorters who make mistakes?—One can blow them up, and if they keep on doing it, send them out. It does not depend upon the packers and sorters altogether. Partly it is the business of the forewoman in the ironing room.

Mr. HENRY GILDING; called, and Examined

By the Chairman.

16045. You are President of the Liverpool Drapery and Allied Trades Association?—Yes.

16046. What are you in business?—I am a draper.

16047. Where do you carry on business?—At 58 to 66, Lord Street, Liverpool.

16048. You are practically acquainted with what is known as the system of living-in?—Yes.

16049. Have you lived under it?—Yes.

16050. For how long?—Fourteen years.

16051. Where was that?—First of all at Crowle in Lincolnshire as an apprentice.

16052. How many were there?—About twelve employees.

16053. Were they all apprentices?—No—apprentices and assistants.

16054. Where did you live at Crowle; was it in a separate house?—No; in the house attached to the business premises.

16055. Where did the employer live?—He lived on the premises also. He was a bachelor and we had a housekeeper.

Mr. Henry Gilding.

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16056. So that you practically all clubbed together with the employer?—Well, he had a separate room, but we dined at the same table.

16057. For how many years did that last?—Four and a half.

16058. Then after that?—I was at Rochdale.

16059. Were you then a journeyman?—Yes.

16060. Were you living-in there?—Yes, for two and a half years.

16061. How many were in that establishment?—About seven.

16062. Under what circumstances?—It was a branch shop. The principal house was in Bolton. We were under a manager and a housekeeper. The manager lived away from the premises, and the assistants resided on the premises where the shop was

16063. Seven in number?—Yes.

Mr. Henry Gilding.

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16064. Did the manager feed with you ?—Yes; the manager and everybody sat at the same table.

16065. For how long did that last ?—For two and a half years.

16066. That gets us up to about seven years ?—Yes.

16067. Then after that ?—I was at St. Helen's only for a short time.

16068. Then we may score that out ?—Yes. I left St. Helen's because I objected to the place. It was a miserable hole to live in, and I left it on that account although the people desired to retain my services.

16069. Was that the living-in system ?—Yes.

16070. It was not as you thought it ought to be ?—It was everything I could desire.

16071. I thought you said you left it because it was a miserable hole ?—I meant the town of St. Helen's, not the situation.

16072. The living-in system was all right ?—Yes.

16073. How long were you there ?—I was there about six weeks.

16074. We need not trouble about that. What was the next ?—Sheffield was the next. I was with D 9 for five and a half years.

16075. Was that under the living-in system ?—Yes.

16076. How many were with you there ?—I should think there would be about 100 living-in.

16077. Where did the employers live ?—The employers lived in the suburbs.

16078. Was there any manager ?—There was a manager in charge of the place.

16079. Did he live in also ?—Yes.

16080. Did he have his food with you ?—Yes, and the firm.

16081. The firm also ?—Yes, during business hours.

16082. That would be luncheon and tea, I suppose. Of course, the employer would have his breakfast in his own home ?—Yes.

16083. What age were you at this period ?—I was twenty-five and a half.

16084. Then what was the next step ?—The next step was to Liverpool—E 9. I was there for twenty-four and a half years.

16085. Was it under the living-in system ?—I lived in there for about three years.

16086. How many were there ?—I should think about fifty. The number increased while I was there, because it was a growing business.

16087. Where did the employers live ?—They resided in the suburbs.

16088. Who in the shape of manager or otherwise was on the premises ?—We had a bachelor who was a sort of manager and superintendent.

16089. Did he or the employers dine with you ?—The employers did not, but the manager did.

16090. I think you had the good fortune to get married at that time ?—That is so.

16091. Were there any married men living in ?—Yes, a few; perhaps four or five.

16092. But how did they manage ?—They lived out because they were married, but they had their dinner and tea in the house.

16093. The Committee quite thinks that that is a separate point, but the question is as to the living-in over night, clubbing together. Of course there is a distinct interference with freedom in that respect, that if they marry they must give up employment in which living-in is a condition ?—Oh no; I have never known it in any case.

16094. I do not quite understand you ?—I was a young man in the employment of E 9. When I mentioned to the firm that I was going to get married they were very glad, and said so. I got married and lived out with my wife.

16095. The point that I was rather putting to you was this: we shall assume a firm to have accommodation for say 100 workers; suppose twenty of them wanted to get married, what would happen, seeing that the accommodation would stand idle in that way ?—But if the employees were sufficiently well paid I do not know of any firm that would object. In most cases they would give them additional salary.

16096. You think that employers prefer to have married employees ?—I think it is rather a matter of indifference, but employers naturally object to an inefficient employee getting married, for his and their own safety. I think that would happen; of course I do no know it.

16097. I am sorry, but I am not quite able to follow your reasoning. Take a man like yourself, a man fit for his work and doing it well: I take it that the employer is very glad if he sets up on his own and gets married ?—Yes, that has been my experience, and it also is my own practice. If I have men in my employ who wish to get married no demur is made. I ask them what their house rent will be and they tell me, and I generally give them the difference of the house rent.

16098. I want to get your view upon this: do you happen to know the condition of living-in at the present time ?—Largely I do. I know it of course particularly in my own place.

16099. Tell me about your own place. You are now in business yourself ?—Yes, I am the sole principal.

16100. How many employees have you ?—We have about 270 employees.

16101. And how many of those live in ?—I should think about fifty. We have perhaps seventy-five to eighty assistants, that is salespeople. The others are workpeople engaged in the workrooms.

16102. The salespeople are both men and women, I suppose ?—Yes.

16103. Thirty of them live in ?—Yes, about that number.

16104. In what proportion are the sexes ?—Two-thirds would be men, I think. I am sorry to say I do not know exactly.

16105. Twenty men out of thirty salespeople, or something like that ?—Yes.

16106. Are they in separate houses ?—No; they are in the same house, but on separate floors.

16107. Are there any of the foremen living there ?—The housekeeper and a superintendent.

16108. Is it a male or a female housekeeper ?—A female housekeeper and a male superintendent.

16109. Are they man and wife ?—Oh no, just bachelor and spinster.

16110. And they attend to the males and the females respectively ?—Yes.

16111. Would you mind answering this question as to the development of the system. You know the style in which things are done in your place ?—Yes.

16112. And the attention that is paid to them ?—Yes.

16113. In your experience has there been an improvement in those particulars as time has gone on ?—Decidedly.

16114. Will you just explain what you mean, and expound that ?—I mean there is very much better provision made in sleeping accommodation, and I think there is a decided improvement in the living generally. That is not my own experience, because I have always had the good fortune to live in houses where we lived extremely well, in fact better than I ever lived in my own home. Of course in my own establishment our young people live generously. We have the very best of food that money can buy always, and nothing but the best.

16115. Is it your evidence that upon the whole you think the scale of living has been very markedly improved ?—I should say during the last forty years it has.

16116. That leads me to enquire into this. Assuming Parliament not to see its way to abolish the system of living-in, but assume Parliament to be of opinion that it would be expedient to have inspection of those places,

that is to say, at the option of the Factory Inspector or people appointed for the purpose; do you, as an employer in a large way see any objection to allowing such inspection?—On personal grounds, no. I should rather welcome it, because it would correct many inaccurate tales.

16117. You think that well-disposed employers, whose practice is sound and proper would be very glad indeed?—Yes; I do not think they have anything to conceal or to be afraid of.

16118. Even if there were things that might catch the eye of the inspector you think a well-disposed employer would welcome any suggestion?—Yes, certainly, and have it put right.

16119. Do you know of any case in which the system of living-in has been abandoned?—Yes.

16120-22. Can you recall any on any important scale?—The system of living-in is largely abandoned by houses which still have it to some extent, because a developing business very often requires the accommodation for business purposes which the assistants are occupying. That has been my own case. My own business is a progressive one, and during the last ten years I have had to appropriate the whole of my bedroom accommodation. Of course, there is the case which is notorious in London just now, that of F 9. That firm have abandoned it because the expansion of their business requires the accommodation, but on no other ground.

16123. Do you know of any other cases where it has been abandoned and resumed?—I do not.

16124. Suppose the living-in system was abandoned—take an average case of women assistants from twenty to twenty-five, and men assistants of the same age—what would be the equivalent in money that would be given?—I should say that the equivalent that would be given would cover the cost of the additional expense to the assistant partially but not entirely.

16125. Will you put it in figures if you can?—You can give generous living-in in communities from 7s. to 9s. a week, or 10s. You will understand that these figures can only be approximate, because the house keeping account in a house of my type is a sort of mix-up. You have some people who are living-in entirely; you have others who have their dinner and tea; and you have some women and some men. The capacity of a woman is not equal to the capacity of a man. A man may cost 10s., and a woman 7s. So that I wish it to be understood that the figures I can give are only approximate. I should say that a young woman would cost about £20 to £22 a year to live in.

16126. Does that include lodging?—Yes, board and lodging; and perhaps a young man would cost £25.

16127. That would be the cost to the employer?—Yes.

16128. But if they went out, the assistants could not recoup themselves at £20 or £25? It would cost them more?—Yes; my experience is as a young man, and knowing some who did live out, that lodging, breakfast and supper, and week-end meals in a very poor kind of lodging cost about 15s. a week; and if the same people had to have their dinner and tea in the city, it would cost in all probability about 9s. a week in addition, which would make it 24s. or 25s. a week, or about £60 a year for living.

16129. Does it not appear to you that that scale is somewhat large?—Not in city life..

16130. Do you happen to know Glasgow?—I know it, of course, by visiting it.

16131. You agree with everybody, even those who are not Scotchmen, in thinking that it is a good business town?—Yes; it is a very smart town.

16132. I want to put to you that there is no living-in there at all.—None whatever.

16133. What do you say to a case like that?—I say that what happens here does not happen in Scotland, in this sense. I have prepared evidence as a delineation of my own experience, which is the experience of thousands of other English boys, and I am grateful every day of my life for the living-in system, because everything that I have and everything that I am I owe to the living-in system.

16134. Will you tell us what you have to say on that point?—Yes. The abolition of the system of living-in would in numerous cases work great hardship, and be equal to knocking away the ladder by which thousands have climbed to success. Many desirable and clever village boys from respectable but humble homes with very limited incomes—of course, I was one of them—have to go afield in order to be apprenticed and become tradesmen and they could not do so if board and lodgings were not found, and they would often grow up and become unskilled labourers, as their parents are too poor and could not afford to contribute to their sustenance during the period of apprenticeship, except in providing at long intervals an inexpensive suit of clothes, and very occasionally a shilling or two for pocket money, their washing generally being sent and done at home. It would be an absolute disqualification to many deserving lads and a great loss to the drapery trade, because as a rule these very boys, on migrating to city life are generally the ones that rise to the highest positions, both as employees and employers, because they possess advantages in having been hardly reared in the school of economy. Consequently they do not generally lose sight of the correct use and value of money, and hence are often thrifty. They are trained to work early, and so are usually industrious, anxious to learn, and ambitious to excel, willingly bending to the collar and not feeling labour to be an irksome task.

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16135. All that goes to form self-reliant and enterprising characters?—Yes, and that largely accounts for the success of many of these boys. The majority of the large successful drapery businesses in existence to-day were originated by men from this class of country boys. That could not have happened but for the system of living-in, as many of these boys could not have been apprenticed at all, neither could they have saved the necessary capital. Having no expectations they have to rely solely on their own endeavours and thrift, and it is the system of living-in which make it possible for them to save enough money to commence business while comparatively young men if they wish to do so, whereas the cost of living out makes it well-nigh impossible to save sufficient for this purpose, as apartments of the poorest in cities, with breakfast, supper, and Sunday meals, cost too much. In all probability, assistants who live in could not command ultimately more than £25 to £30 per year extra, thus losing from £30 to £35 by the change, as living out entirely would cost not less than £60 per annum. The abolition of living-in might for a time increase the working expenses of the businesses from 1 to 2 per cent., and this would no doubt be met by getting an increased profit to that extent, so that the buying public would pay this additional cost and the assistants would also lose by the arrangement. As one from the ranks, retaining a very warm interest in preserving as a birthright within the reach of poor village boys the means and possibilities of their rising to the highest commercial positions, as a reward of merit and righteous endeavour, I should view the abolition of living-in as a calamity, so far as it concerns this type of boy and the trade generally. To abolish living-in would curtail the opportunities of gaining a livelihood of many of the very best female assistants that are drawn from the country and small country towns where chances of employment are few. And the choice of suitable assistants would be very much restricted, because great numbers of the best employers would not consent to incur the responsibility of employing young women who could not live with their parents, but who would have to reside alone in apartments in the midst of so many temptations and pitfalls, common to city life. So far as I have been able to gauge the position there are no acute opinions held on this matter by any large section of either employees or employers, to warrant Parliamentary interference with the system now in vogue. Assistants would lose much by being deprived of the power to make free contracts with the employers.

16136. You have said that a sistants could not command more than £25 to £30 extra per annum?—I believe that is so, ultimately.

16137. Is that not quite a contradiction of recent experience in regard to F 9?—Yes, but those people are all turned out *en bloc*, and therefore they have to give them what seems to cover the cost of their living, because their assistants had no alternative. But those

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assistants will change and be replaced one at a time by others who will be engaged at inclusive salaries according to current market price.

16138. Those who are displaced have, I gather, an allowance of £40 a year?—Yes.

16139. Is it your evidence that that is only a preliminary to a gradual re-engagement of men at a saving of from £10 to £15 a year?—That is so.

16140. That is a very serious statement to make with regard to F 9?—No; it is only supposition. F 9 will subsequently engage assistants to replace these as they leave, and people will apply and ask them for certain salaries, which they will pay, not discriminating as to the separate cost of living out. When an assistant comes to us and asks for a certain salary we do not screw him down.

16141. I point out to you the responsibility of such a statement?—Of course, it is supposition—it is in the order of probability that I make it. I speak of a principle that is likely to occur in working this out, and it is no reflection on this particular house.

16142. You have stated that the living-in system is the ladder by which thousands have climbed to success?—Yes.

16143. You point out that that is success as employees with a good wage, and also success as employers; is it the case that they reach the stage of being employers themselves?—That is so.

16144. Is it not your experience that these very qualities which make for success are highly developed in Scotchmen?—Yes, but there is a prohibition to poor Scotchmen. My father never had more than £1 a week, and where I was apprenticed there were two sons of farm labourers who never earned more than 12s. a week. Such boys could never be apprenticed if their parents had to contribute towards their maintenance during apprenticeship.

16145. You have spoken about self-reliance and thrift, and industrious application: are not these exactly the qualities which have made Scotchmen so very successful in England?—Exactly; it applies to Scotchmen who have succeeded.

16146. Notably in London? Then your reply to that is "Oh, but they are not drawn from such a humble class in Scotland." How do you know?—I am assuming that the same conditions in England would apply in Scotland.

16147. Let me put this case: that people in very humble circumstances in Scotland, with boys and girls in whose success they are interested, go into Glasgow and get their children employed and get them lodged for comparatively small sums with friends, and these form the very pick of your profession in after life?—Yes, but the matter would be much simplified if they could live in, and I believe they and assistants would be better off financially.

16148. Now that, of course, would be the ideal system, would it not?—As a father I should not think so. I have a son of my own, and I was very careful to place him in rather a small house where living-in obtained, where I felt that he would have some supervision by the principal, who would take an interest in him. If I had fifty boys, I should do the same thing. I should not allow any boy of mine to leave home to live in apartments.

16149 Not even to board with a brother, say?—That is not likely to happen.

16150. May I ask why you prefer your son to be in a small house?—Because in a small house a boy learns the whole business from the coming in of the goods to the selling of the goods—from the cleaning of the windows right to the salesman. He learns the business thoroughly, whereas in large houses apprentices are generally taught the trade sectionally, and a boy it may be only learns one or two branches.

16151. Was it an advantage to him to live with a small number living-in?—Decidedly.

16152. Why was that?—Because he came back to me knowing more of the business than any boy could learn in a large general house, because he was put through the whole thing, counting-house included.

16153. Pardon me, it is not to a general business that I am referring, but to the smaller number who are living-in; do you think that an advantage?—No; it is rather a disadvantage.

16154. Why?—Because I think that intercommunication amongst assistants sharpens their wits. As iron sharpens iron wits sharpen wits. Personally I always enjoyed leisure time in associating with my fellow-workmen. Everything that was current was raised in discussion and argument. We had clubs, papers, periodicals, libraries, and we had all the advantages that one gets in club life.

16155. With all those advantages you think it is better they should live in?—I think so. It is what I always preferred personally as a young man.

16156. You say that the boys are trained to work early and so are usually industrious, anxious to learn, and ambitious to excel, willingly bending to the collar and not feeling labour to be an irksome task; is not that an exact description of the typical Scotch boy?—Yes, it is, generally of those who are reared in the country.

16157. So that your view is that living-in on the whole is an advantage?—I think it is a decided advantage to the assistants.

16158. And you think that no good employer would object to the whole mode of life and circumstances being under inspection?—I do not think that good employers would object.

16159. Did it ever occur to you that this system of herding together, as it has been called, rather tends to destroy individuality of character?—The very reverse is my experience, because I find that as a rule thrift obtains among young people who live in, and I find there is nothing that makes for force of character and independence like a good balance at the bank. When I was an assistant I did not smoke, I did not drink, and everything was found me, and I used to save the whole of my salary and a portion of my commission. Many parents send their sons to public schools to herd together in order that they may cultivate individuality and force of character by the process which they call learning to hold his own.

By Mr. Walsh.

16160. Upon what do you base your calculation of £60 per annum? I suppose it is a fully qualified assistant you are referring to, a man or woman?—Yes.

16161. If they were to live out you say it would cost them £60 per annum; how do you arrive at that?—When I was a young fellow I knew several assistants in Liverpool who did live out. I visited their apartments occasionally, and in conversation they told me that however economical they might be they could not live out for less than 15s. a week. I am assuming they have dinner and tea in the house, and if one goes out to have a mid-day dinner one cannot very well get it for less than 1s., and one cannot get a tea for less than 6d., which would be another 9s. a week.

16162. How long is it since you asked these people the question, and they told you that it cost 15s. a week?—With regard to the people I knew personally it is now thirty-two years ago.

16163. The point I am trying to arrive at is this: how long is it since you put the question to these people who were living out as to the cost and they told you it cost them 15s. a week?—I knew two or three cases.

16164. How long is it since you obtained that information?—Thirty-two years.

16165. Are you building up this calculation upon a statement made thirty-two years ago?—I do not think the cost of living is any less now than it was then.

16166. What I want you to answer is whether you are basing your calculations upon statements made thirty-two years ago?—No, not altogether. I had an assistant myself who preferred to live out; at least he got another situation, and he said he was going to live out. I said, "Very well." He got the situation and made a calculation and told me it would cost him 15s. a week. That man left last year. I said, "Are you quite sure that you are going to improve your position?" He said,

"No." But he would get so much additional salary, and he had made the calculation, which was that it would cost him 15s. a week.

16167. That is inclusive ?—No, not dinner and tea.

16168. Fifteen shillings a week would come to £39 a year ?—Yes.

16169. That leaves a very considerable margin from the £60 you spoke of; would it take that to provide him with dinner and tea ?—I think it would. I say that if he is going to get the dinner and tea such as we provide, outside at a public restaurant it will cost him that.

16170. I suppose we need not assume that the folks who really desire to live out would always dine at public restaurants. Would there not be some means of getting a home in which they could have their meals ?—Ultimately they might if they organised to that effect.

16171. Does not that seem to be a very probable course, that he would direct his attention to the matter and get a home or a room as near as possible to his employment, and that he would buy his food in the ordinary way and pay some housekeeper or someone to cook for him ?—That might obtain in small towns, but not in cities like Manchester, Liverpool, and London.

16172. Take the city of Liverpool, with which I am fairly well acquainted. You have an exceedingly good tram service ?—We have.

16173. You can reach the confines of the city within a comparatively short time ?—Twenty minutes.

16174. We need not assume that a person would live right away at the boundary. A tramcar will carry you a mile in a very short time ?—Yes.

16175. Is it not likely that these people would live within fairly easy distance, so that transit would be comparatively a simple matter ?—We have some who do live out, and they all live rather a long way off, from choice.

16176. I can appreciate that, because Liverpool is in some respects comparable with St. Helen's ?—Oh, no! You do not know Liverpool or you would not talk like that.

16177. I know a good many parts which are not very desirable places ?—Quite right.

16178. And it is a very good thing to get away from them ?—Our assistants who live out avoid those places, so they live away.

16179. You can get a very decent type of house for £20 a year in Liverpool ?—It would not be very decent. At least it might be decent, but it would be small.

16180. One can get a very decent cottage for 8s. a week ?—Yes.

16181. Supposing a person occupies one room, with a share of the living-rooms, would he not be able to get such a room for 3s. 6d. or 4s. a week ?—With attendance, cooking, dinner and tea, and all his meals ?

16182. Yes.—No, I do not think so. You are assuming that our assistants live as just ordinary workmen, whereas usually they have rather refined tastes.

16183. In your *précis* you speak of personal liberty, morality, health, and social and political advantages, and so on. Now take the case of Glasgow to which the Chairman has referred; it is a city which in many respects resembles Liverpool—they are both great ports and both great commercial towns ?—Yes.

16184. Can you imagine that the morality of Glasgow suffers in comparison with that of Liverpool with regard to the people who are engaged in these shops ?—That is rather a difficult question to answer.

16185. You know the conditions under which young people who come from the country live in Glasgow ?—Yes, partly.

16186. They board and lodge either with relatives or with people of good character ?—Yes, that may be so.

16187. Can you imagine any conditions which would prevent a similar system being introduced in Liverpool ?—My answer would be very qualified to that, because I could imagine such conditions. Supposing that the young people were living out, and absolutely without any control whatever, they might get into pitfalls, whereas when they live in there is no interference with legitimate freedom, but there is a limitation of license, because the doors are closed at 11 o'clock.

16188. I am afraid you have rather over-shot the point I wish to arrive at. The class of young person who comes both to Liverpool and Glasgow is really similar ?—Yes.

16189. And I take it that in Glasgow they are living with people who are either direct relatives, or people of good character with whom associations have been formed ?—Yes.

16190. We will not go into the question of morality. Can you imagine any conditions which obtain in Liverpool which would prevent a similar system being brought about to that which exists in Glasgow ?—No, not as you have put it.

16191. Both cities are really the commercial centre of a vast population ?—Quite so.

16192. And therefore there must be spread all over the country large numbers of friends and relatives with whom they might live ?—Yes.

16193. In both cases ?—In both cases to a degree, but not so much in Liverpool as in Glasgow, because Liverpool is a more cosmopolitan place, and will have all nationalities there, whereas in Glasgow they are mainly Scotchmen.

16194. In both cases they have large numbers of relatives and friends spread all over the country ?—Yes.

16195. In regard to this point of morality, when the rooms which have hitherto been devoted to living-in are required for business purposes, for the extension of the business, what is usually done ?—The assistants usually change one by one, and when we are re-engaging, with this in view we engage the people to live out.

16196. Take the case of your own business: supposing that in your own business you felt it necessary to extend it and to use the rooms which hitherto have been occupied for living-in for the purpose of your trade: you would give the thirty whom you have living in notice that from a particular date they had better look out for something outside, and you would give them a consideration of £30 or £40 a year for not living in, and you would not let them go one at a time ?—That is not so, because the development of our business has been gradual, and we have never required more than a bedroom now and again. It is gradual. As a matter of fact that has happened; and when the assistants have changed of their own accord we have engaged people whose homes are in town. If they are young women we must have them with homes in town. The young men have to live out beyond our accommodation.

16197. What I am trying to arrive at is this: whether the development of your business or any other similar business is so gradual that you simply ask one person at a time who is living in to get a place outside, or whether it is not often the case that such a development has taken place that large number shave to seek a place at the same time ?—Not often. I have only known this case of F 9.

16198. I do not wish to bring in that case. You put in your *précis* morality as being one of the leading considerations ?—Of course I should say this, that personally I always make it a point to have young women who have homes in town if they have to live out, although we sometimes cannot get so well suited as we should like if we had the choice of young women from a better class who generally come from the country or from small towns. The best type come from such towns as Doncaster, Redford, Worksop, because middle-class girls from small towns go out to business, choice of occupation being limited, whereas in large cities it is generally a lower type because of greater choice of employment.

16199. On the question of personal liberty, how do you think personal liberty is advanced by the system of living-in ?—I simply put that into my *précis* because there is a great deal of talk about personal liberty being curtailed, and I never experienced it.

16200. I think I remember you saying that you asked the consent of your superior to marry ?—No, I did not. I simply told him that I was going to get married, and he said: "Oh! I am very glad."

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16201. He was very pleased ?—Yes.

16202. Was that a case of tacit consent ? Supposing you had married without his consent, or without his knowledge, what might have happened ? Dismissal ? —I do not think so. I always tried to make myself indispensable to my employers.

16203. But is it the case that young men have to inform their superior that they desire to marry ?—My young people do not always inform me, but generally they do, because they gain something by it.

16204. Not because if they withheld the information they would be subject to dismissal ?—Oh no.

16205. Can you say from your own knowledge whether that obtains in any other place ?—I do not know of my own knowledge.

By Mr. Maddison.

16206. You have made it clear that you are an enthusiastic supporter of the living-in system ?—Only in the interests of the employees, not as an employer myself personally.

16207. You regard the living-in system as a kind o Providence which watches over these assistants ?—I say that it has made it possible for me to be where I am to-day, and many others in the same circumstances.

16208. It gives the children of agricultural labourers in the villages a chance to rise to the eminence to which you have attained ?—Yes.

16209. It protects their morals, preserves their individual liberty, and looks after them politically ?—Yes and no.

16210. Yes, It says "social and political," in one of your headings ?—I think you are putting a construction upon that which was never intended. I hear a great deal of agitation about young people not having votes. I am sorry that they have not. I say that that is not the fault of the living-in system, but of the franchise.

16211. So that morality, social position, economic independence, and the advantages of club life—every thing that makes for good—centres round the living-in system ?—Where the living-in system prevails and the employers do their duty by the employees. I quite admit that there are houses which exist where this is not done. But mind you, the worst cases I know of personally are houses where the living-in system has not been in force. The assistants are treated worse there than in any other cases I know of.

16212. Living-in is practically confined to the drapery and grocery trades, is it not ?—I believe it is.

16213. So that the avenue to fortune is rather a narrow one for the poor village boy ?—It is.

16214. The only chance for the village boy is to be a grocer or a draper ?—Mainly, from these very poor and humble homes.

16215. Do you know about the ironmongery business? —I do not know much about it.

16216. They do not live in there ?—No, I believe they do not.

16217. Can you suggest why grocers and drapers must lodge their employees ? What is there peculiar about grocery and drapery that they should be the trades which have the living-in system ?—There is no distinctive reason why they should, except that it opens avenues to some who would not otherwise have them. That is my point.

16218. Why do drapers have apprentices—for the sake of the apprentices or themselves ?—For the sake of themselves, I suppose.

16219. If there were no living-in system they would still want apprentices ?—I do not know. I do not have apprentices at all.

16220. You have raised the question of apprentices, and I think you ought to face it. If the drapers want apprentices for the sake of their own businesses, which is quite right and natural, if living-in was abolished they would still want apprentices ?—I think it is very likely they would, but I think they would have more difficulty in getting them.

16221. But would it not be worth their while to pay them a little more ?—I do not think it would. I never yet found an apprentice worth his keep. because we have never had any but town boys.

16222. I appreciate your point because I am a Lincolnshire man myself. Now a question with regard to supervision. That is the only thing that can justify all those good things you have said about the living-in system as to morality, etc. ?—Those were put down as a defence to the attacks that are being made by agitation in opposition to the system.

16223. But they are all contained in your admirable statement just the same ?—Yes, partly.

16224. Would you say that taking the living-in system on the whole there really is this parental and careful supervision over those people living-in ?—Yes.

16225. You think at large West-end houses all this supervision goes on ?—No, I do not, but the bulk of apprentices are trained in small houses in the country.

16226. I am now talking about assistants and apprentices who live in, and I ask you whether you seriously tell this committee that there is a careful and close supervision over the morals and health, and all the rest of it, of those who live in, on the part of the firms ?—Not all firms.

16227. Do you think it is so generally ?—I think a good many do. Of course I have no statistics upon which to base this, but in nearly all the houses which I have known there is this interest and supervision.

16228. First of all, very few of the proprietors now live on the premises ?—That is so.

16229. So that this supervision has to be delegated to paid officials ?—Yes.

16230. The paid official at night will be the housekeeper ?—Yes, and generally the superintendent.

16231. The superintendent will not bother to see that all the people are in ?—In most houses, I think, the superintendent goes round to see that the people are all in.

16232. That is not our evidenceas to the big firms?—I do not know about that, but the large houses I have lived in do.

16233. I do not think you will really tell us that, taking the great drapery establishments as a whole, there is any real attempt at personal supervision over those living-in ?—Oh yes, there is.

16234. You think so ?—Yes, I do. And in addition to that they provide accommodation at churches and chapels if the people wish to go. I myself have always done that. I have pews at the church and pews at the chapel.

16235-6. You do not think the large London houses do that ?—I do not know.

16237. What do you think ?—As a matter of fact, I really do not know. I know that if they do not, they ought to.

16238. Have you known many firms that do it ?—Yes.

16239. With regard to your own establishment, do the women have separate rooms to sleep in ?—No ; some of them sleep two in one room, and some three, but the rooms are large.

16240. You think that two or three girls of different ages and different make-up generally living together conduces to close supervision of morality ?—Yes. They are generally paired as far as possible as kindred spirit and kindred experiences—like to like.

16241. But two and three are in a room ?—Yes.

16242. Taking life as we find it, and taking houses as we find them, would you say seriously that a girl of eighteen or nineteen, and a girl of twenty-five or thirty are better in a room together than they would be with a separate room for each ?—I do not think they are any worse really, because personally, when I lived in, I always elected to sleep in a room where there were two or three others, in preference to a cubicle.

16243. Would you prefer your own daughter to sleep with two or three girls she had never seen before rather

than in a little room by herself in an ordinary house ?—It would be a matter of indifference to me, personally, because I know they would not be strangers many minutes.

16244. But the trouble is they might be too familiar ?—I do not think so.

16245. You think sleeping three or four in a room is the best thing ?—I see no objection to it.

16246. You think that that makes for all these good things you speak of ?—I see no objection to it.

16247. You do not go so far as to say that it makes for morality and all these good things ?—What I think makes for morality on the whole is that there is a slight restraint by locking the door at eleven o'clock, and turning out the lights at half-past eleven. On this question of morality I know of certain things which I could not mention in evidence before this Committee, because, of course, it is a question of morality, but my experience is in favour of living-in on account of the restraint there is.

16248. With respect to locking the door, does it remain finally locked at 11 o'clock ?—No. Supposing any of the assistants wish to stay out for a pantomime or anything special they generally mention to the superintendent that they are going somewhere and will be a little late, and generally he sits up for them.

16249. But supposing they do not mention it, could not a girl get in ?—If she rang the bell before the superintendent retired to rest he would let her in.

16250. Then there can be a time when she could not get in ?—That is so, if she came after all were in bed. I do not think they would do that. I have never known it to occur.

16251. You would hardly think it right for a girl to be locked out all night ?—No.

16252. And you would not wish it ?—Certainly not.

16253. You have dressmakers at your place ?—Yes.

16254. You have young women working as dressmakers who do not live in ?—That is so.

16255. They get on all right, do they not ?—They live at home with their parents.

16256. Do all of them live at home ?—Yes, I believe so, so far as I know.

16257. But supposing a dressmaker came to you, you would not ask her whether she lived at home with her parents ?—I believe we do. I know I do. But of course, I do not engage them ; the head dressmaker engages them ; but it is a point upon which they know I am particular.

16258. Do you live on the premises yourself ?—No. I have dinner and tea there, but I reside away.

16259. Is your point living in or feeding in, as a business man ? Supposing living-in was done away with and they still fed in, how would you feel towards that ?—Personally I should be glad if the whole system were abolished by Act of Parliament.

16260. What system ?—The living-in system. I simply continue it in the interests of the employees. I think they would lose much if it were abolished. There are a great many who wish to do as I have done.

16261. Speaking as a man with great experience, and one of the principal tradesmen of Liverpool in your business, you see no harm to your business if living-in was done away with ?—Except what I have mentioned as to the difficulty I should have as a conscientious employer in getting the best female assistants. I should feel too much responsibility with regard to those who did not live at home, and I should have to make a sacrifice if I did not have them.

16262. As a purely commercial matter there would be no harm done to your business ?—I do not think there would, except as qualified by my previous answer.

By Mr. Delevingne.

16263. I suppose when you engage your salesmen and saleswomen you make some investigations as to their character ?—I rely upon my own judgment in interrogating them, and upon the references which they have.

16264. You do not herd assistants together in these rooms without some assurance that they are suitable companions to each other ?—No ; that is a point we are very particular upon.

16265. Have you ever heard of a case where more than one assistant is required to sleep in a bed ?—Not during the last thirty or forty years.

16266. What happens in the case of illness ? Say that one of your assistants catches influenza, what happens ?—We have a doctor who comes daily, and anyone who is not well enough to be at business is seen by him, the case is diagnosed at once, and if it is infectious the doctor telephones the hospital and the patient is removed. We always pay their salaries during their absence, however long they may be away.

16267. What do you include in infectious diseases—serious infectious diseases ?—Yes, scarlet fever, or diphtheria, or anything of that type.

16268. It has been put to us in evidence that occasionally consumptive girls are allowed to sleep in the same room as other assistants while they are still engaged in serving in the shop ; have you ever heard of such a case ?—No, never. We had a young fellow come to us from Chester, a clerk, who was consumptive. As soon as it was discovered he was paid a considerable sum of money as a present and sent back home. Of course, I know the danger of it. I have never had a case of consumption amongst my young people who live in.

16269. You have always carefully protected your assistants from anything like contact with disease ?—Yes ; we take every precaution we can ; in fact, we have recently had several of our people who live out very ill indeed. One young lady has been down with pneumonia and she was away for six weeks. Another one, a married man is away with bronchitis. He has been away for two months. We have another man now in the hospital with some bladder trouble. These are all people who live out. We never stop their salaries during their illness.

16270. Is it your experience that other employers treat their assistants equally well ?—A great many do.

16271. So far as your experience goes ?—Yes. I myself have been away, as an assistant, from various causes from time to time and I never had a penny of salary stopped in all my life. I always called attention to the fact that I had been away, and it has been said : "Oh, that is all right ; you could not help it," and my salary has been paid. In 1875 my father was taken ill and I was telegraphed for. I said to my employer : "My father is ill. I am the eldest son and I must go down to look after him. It is your option whether you keep the position vacant." They said : "Certainly ; you must come back." I was away with my father all the time of his illness, and waited till the funeral was over. Then I went back and they insisted on paying me for the time I was away.

16272. You yourself do not put any obstacle in the way of an assistant marrying if he wants to ?—None whatever, and never have done.

16273. Even though it would leave some of your accommodation empty and not bringing you in any return ?—That is so.

16274. Is it your experience that other employers take the same line ?—Yes, most employers that I know personally.

By the Chairman.

16275. Is there a system of periodic medical examination, or are cases submitted to the doctor as they arise ?—The doctor comes every day. There is a list kept, and anyone who is the least out-of-sorts must see the doctor.

FIFTY-NINTH DAY.

Thursday, 13th February, 1908

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., (Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P
Mrs. H. J. TENNANT.

T. E. BETTANY (*Secretary*).

MR. RUDOLPH MULLER called; and Examined.

By the Chairman.

Mr. Rudolph Muller.

13 Feb. 1908.

16276. What body do you represent?—The Caterers' Employés' Union.

16277. Have you come in place of the Secretary, Mr. Fisher, who is unable to attend to-day?—Yes. I am a waiter.

16278. In whose employment are you?—I am without employment just now, but have been doing some work for our union.

16279. How many persons belong to the union?—About 400.

16280. Does the union consist of waiters and others in the employment of persons who give entertainments and the like?—No, but persons employed in catering establishments—not entertainments. Persons employed in restaurants, coffee-shops, hotels, bars, etc.

16281. Are you a German?—I am an Austrian.

16282. Are a good many of the men who are employed in your business foreigners?—Yes, a good many belong to foreign countries.

16283. What are the countries they chiefly belong to?—France, Germany, Switzerland, Italy, and other countries. The kitchen is more French, but the waiters are Germans, Austrians, and the like.

16284. Are you acquainted with the practice of imposing fines upon waiters?—Yes.

16285. How is that carried out? In the first place is there a regular wage paid to the persons employed?—That depends upon the establishment and upon what department a man is in. The cooks, chefs, etc., are paid a fixed wage, and the waiters in some places get a fixed wage, but others are paid a commission and in some places they have themselves to pay the employers for their jobs.

16286. They live by the tips they get from customers?—Yes.

16287. And they have sometimes to make a regular payment to their employers out of the tips?—Yes. At one restaurant they have to pay 1s. 5d. every morning before they start work. I am referring to G 9 Restaurant.

16288. The waiters make it up from the tips they get?—Yes.

16289. And now you may tell me about the fines that are imposed? What are the men fined for?—For all kinds of things. It may be for coming late or for making mistakes, or for being uncivil or on account of customers complaining.

16290. What are the mistakes for which they are fined?—Mistakes in bills, forgetting to charge something or it may be overcharging.

16291. How much are waiters fined for being late?—Sixpence or a shilling.

16292. For being late how long?—It may be 6d. for being a quarter of an hour late and 1s. for being later than that.

16293. Are there any rules or is there any written contract by which men know how much they will be fined?—No.

16294. Does that system prevail in all the restaurants?—In most of the restaurants. In one restaurant complaints are entered in a book and once a week there is a sort of court held which is presided over by the manager and each man complained about is called upon for an explanation, and if that is not considered satisfactory he is fined 2s. or 2s. 6d. or even more.

16295. Where does that happen?—In the H 9 Restaurant, for instance. The court sits there every Friday morning.

16296. You don't know beforehand how much the fine will be?—We have no idea.

16297. Who makes the complaints?—The complaint may be made to the manager. The customer may complain of having to wait too long for his fish or having his soup cold, and although that is not the fault of the waiter it is put upon his shoulders and he is fined.

16298. Can you give us a sort of list of the fines? I understand they may be imposed for coming late or wrong checking?—Yes. Perhaps for giving a mistake number on a check. The bill is numbered and the waiter has to make out a check and if he puts the wrong number on that check he is fined.

16299. Suppose you drop an article in the dining-room—let a plate fall or something of that kind. Are you fined for that?—Yes.

16300. How much?—Perhaps 6d.

16301. Would you be fined for serving any food on a wrong plate?—Yes, in some places you would be fined for that.

16302. Does it sometimes happen that at the end of the week a considerable proportion is taken off the wages due?—That all depends. The employer pays the money and asks those employed to pay the fines out of it.

16303. You receive the money first, and are asked to pay the fine, but I understand there are amounts deducted from the wages?—Yes.

16304. In the result is a good sum taken off?—Yes, in fines.

16305. How much?—About 2s., or sometimes 3s or even 4s. per week.

16306. Is that usual or unusual?—It would be a little unusual to amount to 3s. or 4s. per week.

16307. Is a deduction of 2s. more common?—Yes, that would be more usual.

16308. Does a system like that prevail in hundreds of cases?—Oh, yes.

16309. Is there any feeling among the employees about it?—Yes.

16310. Do they object to it?—Yes. If one is in favour with the superintendent he may overlook something, otherwise one may get fined very often, but to be on good terms with the superintendent costs some-

thing out of pocket in the way of treating him, so that there is a kind of corruption going on.

16311. Please explain what is the corruption that goes on ?—Owing to the power of the superintendent to report men and fine them, some men are eager to be on good terms with the superintendent so that they do not get so much reported by him.

16312. Do you know the system of making deductions for what is called glass money ?—Yes. It is a regular levy made on the employés in almost all catering establishments.

16313. What is it ?—It is supposed to be for breakages, but the employé has no control over it. He does not know what is broken or who breaks it, but he has to pay so much per week whether they break anything or not.

16314. How much is deducted per week ?—The amount of the deduction varies from 6d. to more than 2s. 6d. per week per person. It may amount to 3s. or even 3s. 6d. per week.

16315. Do all the waiters pay whether they break anything or not ?—Yes. Most of the glass that gets broken is broken in the glass pantry by the pantryman, but the waiters have to pay for it.

16316. Do you know of any cases where that is demanded before they start work in the morning ?—No.

16317. Where do the waiters live ? I mean do they sleep on the premises ?—Some of the waiters employed in hotels sleep on the premises, but those employed in restaurants sleep outside.

16318. Do they get their food at certain times in the day ?—Yes.

16319. Is it good food ?—No, very bad, especially in the case of the big companies. Waiters may get the chance of having what customers leave. In some places the manager will shut his eyes to that, but in others the waiters are fined for it.

16320. Do you mean food left on plates by the customers ?—Food left on dishes.

16321. With regard to the system of tipping, I understand you to say that sometimes the sole wages are the tips ?—Yes, sometimes.

16322. I understand that in some establishments there is what is called the "trunc" system. What is that ?—In many establishments all tips received are put into a box, out of which at the end of the week the amount is divided—a part of it being in many cases, kept back for breakages and other expenses, even if the glass money has been paid already by the employé. The shares vary according to a man's position. The head waiter may get two shares, other waiters may get a full share, while some get only three-quarters, or half shares.

16323. Am I right in saying the system is that they pay you the wages in full, and then before you leave they tell you that you are indebted so much for fines and deductions ?—Yes; but it depends upon what kind of deductions they are. Mistakes are deducted direct. I have got some tickets here showing how it works.

16324. We would like to see any tickets that you have. (*Tickets handed in.*)—These are from one restaurant, the I 9 Restaurant in Liverpool.

16325. One of these tickets shows that a man's commission amounts to 18s. 6d., but out of that he apparently only received 6s. 8d. ?—Yes.

16326. Here is a case where the gross commission is 16s. 4d., but 9s. 9d. is deducted for requisitions, leaving a balance of only 6s. 7d. There is another case where the gross commission is 16s. 10d., but the deductions amount to no less than 14s. 2d., leaving only 2s. 8d. for the man to receive, is that so ?—Yes, that is right.

16327-8. What you have been saying latterly applies I understand, to the I 9 Restaurant in Liverpool ?—Yes, here is another parcel of tickets (*tickets handed in*), tickets referring to the K 9 Restaurant in London.

16329. I see that these tickets do not show nearly so heavy a scale of deductions ?—Quite so. There are no tips in that restaurant. The waiters are guaranteed £2 commission and have a better idea what they can earn.

16330. They are guaranteed £2 and, if the Commission exceeds that they get the excess ?—Yes. *Mr. Rudolph Muller.*

16331. And the requisitions and deductions are much less than in the Liverpool case ?—Yes, I produce some pink tickets showing deductions made from the page-boys. 13 Feb. 1908.

16332. I see that fines of threepence are imposed upon different boys for leaving the inner door to get change; for playing the juggler with a silver tray; for leaving the back door to do a message without permission; for leaving on a light at the telephone box; for making faces; "for walking peculiar through the hall to amuse the other boys."

By Mr. Maddison.

16333. How much do these boys get in wages ?—I think about 5s. per week.

By the Chairman.

16334. Is there any list of fineable offences put up in any of the restaurants ?—No.

16335. I see you have a paper called the *Revue* described as an international organ, and it gives in the February number on the first column a list of fines such as I have been quoting to you ?—Yes.

16336. Are you able to say whether that is a *bona fide* list in that article ?—Yes. There are names in it which correspond with those of persons we know.

By Sir Frederick Cawley.

16337. How do you know that the cases of fines which you mentioned are authentic ?—We know it from the page-boys themselves; and we have members in the restaurants who tell us the facts.

16338. Are the fines you mentioned taken off the wages ?—The fines have to be paid at once.

16339. Before the employés receive their wages ?—Yes.

16340. How much do you suppose they amount to in a week ?—I could not say in the case of the page-boys.

16341. What do the page-boys do ?—Stand at the door or take messages, etc.

16342. The fine book you produced was found in a waste-paper basket ?—Yes, and some one sent it on to our Union.

16343. You made use of what was not intended for you ?—Yes.

16344. As a matter of fact do not the I 9 Restaurant in Liverpool and the K 9 Restaurant in London both belong to L 9 ?—Yes.

16345. Which system do the waiters prefer, that of being allowed to take tips with a small wage ?—A man naturally prefers any system by which he can make more.

16346. What do you suppose the waiters make at the I 9 Restaurant in Liverpool ?—It is rather hard to say, as some waiters with front stations may make more in tips than others.

16347. What can an ordinary waiter make in tips per week ?—I don't think he will make £2.

16348. Is that in addition to the small balances of perhaps 7s. or 8s. left to him on the commission account, or altogether ?—Altogether, with his commission.

16349. Might a man make about £2 per week in spite of deductions ?—Not at the beginning.

16350. Would the average be £2 ?—Not even the average.

16351. I suppose all those places are well known to people in your business, and that waiters, especially the better class of waiters, are apt to keep away from places where the deductions are excessive and where they don't earn so much ?—Yes. Many would avoid the places that are not in favour.

16352. It is after all a question of supply and demand ?—Yes.

16353. Has what you described as glass money to be paid before men start work in the morning ?—In many cases they have to pay so much every day before they are allowed to work; and they often have to pay without knowing what it is for—some of it may be for cleaning—Some men have to pay as much as half-a-crown per day.

Mr. Rudolph Muller.

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16354. Has the glass money to be paid totally irrespective of whether a man has breakages or not ?—Yes; each man has to pay the same amount. In H 9 they have to pay 2s. 6d. every week, and they do not know what is broken.

16355. Do all the fines in any restaurant go into the pocket of the employer ?—Yes. The fines for being late, but some other fines are put into hospital boxes. I know of one restaurant where that is done; but not the glass money or fines for mistakes; only those for incivility, etc.

16356. Is that somewhat unusual ?—Yes.

16357. You say that there are no tips in K 9 ?—None.

16358. At all events that is the rule ?—It is strictly observed. A waiter who was caught accepting a tip would be discharged at once.

By Mr. Maddison.

16359. Which system do you prefer—reliance on tips or to be paid a regular wage ?—Waiters would prefer a regular reasonable wage. It works well in K 9. In some places I have known as much as from 10s. to 14s. in a week deducted from a man for mistakes and fines.

16360. Is it the view of your union that waiters should not make up for mistakes ?—We object to paying so much for mistakes ?

16361. If a man makes a mistake of a 1s. do you think he should not be accountable for it ?—No.

16362. Then what should be done ?—A man should be discharged if he is incompetent or unfit.

16363. You frankly face the alternative of discharge if a man makes many mistakes ?—Yes.

16364. You mentioned 2s. as about the average amount deducted for fines ?—Yes.

16365. Have yours generally averaged about 2s. ?—No. It might be more one week and less in other weeks.

16366. That is your own experience, that every week you have averaged 2s. in fines ?—Yes.

16367. Do you know any restaurant or hotel where waiters are employed where there are no fines at all ?—No, I do not know one in London. In small seaside places, yes, and perhaps in the small hotels they would not fine them, but in all the big hotels and restaurants they are always fined.

16368. Should you be better satisfied if these fines were more intelligible; that is to say, if you knew exactly what you were being fined for ?—It would be preferable.

16369. But you are against fines even if that were done ?—Yes; many times they are very unjust.

16370. You think the discipline of a restaurant could be maintained without fines ?—Certainly it could.

16371. What effect do you think fines have upon the men ? Do they make them more careful ?—No; they pay them, but they say it is bad luck. It does not improve them.

16372. Now with regard to glass money, what is the reason given by these restaurant people for that ? What is the business arrangement by which they charge this half-crown for glass-money ? Is the idea just to average up the breakages ?—Yes. There are no books shown as to what is broken, or anything.

16373. What amount of breakage do you think goes on in a week ?—I myself have not broken a glass for weeks and weeks.

16374. And still you have to pay that half-crown ?—Yes.

16375. Or whatever the amount might be ?—Yes.

16376. You regard that as an injustice ?—Yes.

16377. Now with regard to breakages, what is your view ? Do you think you ought to be made responsible for breaking glasses ?—No. A good many glasses are broken by the customers themselves.

16378. And there again you would face the alternative of dismissal if a man was constantly breaking glasses ?—Yes.

By Mr. Delevingne.

16379. Are you acquainted with the Truck Acts ?—No.

16380. Do you happen to know that the provisions in the Acts which regulate fines are applied to shop assistants ?—No; I did not know that.

16381. Your society has never taken up the question whether the waiters are entitled to the protection of the Truck Act of 1896 ?—No.

16382. You have never taken any legal advice as to the position of waiters ?—No. We had a case once against a large hotel. A man had to pay so many fines all the year round and we claimed all the amount he had paid. They paid the whole amount, and the case never came before the Court.

16383. Is it common for waiters to make these mistakes ?—Yes, it is common.

16384. What would happen if all the waiters were discharged because they made mistakes ?—If they exercised proper control and have all the bills sent back every day one would have a chance to explain. For instance, with regard to the mistakes I make to-day, if they would send me the bills back to-morrow I would have a chance of explaining so many mistakes, but they do not do that. They wait a week, and then they do not send all the bills back. I may put the wrong number on the check, and that amount is charged on another bill. It would not be a mistake, but they do not allow you that. For a wrong number on a check they charge you.

16385. If you had a chance you could correct them ?—Yes, a good many mistakes certainly.

16386. Do mistakes occur through the hurry of work ?—Yes, through hurry of work, and so on.

16387. Is there any difficulty in getting waiters for these restaurants ?—Oh no; there are plenty. There are many out of work.

16388. Supposing fines were abolished entirely, would waiters get the same wages or would employers reduce the wages ?—Oh, no.

16389. Do you not think there is a possibility of their reducing the wages ?—Wages do not count at all, so to say.

16390. Or commission ?—The commission does not count. There is only one place, K 9, where they get £2 guaranteed commission.

16391. Take I 9 in Liverpool—the gross amount is 16s. 7d. ?—But they know they do not get it.

16392. Is it not conceivable that if an employer was not allowed to make any deductions for fines or breakages he might reduce the amount of commission ?—Yes.

By Mrs. Tennant.

16393. Have you any women in your union ?—We had a few, two or three.

16394. Have you a few still ?—We have a few still, I think. I am not quite sure if they are still members. There are a few in Manchester, where we have a branch.

16395. Have representations been made to you on behalf of women, either members of your union or women working in restaurants, that they have been obliged to have the washing of their aprons and caps done in a laundry run by the management ?—No; I do not know of one case. I know of them paying glass money. The barmaids in the M 9 Restaurant, London, are engaged at 12s., but they only get 10s.; there are 2s. for breakages.

16396. Have you made an effort to get women into your union ?—Not very much.

16397. I think you said that you have employees of L 9 in your union ?—Yes.

16398. There are a good many women employed by L 9 ?—Yes

By Sir F. Cawley.

16399. Do you consider the system which H 9 have of having all the waiters up and holding a sort of court every Friday, a fair system ?—No, not at all.

16400. Has not the waiter a chance of explaining ?—Yes, he has a chance of explaining, but it is very hard. A customer might say it was so-and-so when it was not so at all. At the moment he would be able to explain how the delay arose—that he had to wait too long in the kitchen. Three or four days afterwards he cannot explain it any more.

16401. But it does give him some chance of explaining ?—He is allowed to explain.

16402. And if his explanation is satisfactory, a fine is not imposed ?—That is so.

By Mr. Maddison.

16403. Where did you say these requisitions were ?—The I 9 Restaurant.

16404. What are requisitions ?—It is supposed to be a requisition when they can buy some beer or coffee, or anything like that, but here everything is included—fines, glass money, china money, and everything. *Mr. Rudolph Muller.* 13 Feb. 1908.

16405. They do not separate them ?—No.

By Mr. Delevingne.

16406. Requisitions are what the waiter has for himself ?—Yes.

By the Chairman.

16407. Who is the manager of L 9 in London ?—Mr. N 9 is the general manager.

Miss EDITH LAWSON, called; and Examined

By the Chairman.

16408. What is your address ?—48, Buckingham Palace Road.

16409. You come here representing the Freedom of Labour Defence ?—That is so.

16410. They have a committee ?—Yes.

16411. Are you a member of the committee ?—No.

16412. How have you been selected ?—I am their organising secretary.

16413. What is the Freedom of Labour Defence ?—It is an association formed to protect adult women from undue restrictive legislation which we think will hamper their interests in obtaining work.

16414. By undue restrictive legislation do you include the Truck Acts ?—Personally, I should not, but the committee do. They are averse to any further legislation.

16415. Their view, I gather, would be rather in favour of allowing the ordinary laws of supply and demand to operate ?—Yes, I should say so.

16416. And allowing these people, seeing they are grown up, to be the mistresses of their own labour ?—Yes. We would not, of course, do away with the present Factory Acts, but we think that further legislation would do more harm than good as things are at present.

16417. Do you know the system which prevails of fines and deductions from wages ?—I think I do in most trades, especially the clothing trade.

16418. What is your experience with regard to that ?—We find in a great many cases that where they used to fine for coming late they have now given up fining, and lock out late comers. A great many workers tell me that although at first they were very glad to hear that fines were going to be done away with they rather regret it now, because if they are getting good wages at piece-work they lose a great deal more by being locked out than by paying fines. In Leeds they are very often only five minutes late, but employers are very strict about locking them out. In factories where there is no machinery I find fines very rare. It is where one department depends upon another that punctuality has to be so strictly enforced.

16419. How did you come to know these cases where the people prefer to be fined ?—By investigation. I have been in all the big towns, partly to get evidence for the Truck Committee and partly to get evidence for the Home-Work Committee, before which we hoped to appear. I have been able to work the two together. In fact, I have got the best Truck evidence by not going officially for that purpose but by talking to people about their daughters who work in factories.

16420. What were the places where you made those investigations ?—Leeds several times, Birmingham, London, Nottingham, and Leicester, but not much in Leicester, Manchester, Stroud and Newark.

16421. Mostly in the clothing trade ? Mostly in the clothing trade.

16422. What wages do these people get ?—It is very difficult to say. I find it almost impossible to make up my mind because I find they vary so tremendously.

16423. Have you any average in your mind at all ?—Well, perhaps 10s. a week. Of course, some get a great deal more. *Miss Edith Lawson.* 13 Feb. 1908.

16424. And some probably, unhappily, a good deal less ?—Yes.

16425. Have you any notion of the amount of fines that were imposed upon people of that class ?—I could not say. I think they varied a good deal in different factories.

16426. What were the fines for ?—For all sorts of things, bad language, etc., the most generally for being unpunctual and for spoiling work. For spoiling work they had invariably to pay the cost price of the material, and in most cases, but not in all, for their own work.

16427. Do you know what relation that bore to the week's wages ?—I think in the very worst case I came across it was nearly half the week's wages.

16428. In such a case have you any experience as to the desire of the workers ? Would they prefer to be fined ?—It is very difficult to say. It has always struck me that the best workers prefer the fining. That was my impression. I do not mean necessarily those who work best, but the most intelligent workers.

16429. Were these cases in which the fines existed cases where there was a written contract beforehand ?—Yes.

16430. They knew beforehand ?—Yes.

16431. Have you any experience in which the system of fines has been abolished with advantage to all concerned ?—I do not think I have. I do not think that I have enquired into that sufficiently, perhaps.

16432. There have been cases given to us where it has been found better to indulge, not in a cast-iron system of fines, but in a system of freedom of labour—in this sense, that they rely upon the person coming at proper time and doing a proper day's work, and if they are not satisfied they first warn them and then suspend them for a short time, and finally dismiss them, there being no system of fines at all. Have you any experience of cases of that kind ?—Yes, and I think it is very good. I think those on whom that comes hard are the young workers, and what I should call not very intelligent workers—those who will do excellent work when they have got into it, but who are not quick at learning. One often comes across such cases. Unless they have a very good forewoman they will be dismissed very quickly, because she will get others who will learn more rapidly. I have heard of several cases where such workers have drifted from factory to factory till they have found a good forewoman who has taken the trouble to give them a careful training. You see, they get very little training in the factories.

16433. The system I have been describing rather seems to favour more and better superintendence ?—Yes.

16434. You must have that ?—Yes.

16435. Generally speaking, you would be in favour of that ?—Yes. I find a great deal depends on the forewoman. The whole moral atmosphere is different

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where the forewoman is superior. Directly you go into such a workshop you notice it.

16436. Has it ever occurred to you that the system of fining may tend to encourage little delinquencies—in this way, that they have wiped them off by the fine and then just go on?—You mean it leads to a sort of moral irresponsibility?

16437. Yes?—I do not think so, because I think most of them look more at the practical side.

16438. I see the force of that. That is to say, you think that upon the whole they would rather be fined in money every now and again than have the risk of dismissal hanging over them?—That is what I have found.

16439. But for the purpose of discipline and for the sake of the people themselves, on reflection what do you think of it? Do you not think it would be far better that we should trust to moral influences?—If you are sure that they would always be there, but I find they are not there.

16440. I see your difficulty quite well. At all events you have given us the general attitude of the Freedom of Labour Defence?—I think so.

16441. They are not in favour of further restrictive legislation, I gather?—I think not.

16442. Would they be in favour of continuing the system of fines, or have they definitely made up their mind upon that subject?—I think they are of opinion that there is no necessity to alter the Truck Act as it stands, as regards England. I would not venture to say anything about Ireland.

16443. We have had some rather extraordinary revelations about Ireland?—I have never been there, but, of course, I hear from workers who have been there that things are in a very bad way.

16444. Have you formed any opinion with regard to the system of deductions from wages apart from fines for want of discipline?—I find most workers—at least I cannot say "most" because one hears people in favour of both sides—but the workers whose word seems to have had most weight with me were fairly satisfied. But it is very difficult to get at the truth, because sometimes they dare not speak openly.

16445. And, of course, it will depend upon the individual factory and the practice in it?—Yes.

16446. There might be hard cases of which you and we would know nothing?—Very possibly.

16447. You have referred to cases where there has been a fine or deduction made for damaged work. Has this kind of case ever come before you, that the damaged work has been charged up to one person who is one of quite a series of persons who have been engaged in the operation, when it has been impossible to tell which out of that series was the delinquent?—I do not think that would come so much into the clothing trade, because in making up a garment, which is the part I have to do with, the fact that the cloth was bad would have nothing to do with the person who made it up. Further, if the garment were not made up properly it would be easy to ascertain whether it was the cutter or the machinist who was to blame.

16448. Let me come to the individual case with which you are most familiar. Take the making of a coat or a vest, which is done in the clothing trade for a very small figure, mostly by women. In such a case, if she mishandles the stuff do you not think that it would be far better on the whole that the ordinary rules should apply—that she is not a workwoman who should be continued in employment—rather than that the system of fining should go on?—Yes, but of course there are a great many reasons; the machinery might go wrong or the cotton might be bad and she might have to make joins. Again, she might be a very good worker, but not be quite up to the mark occasionally.

16449. Is not that just the kind of case which shows that there should be good superintendence, and that account should be taken of the circumstances to see if such things should not be overlooked in individual cases?—Of course, my opinion is that everything depends upon superintendence.

16450. You have been kind enough to consider the question of living in. Is the Freedom of Labour Defence in favour of that system?—I could not say they are in favour of it, but they think that legal prohibition might be bad, because we find in a great many cases they are a great deal better off in than out. That applies to young people of both sexes who come from the country to London to sell in the big shops, especially to young girls of good family, clergymen's daughters and so on, whose salary when they first come to town, is often so low that they can only afford to go to very rough boarding houses, and really in the big establishments they have every comfort.

16451. Are you speaking from experience of individual cases?—I have been making investigations for some years and take a great interest in the question. I have found some very bad cases, though not quite so bad as those one sees in the papers.

16452. Just illustrate what you mean by bad cases?—Well, I have come across cases where the food is neither sufficient nor fit, and where the sleeping accommodation is not good, where there is a lot of overcrowding and where the place is not cleanly.

16453. Is that in recent years?—Within the last five years. Not quite within the last eighteen months.

16454. To what parts of the country would that apply?—All over the place—quite little towns. I came across a bad case in Cromer. Wherever I have been, if I have had an opportunity for investigation, I have made the most of it. I have found several cases in seaside towns, especially in little shops where they let rooms over the shop. The assistants have been put in the most extraordinary places to sleep, during the season. I would rather that this went down as my own evidence rather than as evidence for the society, because it was my own investigation, and had nothing to do with the Freedom of Labour Defence.

16455. It will be so put. I quite understand—we need not beat about the bush—that your association has a radical objection to interference by the State if they can help it?—Well, I have myself as regards prohibition.

16456. The next point I think we shall be agreed about. In all those cases I gather that you think it would be a great benefit to all concerned, to the public interest and to the interest of those people who are so overcrowded or improperly fed, that there should be some power of inspection given?—That is so.

16457. And you think if there were the power of inspection, as complete a power as that in connection with the Factory Acts, for instance, with regard to all those cases, that great hardship might be avoided?—That is so. And if I might venture to offer an opinion I would suggest that it would be very much better if the inspectors were appointed by the Home Office and not by local authorities.

16458. You think they would have a position of greater independence?—I do.

By Mrs. Tennant.

16459. I think you describe yourself as the organising Secretary of the Freedom of Labour Defence?—Yes.

16460. Can you tell the committee exactly what you organise?—Well, meetings. We have a Home Workers' League. I go about all over the country to the branches and hold meetings. Our principal work is with home workers, and our principal interest is with regard to them. We are always working in their interests.

16461. My question was directed to ascertain the constitution of the Freedom of Labour Defence. There is a president, vice-president, and treasurer?—Yes, and a committee.

16462. What organisation is behind the committee?—I do not quite follow.

16463. I mean this. You have a committee of a trade union and it represents the members of the union; of what does the Freedom of Labour Defence consist besides the committee?—Nothing except our Home Workers' League.

16464. What is the Home Workers' League?—It is a League intended to organise outworkers as far as pos-

sible. We hold meetings and they join, and we have all their names and addresses, and they write to us for advice or if they want to ask any questions.

16465. Can you say how many have joined ?—I could not tell you at the moment, but I could tell you where we have our largest branches.

16466. Are they in tens, or hundreds, or thousands ?—I should say thousands.

16467. Have you any idea of the number of thousands ?—I should not like to say.

16468. Do you issue a report of the Home Workers' League ?—No, but we have the books. I could look it up from the books and let you know.

16469. It would be interesting for us to know ?—I will send you particulars.

16470. You are giving your evidence here to-day not only on behalf of the Freedom of Labour Defence but on behalf of the Home Workers' League ?—I did not intend to to-day, because I did not think that the Truck Act concerned them much.

16471. May we have the full numbers on whose behalf your evidence is being given ?—Yes, I should like it to go down as my evidence with regard to the living-in system, certainly the latter part of it. I have no authority to offer it on behalf of the Freedom of Labour Defence.

16472. I understand that your evidence is given on behalf of the Freedom of Labour Defence, that is the officers and the committee, and not on behalf of the Home Workers' League ?—That is so. It is principally in factories that I got up this evidence.

16473. I notice you say in your *précis* that fines and deductions are principally found in factories where elaborate machinery is in use, and also that no authentic cases of unreasonable fines have been met with; have you or the Freedom of Labour Defence studied the Reports of the Chief Inspector of Factories ?—Yes, I have. I mean we have not come across them, not that there are no such cases. I mean that I myself have not come across them. I remember a case where a girl grumbled at being fined, and afterwards her sister came and told me it was her own fault that she had not known anything about it, because it was posted up. She was a new worker and had grumbled to me because she was fined, but when I went into it I found there was no case at all.

16474. That is not quite my point. My point is that you put forward in your *précis* the statement that no authentic case of unreasonable fines has been met with. You say, "With regard to the controversy dealing with the amount and proportion of damaged stoppages, there is no reason why they should not be charged to the worker in default, and no authentic cases of unreasonable fines have been met with." That is a contribution towards the controversy, is it not ?—Yes. I wrote that in a great hurry. I did not mean it to apply to the factory inspectors' work but to my own work. I meant it in the narrow sense that I had not met with any.

16475. You really mean that your work has not covered very wide ground ?—Perhaps that is it.

16476. The factory inspectors do report that they find such cases ?—But they do not report many cases if one considers the number of factories and the number of employees all over England.

16477. I think there is a fair proportion, particularly when one takes into account the fact that there are more cases than it is possible for them to deal with effectively. This Committee is sitting partly because of the difficulties in regard to the law at the present moment. You do not say that you are of opinion that the cases which have been reported as unreasonable, and which the factory inspector has considered sufficiently unreasonable for him to take proceedings, and which the magistrate has considered sufficiently unreasonable to fine the employers, are not unreasonable ?—Oh, no.

16478. There is one other point. I rather gather from your statement that the most intelligent workers prefer fines, and you went on to say that you did not mean by intelligent workers necessarily those who worked the best: I want to know what is in your mind ?—Well, the most intelligent person is not always the best manual worker. I mean by intelligent people those who can see things from a broad point of view.

16479. Looking at the whole question of fines from a broad point of view you think that the fining system is preferred by the most intelligent workers to the system which was outlined by the Chairman ?—Yes.

16480. To the alternative system ?—Yes. I think it is very difficult to know which is preferred, but I do not think that so many people are against it as one would be led to suppose. When one goes among them one finds that most of them seem satisfied with it, or a great number at any rate.

16481. What system of investigation have you pursued ? Have you visited the workers in the factories ?—Yes, and I have come across a good many in their own homes. When I have been visiting home workers I have often discussed the matter with their daughters and sisters who were factory hands. They speak more openly at home, and are not on their guard as they are apt to be in the factory.

16482. How have you obtained access to the factories ?—I have generally gone to the manager and asked for a list of out-workers, and while there I have asked him about the operation of the Truck Act, and asked if I might talk to any of the workers. Then I have gone over the works. I have found in such cases I was not so satisfied with the evidence. I was not sure that they said what they thought. Sometimes the manager would be near, or the forewoman would be near. I felt more satisfied with their evidence when I got it in their own homes, when I have not been so official about it.

16483. When you visited them in their own homes what form of introduction did you use ?—I have invariably gone for the Home Workers League, and then I have talked about various subjects, and introduced this.

16484. Did you explain how you knew that that particular worker lived in that particular home ?—Yes—that I had their lists.

16485. From the manager ?—Yes, but that was not always the case, because sometimes when I was in a district where there were a great many home-workers I would go into any home that I saw and would say: "You are a home-worker, I think" without any introduction. I always felt very sure of that evidence, because they knew I did not know whom they worked for and that they would not be reported in any way. They knew that I did not know anything about them.

16486. Did your society contemplate bringing any of the members of the Home Workers' League here ?—Not before this Committee. We want to bring them before the Home Work Committee.

16487. I rather gather that your evidence for this Committee has been obtained on your visits on behalf of the Home Workers' League ?—Yes, in fact before I thought of taking this up. I have gone on with it, but the visiting of the home-workers seems much more important than the Truck Act, from our point of view.

16488. I think you said you did not attach much importance to the evidence you obtained at the factories because you felt it was obtained in rather difficult circumstances ?—That is my opinion.

16489. The manager was at hand ?—He was not always at hand, but I thought they would remember at the factory whom I spoke to.

16490. And naturally there would be a feeling of hesitation ?—Yes, in their own homes they always speak to you as a friend, and in quite a different manner. At first they think that I am an inspector and they are very polite, but when they find I am not they generally begin to unburden their souls and tell me all sorts of things. I find it is then that you get their real opinion. They get chatty and tell you more than they mean to tell you, sometimes.

16491. I am anxious to ascertain which class of evidence you would like this Committee to consider most important—that obtained in the factory (to which you yourself do not like to attach much importance) or that obtained from the home workers, to whom you feel the Truck Acts have not much reference ?—Many of the home workers have been factory workers, and I found they very often said they thought the fines were quite fair and that they had been fined very little, although they had worked ten

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or fifteen years in a factory. It was their own fault for being late, and they thought it was quite fair to be fined for that, and so on. Those were people who had worked in factories before they married.

16492. Were they speaking of the past ?—Yes. But they often had daughters or sisters working in factories, though they were not working there themselves. All the same I found they could look at the matter from a broader point of view than those who were actually working.

16493. Than the people actually suffering under fines at the moment ?—Yes.

By Sir F. Cawley.

16494. Your evidence comes to this, that especially as regards unpunctuality a worker is better off if fined than if suspended for a time ?—If it is well paid piece work, certainly.

16495. And the workers generally would prefer the fining system ?—I have found a great number who would.

16496. They would prefer it to being shut out for five or ten minutes or a quarter-of-an-hour ?—Well, sometimes they are shut out longer than that.

16497. You think that fines are the lesser punishment of the two ?—It depends upon how long they lock them out. I find it varies in different factories.

16498. What do you think their opinion is ? Do you think, taking it broadly, that they would rather have fines than suspension ?—I think a great many would. I remember having evidence in Leeds which struck me a great deal, from a cook in a factory. She told me that they had lately abolished fining. I said: "I suppose your workpeople are very glad of that ?" Her reply was: "Well, they were at first, but they very soon altered their tune."

By Mr. Maddison.

16499. I gather that you personally are not against the Truck Acts ? You think there should be some protection for workers ?—Certainly.

16500. So that your evidence is not against the Truck Acts altogether ?—Oh dear no.

16501. Do you know any factories which you have visited where there are no fines ?—A great many.

16502. What is your experience of the factories which have no fines, in comparison with those which have, in regard to discipline and general make-up ? It is the moral atmosphere that we are all so anxious about ?—It is very difficult to say.

16503. It is difficult, but I wish you to try and answer it, because it is important ?—It would all hang on what I have said about the superintendence.

16504. I am now asking you a question of fact. Never mind what the reason is. What is your experience with regard to the factories which have fines and those which have not, in the sense that I put it, with regard to the discipline and order, which I am sure you want amongst women ?—I do not think I should like to venture an opinion.

16505. When you were in Leeds did you go to Z 2 —Yes, but not over it.

16506. You are aware that there are no fines at Z 2 ?—Yes, but I do not know anything beyond that. I did not go over the factory.

16507. What factories were they you went over ?—I have been over very many, in every town. I remember the factory S 3, because several things there struck me. I also went to A 3, O 9, and P 9.

16508. Had they fines ?—I think they have abolished them.

16509. Have you found in your experience that the fining system has been much given up in the last five years ?—Yes. I have not had five years' experience of the Truck Act, only eighteen months.

16510. What do you think has operated to cause fines to be given up ?—I do not know. Public opinion, perhaps.

16511. I think you would say that if there was really good supervision fines would not be necessary ; is that your evidence ?—I should not like to go so far as that, because many employers who do not make use of fines themselves admit that they may be necessary in other trades. Only last week I asked the opinion of a friend of mine who is a large cotton manufacturer. He said that though there were no fines and deductions in the cotton trade he was strongly of opinion that they might be necessary in other trades, where the worker was less intelligent, etc. Of course, it is known that Cadbury's have done away with fines and deductions, but I think they admit that they might be necessary in some trades.

16512. You said in answer to the Chairman that a great deal of difference was made by the kind of forewoman there was ?—Undoubtedly.

16513. And that where you have a good forewoman, the system of cautioning and the rest of it might work, without fines ?—It might if you could be sure of your forewoman.

16514. It comes to this, that fines are rendered more necessary when there is the least good supervision ?—Yes—not necessarily the least supervision, but the least good supervision.

16515. So that it comes to this, that you would not be surprised to find in a factory where there was this good supervision and good forewomen that they were able to do without fines ?—No, I think that is so.

16516. But you are not able to tell me from your experience of factories where that result has followed You did not go to Z 2, for instance ?—I do not think I have enough experience.

16517. But you are aware that Z 2 have no fines ? —Yes.

16518. And they have a very high reputation in Leeds ? —Yes. I have also found firms without fines which had not high reputations.

16519. Can you tell me the names ?—I do not think I could do that, because I went rather unofficially.

16520. Have you known many such cases ?—No, only two, but there might be others. I know them partly through friends.

16521. Cases where they have given up fines ?—Yes, where they have not had fines for some time.

16522. And the discipline there, and the moral atmosphere, are not good ?—I do not know that the discipline is bad, but I believe the moral atmosphere leaves much to be desired. One hears those things in a town. Firms, like people, have reputations.

16523. You do not know it of your own experience ?—I had heard rumours. So when I visited these factories I took particular notice of everything, and was not edified.

16524. You went over those two factories and your own experience confirmed that ?—Yes ; and I thought the language was not quite the same. I heard remarks which I thought I had not heard in other factories. They seemed to be a different class of people.

By Mr. Delevingne.

16525. You have mentioned fines and also deductions for damaged work, but you have not mentioned deductions for material supplied ?—I have not found as a rule that they cavil at that. It is the general practice to raffle them, as is well known.

16526. Raffling is usually for articles which have been spoilt ?—Yes.

16527. I mean deductions for material to enable a worker to do her work, like cotton and needles ?—The only excuse is that I believe they were so wasteful in many cases before they had to pay for these things. One knows that if some people do not have to pay for things they waste a great deal more.

16528. What is your experience of making the workers pay ?—I think I should like to see it done away with. That is my personal opinion.

16529. Will you give the Committee your reasons ?—It seems to me that very often they pay more than the

value—that there is a profit made on the value of the article.

16530. Notwithstanding the provision in the Truck Act of 1896 ?—It seems so to me.

16531. Have the workers complained to you ?—No, I cannot say that they have, but I have asked them what they have paid, and I have looked at the materials. I do not know much about values, but the price seemed to me rather out of proportion, considering in what large quantities they would be bought by the manufacturer.

16532. I suppose you refer specially to the clothing industry ?—Yes, I mean cotton and needles.

16533. You do not see anything in the nature of the industry to make it desirable to retain the present system by which employers are allowed to do that ?—Of course, there is the question of waste. That is the one thing to warrant it. I think you will find that where people have to pay for materials they use much less. In fact manufacturers have told me that things are very much wasted otherwise. One knows with one's own servants how much more wasteful they are with other people's materials than with their own.

16534. Assuming that fines and deductions are allowed to continue, do you think the workers are sufficiently protected against arbitrary decisions on the part of the employer ? Do you think the Truck Act of 1896 is sufficient, or have you come across cases where unreasonable fines have been imposed ?—I have heard of cases and have read of cases.

16535. Do you think the Truck Act of 1896 could be improved in any way to make those cases less possible ? —I suppose it could, but I do not know that I have any suggestion to make.

16536. In fact your position is that you do not object to regulation, but you object to prohibition ?—That is my position.

16537. Proper regulation is desirable ?—I think prohibition is so very strong, and in some cases might do more harm than good. Regulation is different; it is elastic.

16538. You say in your *précis* that in several important trades fines and deductions are of very rare occurrence but that there are other trades where, owing to the class of work and worker, fines and deductions are necessary for the maintenance of discipline ?—The cotton trade has no fines or deductions. I do not think they have any fines for anything in the cotton trade. *Miss Edith Lawson.* 13 Feb. 1908.

16539. Are there any other industries you can name where they have none ?—I find they are abolishing them in many trades. I was talking to an artificial flower manufacturer the other day, and he said they were very little used in that trade. He said that he did not use them and did not know any of his friends who did.

16540. What are the trades where they are necessary on account of the nature of the class of work and worker ? —I should say perhaps in the rough tailoring—some of the rough clothing factories—and perhaps some of the jam factories. The jam factories employ very rough people.

16541. It is the class of worker and not the work which makes the difference ?—Also the work.

16542. In what way does the work make any difference ? I only wish to get at the meaning of those two sentences. I am not cavilling at the statement ?—I think in some work they have to be very careful, much more so than in other work.

16543. In your society are there any other members besides the committee ?—There is the council.

16544. What is the council ?—It is composed of ladies and gentlemen who sympathise with the aims of the Freedom of Labour Defence.

16545. Is there a general body of subscribers ?—Yes.

By Mr. Maddison.

16546. I should like to ask you whether you would favour limiting the proportion of wages which could be deducted for fines in any one week ? I am thinking now of the poorer girls ?—I should, most decidedly.

16547. Is Miss Biggs a member of your council ?—No.

By the Chairman.

16548. Is Lord Wemyss a member ?—He is.

Miss HILDA MARTINDALE, called; and Examined.

By the Chairman.

16549. What is your position ?—I am an Inspector of Factories under the Home Office.

16550. A document has been furnished to us which is addressed to Miss Anderson ?—Yes; she is the principal lady inspector of factories.

16551. In your capacity of inspector you make your report to her ?—Yes.

16552. You have been aware of the sitting of this Committee for a long time past ?—Yes.

16553. And there has been evidence got with regard to Donegal ?—Yes. The following is the Report :—

TRUCK AND GOMBEENING IN DONEGAL.

"Miss Anderson.

"In view of a statement that the Truck Acts are being complied with in Donegal, and that the gombeen man is a different person from the agent who gives out work to be done by the women living at home, you instructed me to make an inquiry into the question of Truck in Donegal, and its connection with the Gombeening System.

"I beg now to forward you my Report on the matter.

"The inquiry lasted for nearly three weeks, during which time you allowed me to have the assistance of Miss Whitworth. The Report is accordingly built up on our joint observations and notes.

"The three industries which we investigated are the principal home industries in Donegal :—

"(1) Sprigging or the embroidery of handkerchiefs, fancy and household linens.

"(2) Hand and machine-knitting.

"(3) Machining and finishing shirts and collars.

"For the purpose of our inquiry we visited the following places :—Killybegs, and small townlands in the neighbourhood, also Inver, Kilcar, Brockless, Dunkineely, Carrick, Glencolumbkille, Ardara, Glenties, the district of Lettermacaward, Dungloe, Bunbeg, Buncrana, Clonmany, and Carndonagh. *Miss Hilda Martindale.* 13 Feb. 1908.

"We paid 233 effective visits to cabins, or had interviews with out-workers we met on our long walks.

"We obtained valuable information from six priests, an influential landowner and his wife, dispensary doctor, district nurse, Protestant clergyman, large hotel proprietor, and a number of shopkeepers or agents engaged in giving out work. Although in some instances amongst the outworkers we were received with suspicion and undoubtedly the particulars we received regarding Truck were erroneous still, speaking generally, information was willingly given us, and it was usually found by subsequent investigations to be correct.

"In every case we explained our official position, stating that we were inspectors making definite inquiries. It was surprising to find how familiar these people, living in small cabins situated in isolated mountainous districts, are with the Truck Acts. In several cases the actual words 'Truck Acts' were used by them, and Miss Deane's and Miss Squire's prosecutions were continually being detailed to us; in fact, although it is now nearly eight and ten years respectively since the proceedings were taken, the impression these cases made cannot be over-estimated. 'Sure, indeed, they wrought desolation amongst the agents,' was one of the first remarks made to us. We found to a great extent that the opinion expressed by one priest, viz., that the people were thoroughly conversant with the Land Acts and the Truck Acts, was a correct one, and when we found in one cabin nine newspapers being read weekly, we were not so surprised that a matter like Truck which touches them so closely should be studied with the keenest interest.

"I propose to deal first in brief with the chief characteristics found in each industry, and then under main headings with Wages, Truck, and, lastly, with Gombeening and the Credit System.

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The Sprigging Industry.

"The southern part of Donegal stretching from Ballyshannon to Glencolumbkille and as far north as Ardara is the district noted for sprigging.

"During the last four or five years there has been a rapid development in this industry. The demand for embroidered skirts, blouses, household linens, bedspreads, cushion covers, tray cloths and fancy linens has been almost phenomenal. The demand for embroidered handkerchiefs has not decreased, and accordingly we found sprigging being carried on extensively throughout this entire district.

"Some of the work is of the finest description and requires the skill and artistic power which is such a special characteristic of these Donegal out-workers. A certain amount, unfortunately, of the present-day work which is required is coarse and allows of embroidery which might be almost termed "cobbled."

"The linen, which is usually made up into the various articles with the pattern stamped on it, and the thread required for the embroidery, are sent down by rail from the large factories in Belfast and the neighbourhood, to agents who distribute it amongst the out-workers. We learnt that the number of agents has increased, as would be expected, with great rapidity. In Killybegs we heard of seven resident agents and two agents living in neighbouring towns, visiting each week. In Kilcar, which is about six miles from Killybegs, on the road to Carrick, there were six agents; in Carrick, about four miles further on, we heard again of at least six agents; in fact, the district is almost studded with little shops, in which sprigging for distribution to out-workers is to be seen on the shelves and in the windows, together with the ordinary groceries and draperies.

"The agents are in nearly every case shopkeepers, and they often receive work from two or three firms. They are paid a commission of 10 per cent., and are required to pay the carriage of the goods one way. Owing to the weighty nature of the household linens, the inaccessibility of many of the town-lands, and the distance of Donegal from Belfast, the expense of carriage is often fairly heavy.

"We heard that in some cases an agent gives a certain amount of work to a sub-agent and she distributes it amongst the out-workers. These sub-agents do not receive a commission, so, of course, must find a profit deriving from it in other ways. Some agents send out work on one day during the week, to a neighbouring town, where they rent a room from which the work is given out.

"I give a few instances which we were able to collect regarding the amount of work given out by the agents. In one town where there are ten agents we were informed on good authority that:—

Agent A. was giving out £90 to £100 of work a month.

Agents B. and *C.* were respectively giving out £60 to £70 of work a month.

"In another town an agent informed us that she was giving out between £30 to £40 a month of work, and in another small townland an agent said she gave out monthly £20 worth of work. We were often told in the cabins that to give out sprigging is a very profitable employment, and that the development of a shop has been rapid after an agency has been obtained.

"The agents always receive an invoice with the work and they are expected by the Belfast firms to pay the workers the prices stated on the invoice. In some cases we found that the city firm had stamped each article with the price to be paid; this method was appreciated by the out-workers and often by the agent as well, and I hope that in time it may become a universal practice. In a few isolated instances we found the out-workers were not receiving the price thus stamped, and occasionally they were unable to tell us the price they were to receive for the article they were embroidering, but these cases were exceptional and we found that they had usually received verbal particulars of the price, and seemed to be confident that they would receive the amount promised.

"The result of the rapid extension of this industry is that the workers are able somewhat to select their work. We heard that on the arrival of a bag of sprigging from Belfast the workers would flock to the agent in order to examine the contents, and in some cases they were able to refuse the work which was especially badly paid. In one shop we found work which had been kept over for two to three years for this reason; the agent, however, kept it in case a dearth of work should come and the workers be willing to undertake it.

"It was astonishing to find in some of the out-workers' cabins the large amount of work which had been obtained from the various agents. Many dozens of handkerchiefs were shown us in some cabins, and a large assortment of fancy linens in another, and there seldom appeared to be a time limit set, when the work was given out.

Knitting Industry.

"The town of Glenties, and the adjoining neighbourhood, the wild rugged district known as the Rosses, with the town of Dungloe and Bunbeg, are the chief centres for the knitting industry.

"In this district the inhabitants are mostly small farmers with a few acres of land and their two or three cows. The long hours spent by the women and girls in herding cattle were found to be opportune for knitting, and hence sprang up this industry which has reached a wonderful state of perfection. It is impossible not to be impressed by the complicated patterns knitted and the large variety of them, as well as the skill and dexterity exhibited.

"This hand-knitting is, however, being replaced by machine-knitting, and in many cabins we found that a knitting-machine was either being purchased or hired at a weekly rental of 3d.-6d., or in a few cases had been lent out free of charge.

"A fair proportion of the out-workers were purchasing their machine by half-yearly instalments direct from the Congested Districts Board; the Board, I was informed, arranging with a man in the district to supply these workers with yarn for a definite period.

"Teachers are also sent out by the Congested Districts Board who teach the girls the machine-knitting in their own homes.

"One employer we found had been in the habit of charging 1s. a week as rent for the knitting-machine When it was brought to his attention that under the Hosiery Manufacture (Wages) Act, this was an illegal practice, he sent out notices to his workers stating that they would now be required to pay for their machines.

"The amounts he is demanding appear to vary according to the length of time the rental had been paid, but I found one girl who had paid 1s. a week for every week she had received work during four years, and who stated that she was required now to pay £2 for her machine, £1 becoming due in August and £1 in November.

"There are various additional expenses with knitting-machines; workers have to pay for repairs and for needles. The needles cost ½d. each, and we often heard of six to twelve needles breaking weekly. Lubricating oil for the machine at the rate of 6d. a bottle, and thread for uniting the socks have also to be purchased by the worker.

"Knitting is not given out by a number of small shops as is the case in sprigging, in fact, the *agency* system hardly seems to exist.

"The industry is chiefly in the hands of the most important shopkeepers in the towns and a few men with local influence, who are not shopkeepers, but give out the work from their private house or a ware-room.

"These men obtain the yarn from the mills and give it out to be knitted in the cabins, and then sell the goods to the wholesale trade. The principal articles manufactured are men's socks, gloves, long fancy golf stockings and boys' stockings. The machines are used solely for knitting socks.

"In one town we found a woman engaged at a weekly salary by a London firm to give out yarn to be knitted into fine vests, children's gaiters, socks, shoes and underclothing. When knitted she washed and pressed the articles.

"The women engaged in the knitting industry have often long distances to walk for their work, and as there are only a limited number of persons giving out work in this large district we heard of them walking 16 Irish miles to fetch work. In several cases employers had stations where they called each week and we often, in the course of our drives, met little groups of women in their bright home-dyed skirts with their large bundles of socks

or yarn going to or coming away from these stations situated in little remote townlands. Although the goods made can be all classed under the term 'wearing apparel,' particulars of work and wages are not given in writing. The prices however seem to be comparatively few and well-known, but the remark which met us: 'Sure, indeed, it would be unmannerly to ask the price," made it evident that the Order of the Secretary of State regarding particulars is required.

Shirt and Collar Industry.

"Our investigations into the shirt and collar trade were not so extensive as they were into the other two industries.

"We found that the Inishowen Peninsula is the chief district in which out-workers are engaged in making shirts and collars, but the work is not very regular and is at times scarce.

"The actual work done is machining the various portions of a shirt together (the portions coming from the factory are already partly made) and finishing it, *i.e.*, making the button-holes and hemming the collar band.

"The work is principally sent out by the large Londonderry firms, and it is distributed to the out-workers in different ways:—

"(1) Stations have been opened and a man or woman appointed by the Londonderry firm at a definite salary or a commission to give out the work.

"(2) By appointing shopkeepers as agents at a commission (about 10 per cent.) to give out work.

"(3) Sending down every week or so, a paid servant from the Londonderry firm, to give out and receive work in particular districts.

"I have been informed that the best workers usually obtain the work from the stations; the men in charge of these demand good work, and are in a position to select their workers.

"In many cases the workers have purchased their sewing machines, in others they are lent to them free of charge from the stations on the condition that they machine each week a definite number of shirts or collars.

"I learn that a docket is given with each dozen of work, but I found in some cases the prices were not entered. The workers appear to usually receive work on the condition that they bring it in within a certain time, which we found to be generally one week.

Prices of Articles and Wages Earned.—"The prices paid for embroidering fancy linens and handkerchiefs are curiously uneven. Some linens entailing much work are paid for at a lower rate than articles with a scanty design, and which would take far less time to embroider. We became accustomed to hearing the women describe this piece-work as 'good,' and that as 'bad,' and in many instances we found a cheap, coarse, roughly embroidered cushion cover bringing in a higher wage to the worker than the expensive, finely embroidered handkerchief or tray cloth.

"The price paid does not appear often to depend on the amount of work in it, or the quality of the work required or the quality of the linen. Probably one explanation which we received from a reliable source is in a measure correct:—the American buyer gives a large order for a particular class of goods, and because of the size of the order expects the price charged to be small. The manufacturer accepts the order, so that he may not lose smaller and better paid orders, but the transaction entails that an immense amount of work is sent out to be done, for which a low price is paid.

"We found that 1s. was considered to be a good day's wage; and we were informed that the usual wage was 9d. a day, and many old women can earn only 3d. to 6d. a day. It must, however, be noted that there is a tendency amongst workers when stating their wages earned per day to quote as high a figure as possible, because they do not desire to be thought to be earning less than their neighbours. When the actual prices of the articles (see below) are studied it is evident that they can seldom make 9d. a day.

"It was very difficult to arrive at a correct estimate of the number of hours worked, many of the women and girls had their duties in connection with the farm and it seemed almost impossible for them to tell us the actual number of hours spent by them in sprigging. They invariably replied to our questions regarding the number of hours worked by: 'We sit constant,' or 'we cannot sit constant.' I tried to arrive at some definition of 'constant' and have come to the conclusion that work is seldom begun before 9 a.m., or carried on long after dusk, and intervals are taken during the day. Undoubtedly, the universal introduction of oil lamps has made embroidery on winter evenings easier than it was in the days when the girls had to crouch over a 'bog' fire and do their sprigging by this flickering light, and accordingly the working day has been lengthened, but I have come to the conclusion that the hours worked in this industry are not so excessive, although fairly long. In stating the wages earned per day, I have, as far as possible, taken the day as meaning 'sitting constant.'

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"I give a few instances of the prices paid to the out-worker and the length of time which it was stated the articles would take to embroider:—

Handkerchiefs—Embroidering:

Handkerchiefs,	7d. a doz.	Can do 1 doz. in a day.
„	1s. 4d. each.	Can do 1 handkerchief in two days.
Monogram	8d. a doz.	Can do ½ doz. in 1 day.
Initial	½d. each handkerchief.	Can do 10 handkerchiefs in 1 day.
4 corners,	1½d. each handkerchief.	Can do 3 handkerchiefs in 1 day.

Fancy and Household Linens:

Muslin tray cloth -	10d.	Takes 2 days.
Muslin bedspread -	4s.	„ nearly 1 week.
Bedspread - -	7s.	„ 1½ weeks.
Cosy covers - -	3d. each.	Takes 1 day to do 1½.
Table cloth - -	3s. each.	Takes 4 days.
„ „ (elaborate	1s. 8d. „	„ 3 days.
Side-board cloth -	4d. „	„ 1 day.
„ „ -	6d. „	„ 1 day.
Ladies skirts - -	5s. „	„ 9 days.
„ „ -	3s. 6d. „	„ 1 week.
D'oyleys (special order),	3s. a doz.	Takes 2 days for doz.

"*Hand Knitting.*—This form of work is the worst paid. The length of time it takes to knit a pair of men's socks or gloves is too well known for the prices which I give below not to stand out as appallingly low, and I was not surprised to have the big houses pointed out to me belonging to the men who had become rich over this cheap labour.

Men's Socks:

1s. 6d.	a doz.	pair.
2s.	„	„ (long socks).
1s. 7½d.	„	„ (ribbed tops).
4s.	„	„ (Fine ones).

"I learnt that it was seldom a worker could knit more than one pair or one and a half pairs of socks a day, and of the fine ones, of course, not so many.

Gloves:

2s.	a doz.	pair } according to quality of yarn.
2s. 3d.	„	„
2s. 6d.	„	„
1s. 9d.	„	„ (a diamond pattern which took 1 week to knit).

"I found that to knit two pairs of gloves a day was almost exceptional, three gloves being regarded as a fair day's work.

Fancy Golf Stockings:

8s.	a doz.	pair } according to the quality of the yarn.
12s.	„	„
18s.	„	„

"I found that one stocking of the 8s. a doz. stockings and a half stocking of the 12s. a doz. stockings was the usual day's work.

Fancy Tops for Golf Stockings:

4d. to 6d. a pair.	1 to 1½ pairs in a day.
3s. 6d. a doz.	1 pair in 7 hours.

Boys' Plain Stockings:

1s. 3d. a doz. pair.

"In hand-knitting the usual day's wage varies from 1½d. to 4d., but the number of hours worked are far longer than in sprigging, and we heard of work being carried on from 8 a.m. to 10 p.m.

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"*Machine Knitting.*—This class of knitting is better paid than hand knitting, although as I pointed out before there are special expenses connected with it.

"We were informed that girls usually earned 5s. to 7s. a week, and in some cases 7s. to 8s. The hours worked are again longer than in the sprigging, and, of course, often nearly a day is taken up, as is also the case with hand-knitting, in fetching yarn and returning work.

"Again, in order to make these wages, the worker is obliged to look for help to her mother or sister for winding the yarn and sewing up the toes. They receive 10d., 10½d., 11d. and 1s. a doz. for knitting 1 doz. socks ; 11d. a doz. being a very usual price, and they appear to be able to knit and finish off 1 doz. to 1½ doz. a day.

Shirt and Collar.—In this industry the average wage earned is 10d. to 1s. a day, but long hours are worked, and we heard of work being done until midnight and begun early in the mornings. For machining and finishing shirts, we found 1s. 11d., 2s., 2s. 3d., 2s. 6d. and 3s. (latter rarely given) a doz. being paid according to the amount of work.

"Often two women work together, one machines and the other finishes. In one cabin A. and B. were working together on shirts, for which they were to receive 2s. 6d. a doz :—A machined 1 doz. a day and earned 1s. 3d. B. finished 1 doz. in one and a half days and earned 1s. 3d. ; she had eleven buttonholes to make in each shirt by hand, and the neckband to hem down.

The Truck Acts.

"We found no evidence in support of the statement that the Truck Acts are being complied with in Donegal.

"As I have already pointed out nearly all the outwork in Donegal is in the hands of shopkeepers, and so, in speaking of Truck, I am not distinguishing between the different industries.

"The usual method adopted to pay workers otherwise than in the current coin of the realm, is not now such an open one as the system of providing tickets. The Truck Acts have been too carefully studied during the last ten years to allow this, and methods have been adopted which are more indirect in character but prove just as efficacious ; as one priest remarked, there are fifty ways of making people take goods as wages.

"There are two methods which we found especially prevalent : (1) Supplying only customers with outwork or giving the best paid work to customers. In some instances actual coin may be handed to the worker, but I learn that often this, which is after all a mere matter of form, is dispensed with. The 'understanding' which exists between shopkeeper and worker is so clear, that I feel it might be deemed to be a contract as defined by Sec. 25 of the Truck Act 1831.

"Continually we were told that unless the wages were left at the shop no work would be given, and we became accustomed to the remarks : 'Out of friendship we might be getting a little coin,' 'Sure, it's only with a great squeeze we'd get any money at all,' 'He's middling hard on coin,' etc.

"In a valuable interview which Miss Whitworth had with a dispensary nurse, the matter was put in a nutshell. 'All the agents round here have shops, and they will only give out the best work to customers, in fact, they want you to leave all your money in the shop.' Now, only yesterday a girl came to me and said : 'You're doing sprigging for Mr. A. and you'll have to leave all your money with him, for he has said he's going to give out no more work to a sewer unless she gives the money back to him' I said I'll spend my money where I like, but you see I am not dependent on the sprigging, but the poor folk, who are, have to spend it all at the agent's shop. There's many a poor mother and girl who has to buy articles she doesn't want, and have no money for what they want for other things.

"One agent openly admitted that the girls receive coin, but, of course, leave it at the shop and we were told repeatedly that the advantage to be gained in obtaining an agency was, that workers were brought about the shop. That this was indeed an advantage we realised when one agent showed us from her books, that in less than two days, seventy-two persons had obtained sprigging from her.

"Although we were met by complaints regarding their inability to obtain coin, yet the 'feeling' which exists amongst the workers regarding their relationship to their employer—the shopkeeper—is almost pitiable. It seems to be almost instinctive with them that it would be an ungenerous act to take their wages from the shop and it almost with indignation that I was met with 'Indeed, and its ashamed I'd be not to leave my wages at the shop.' 'It would be ugly to go to another shop.' 'I have never taken ½d. from Miss B. and I get a deal of work from her.' In a few isolated cases the worker seemed partially to realise that the relationship of employed to employer need not necessarily be connected with the relationship of customer to shopkeeper, and we received an admission that only 1s. or so was left at the shop. In one case we heard that the practice still continues of sending out yarn to remote country districts in a cart provided as well with little packets of tea and sugar and the wages being paid in this manner.

"(2) The second method adopted of paying wages otherwise than in current coin of the realm is almost a more serious one. A customer is enticed into making extensive purchases for which she cannot pay cash, on the plea that the heavy debt so incurred can be wiped off by means of the outwork.

"In some cases the matter is put before the customer in such a way that she is made to think a benefit is being conferred on her. 'Sure, indeed, Mrs. D. is a real good cratur, when she gives you a dozen yarn, she'd ask if you wouldn't take some goods, in case you might be in want,' was a remark which was made to me in all good faith.

"I cannot do better than give an instance of an actual case found by Miss Whitworth. The worker had been supplied with a book, in which the following entries were made :

		£	s.	d.
1906. Oct. 30th.	To goods -	- 2	0	0
Dec. 3rd.	By knitting -	- 0	1	4½
		1	18	7½
Feb. 15th.	„ „ -	- 0	1	4½
		1	17	3

"The actual goods bought were :—

	s.	d.
5 yards of black serge at 2s. a yard -	10	0
5 yards of lining at 4d. a yard - -	1	8
Braid at 6d. a yard - - - -		6
5 yards of twill cotton at 11d. a yard -	4	7
7 yards of calico at 5d. a yard - -	2	11
Boots, 5s. 6d. - - - - -	5	6
Shawl, 15s. - - - - -	15	0

"This girl was a hand-knitter and stated that she made men's socks at 1s. 6d. a dozen pair and yet receiving wages of this amount, a debt of £2 was incurred in one day which in three and a half months she had only cleared by 2s. 9d.

"That often very inferior goods are given, goods overcharged and far below in value the wages promised, is without doubt the case, but this is a matter with which I am dealing at length under 'Gombeening and the Credit System.'

"In all our interviews and visits we carefully noted when Truck was admitted or denied. Out of 154 visits to cabins or interviews with out-workers engaged in sprigging and knitting, Truck was admitted in 106 instances and denied in forty-eight cases.

"Of course, there was the visit when the existence of Truck was firmly denied to me when conversing with the mother and elder daughter in the cabin, while the little daughter of the house described to Miss Whitworth, who talked to her in the road, the groceries she had received when she last took back the knitting to the shop, and of course we were met occasionally with the remark : 'You'll find none of that (*i.e.* Truck) throughout Donegal.' Considering, however, that we always explained our official position and that news travels in those Irish country districts wonderfully fast, I feel the number of admissions of Truck was a high one.

"My opinion that the Truck Acts are still being seriously infringed in Donegal was greatly strengthened by our interviews with the parish priests. One priest informed us that he had felt obliged to strongly denounce the Truck system from the altar, because it was so prevalent in his parish.

"He stated that it was useless for more than one girl in a family to have a knitting machine, because the larger income thus obtained consisted only of draperies and useless fineries. Coin was not given for wages, and several of the employers did not deal in flour or meal, so these goods, which were necessities, were not given in lieu of coin.

"Undoubtedly, in some of the remote districts there is a scarcity of coin, barter is extensively carried on and little coin is in circulation. We heard of boys being paid 1s. to go to a neighbouring town in order to change a £5 note, and of people awaiting the return of a priest from a house of mourning in order to ascertain whether the offerings given over the dead could be obtained in exchange for a bank note. In the part of Donegal where shirts and collars are made we found less Truck, owing to the fact that much of the work is given out from stations which are not connected with a shop. Still, in one town thirteen persons admitted Truck and only six denied it.

"Throughout Donegal we obtained extraordinarily little evidence from out-workers regarding deductions for damaged work. Whether their skill has, through many generations, reached such a point of excellence that little work is spoiled, or whether the workers are ashamed to admit that they damage work, it is impossible to say. From agents we heard of small quantities of work being returned from the Belfast firms because the sprigging was not sufficiently well done, but in these cases they asserted that they bore the loss themselves.

"It is a difficult matter to prove that there is a contract of employment between agent and worker. Certainly an out-worker does not make a practice of obtaining work which she does not do herself, but we found different members of a family sometimes living in different cabins engaged on work taken out by one member.

Gombeening and the Credit System.

"One of the most interesting parts of our inquiry was the investigation we made into gombeening, and this opened up the whole question of the credit system as it exists in Donegal.

"It has to be remembered that the inhabitants of this country are principally small farmers with very little ready money. In many cases they own a few cows, sheep, hens and sometimes a pig and a horse, but these are all kept to supply special needs. For example, the cows supply the milk for the children, the wool of the sheep is home spun and woven, the eggs are bartered for tea and sugar (sixteen eggs we found in one case being considered equal to ¼ lb. of tea). The pig is kept to pay the rent, and the horse to fetch the "turf or bog" for firing when this has to be brought long distances. The land, if capable of cultivation, is used chiefly for potatoes, which are still in many homes the staple food.

"For flour, Indian meal and the other many necessities of life, ready money is required, and in order to meet these demands, the men of the family have often to find work in Scotland from about June to November, and the girls and boys go out as farm servants during the summer, and in some districts even children from eight years of age are hired out for five or six months to herd cattle. November is the month for them to return to their farms, and I heard of men bringing home from £12 to £20, girls and boys returning with £5 to £10, and the little children with £1 10s. to £3. Only once a year, therefore, ready money finds its way in any quantity to many of these farms. In those districts where fishing is an industry ready money comes in oftener according to the various fishing seasons. The scarcity of ready money during most of the year has brought about and encouraged a system of buying goods on credit; a system which in some districts has grown to an alarming extent.

"From my enquiries I learnt that debts up to £20 to £30 are often incurred, and that to pay cash for goods is exceptional.

"I enquired next into the articles bought, and the prices paid, in order to form some sort of estimate of the shopping conditions. I give below actual prices paid:—

Tea	2s., 2s. 4d. and 2s. 8d. a lb. (usually the two latter).
Sugar	9d. for 3½ lb.; 4½d. for 2 lb.; 2½d., 3d. and 3½d. for 1 lb.
Flour	1s. 8d. and 1s. 10d. for a stone; 11s. and 11s. 6d. for 1 cwt.
Bread	3d. for 2½-lb. loaf; 5d. for a large loaf.
Oatmeal	5d. for 3½ lb.; 1s. 10d. for a stone.
Indian Meal	10d., 11½d. and 1s. for a stone; 14s. 6d. for 2 cwt.
Bacon	8d., 9d., or 10d. a lb. (seldom bought).
Meat	9d. or 10d. a lb. (seldom bought).
Soap	3d. a lb.
Candles	2½d. a lb.; ½d. each candle.
Serge	2s. a yard.
Twill cotton	11d. a yard.
Flannel	1s. 2d., 1s. 6d., and 2s. a yard.
Print	1s. to 2s. a yard
Calico	6d. or 7d. a yard
Boots	5s. to 7s. 6d. a pair.
Hat	9s. 6d.
Shawl	15s

"Considering the quality of the goods, some of these prices appear to me exorbitant and quite out of proportion to the income of the family. I was not surprised to learn from one shopkeeper that the tea he sold at 2s. he bought for 1s. 6d., carriage paid, and from another, whose circumstances were such that an especially high profit was not likely to be sought, that tea sold at 2s. and 2s. 4d. was bought respectively for 1s. 8d. and 1s. 9d.

"In one case I learnt that tea sold at 2s. cost only 1s.

"I was informed that shopkeepers seldom take proceedings for debt. Provided the debtor has a growing family and provided he does not deal at another shop, a matter easily watched in a small Irish town, the debts are allowed to remain from year to year. The profits on the goods are so high that the shopkeepers can afford to obtain his money gradually; in fact, in many cases the customer is encouraged to remain in debt, because in this way the shopkeeper ensures his custom. The customer is afraid to deal at another shop, because he knows that if he does so, legal proceedings will swiftly follow.

"Now intertwined with this credit system and high-priced goods we have the system known as gombeening.

"From my enquiries I have come to the conclusion that the *real* gombeen man 'the money lender who exacts heavy interest from the poor,' the man who dealt largely in meal and flour and 'lent' this out at an exorbitant rate of interest, is becoming gradually a thing of the past As far as I can learn, he was usually not the shopkeeper; he was more often the wholesale dealer.

"The system of gombeening, however, still exists in certain parts of Donegal amongst the more important shopkeepers, men dealing in meal, flour and manures. I have not heard of it existing in shops where only tea, sugar and the lighter groceries are sold, because gombeening usually takes place on flour and meal.

"The system, as it now exists, is roughtly this:—About May a bag of flour, worth 11s., is required and obtained. This cannot, however, be paid for until November, when ready money is obtainable on the return of the men and girls from their summer work; then instead of 11s., the sum of 13s. 6d. has to be paid.

"I gather that the length of time between the purchasing of the goods and November is not taken into account; goods bought any time before November are charged at a far higher price that month, in fact, as one woman remarked, if "you occupy the pen" an extra charge is made.

"I heard of goods worth 17s. being charged 24s. 3d. after thirty-five to forty days' credit, and of 3s. extra being charged on a bag of flour (7 stone), 3s. extra on 7 stone of meal, and 2s. extra on ½ cwt. of bran, because the accounts could not be settled until November.

"After November we heard of an interest of 5 per cent. to 7½ per cent. being charged on overdue accounts.

"This complicated and unsound method of business exists in a district where the people are poor and illiterate and where the plan of keeping a pass book is almost unknown. I am informed that they often do not know the amount of their debts, and that they are so involved that they do not feel they are in the position to make enquiries regarding prices. 'If you are in hard need you are glad to get the flour and do not enquire the price,' remarked one woman, while another was indignant at the idea of asking the price of the flour she was taking on trust."

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"How far gombeening is carried on in the shops from which outwork is given is a very difficult matter to estimate. I have shown that Truck exists in them and that giving goods on credit and requiring the outworker to pay off her debts by means of her work is a frequent method adopted. As far as the sprigging industry is carried on, I found that the majority of the shops giving out sprigging dealt chiefly in tea, groceries and draperies, and I have come to the conclusion that these derive their profits principally from: (1) The high prices charged on inferior goods (especially easily can customers be overcharged on draperies, concerning which it is often difficult to estimate the real value); (2) a small interest charged on overdue accounts; and (3) the Truck system. I feel doubtful that true gombeening exists to any extent in these shops; the competition amongst them is great and undoubtedly the man who lends himself to gombeening does not curry favour with the people.

"In towns, however, where the outwork is in the hands of the principal shopkeeper, who owns also a public-house, and hotel, horses and cows and a large flour and meal business, I am certain that it would be found that gombeening is largely carried on in his transactions.

"I am convinced that in Donegal the Truck System and the Credit System are working hand in hand, with serious and far-reaching results.

Connection between Truck and Credit.

"In the course of an enquiry lasting only three weeks it was impossible to do more than touch on the fringe of such a large question as the Credit System of Ireland. I gathered, however, sufficient evidence to realise the importance of the question, and to feel that an investigation into the shopping conditions is required, and great alterations needed before a change for the better can be realised in the conditions of living amongst the Donegal peasantry.

"It appears to me that it will be impossible to stamp out the Truck System until the Credit System changes greatly for the better, because at the present time the two systems are working hand in hand. The effect of being always in debt, and never being encouraged to free themselves from it, the knowledge that proceedings will follow if any offence is given to the shopkeeper, the deception which is often practised as the result of this relationship, the want of thrift and foresight which is the result of this system, have a moral effect on the people, the seriousness of which can hardly be overestimated. For it has to be remembered that it is not only the customers at the shops who are in debt, but the shopkeepers purchase also on credit, and accordingly we find this system underlying all business transactions in Donegal, and affecting all classes of the community. Undoubtedly much has been done indirectly during the last years to bring about the needed reforms, and I would mention especially:—

"(1) *The Agricultural Credit Societies* of which I am glad to report twenty have been formed in Donegal during the last nine years. These societies supply small individual loans at 5 per cent. interest on the condition that the money is used for profitable or productive purposes or to effect some economy.

"(2) The Agricultural Societies in which farmers unite to buy manures, seeds, etc., at wholesale prices.

"(3) The extension of the Fisheries and Creameries, both of which bring in ready money during the year. These societies have not only had the direct effect for which they were formed; they have also acted indirectly as a great educational force. In order that the Truck System may become less prevalent, I would urge the encouragement of these societies in every way possible. For the same purpose I would urge the following:—

"(i.) That efforts be made to educate the people in better shopping conditions. They should be taught the need for accounts to be furnished at regular intervals; the advisability of keeping pass books and being supplied at the time of purchase with a check stating the amount and price of the article purchased. The Board of National Education, the Agricultural and Technical Board and the Congested District Board might do much in organising lectures or classes on this subject. Out of this would doubtless arise further educational work of a valuable character through the clergy and other sources.

"(ii.) The Truck System could be largely stamped out if the Belfast firms discontinued the practice of appointing shopkeepers as agents, and had their own stations in Donegal staffed by salaried men and women, who gave out the work. The employment of shopkeepers as agents would be discontinued in every way possible, and out-workers should be shown that their relationship to their employer is quite a separate relationship to that of customer to shopkeeper, and that it is their *right* to receive ready money regardless of debt. If workers received ready money for their sprigging and knitting, much would be done to stop the injurious credit system, because they would be in the position to pay cash for their purchases.

"(iii.) It might be helpful in stamping out Truck and in improving the Credit System if proceedings for debt could be taken before the Petty Sessions Court, so as to eliminate the expensive machinery which has now to be put into force.

(*Signed*) HILDA MARTINDALE.

16554. Were you aware of a statement that the Truck Acts were being complied with in Donegal?—Yes.

16555. And that the gombeen-man is a different person from the agent who gives out work to be done by the women living at home?—Yes.

16556. In consequence of that I understand Miss Anderson requested you to make a special visit to Ireland?—Well, I am a great deal in Ireland.

16557. A special visit to Donegal, I should have said—Yes.

16558. To make a report upon the whole circumstances of the out-workers?—Yes.

16559. And their relations with the gombeen-men and the grocers and merchants?—Yes.

16560. And in consequence, you furnished the above Report which is dated September 16th, 1907?—Yes.

16561. Is that Report in all points correct, to the best of your knowledge?—To the best of my knowledge it is.

16562. I see that you paid 233 effective visits to cabins where the people live?—Yes.

16563. You have given a considerable amount of information with regard to sprigging, or embroidery of handkerchiefs, fancy and household linen, hand and machine-knitting, and machining and finishing shirts and collars?—Yes. Since then I could add something about underclothing. I have been making further inquiries into the question. I have just returned from Ireland.

16564. Do you think it would materially alter the complexion of your Report?—I think it would only show that there was more Truck than I had reported on before.

16565. With regard to the description which you very properly give of all these industries, we shall accept your Report, but we are as a Committee particularly interested in that portion of it which refers to the Truck Acts. First of all, however, may I ask you generally with regard to those out-workers? In the first place, I understand that compared with the amount of labour rendered, and the product, their wages are relatively very small?—Yes, they are very low indeed. In the sprigging I found that 1s. a day is quite an outside amount. It is really very often only 6d. or 9d. a day that they can earn. In the knitting, of course, it is much less.

16566. Less than 9d.?—Yes. In the hand-knitting they were paid 1s. 6d. for knitting a dozen pairs of men's socks. I understand they can very seldom do more than one pair or one and a half pairs a day. About 2d. or 3d. would be the outside they can earn in the knitting. In making golf stockings they would earn about 4d. a day.

16567. You mean the long stockings with ornamental heads?—Yes. It is very elaborate and very beautiful

knitting. They are paid 8d. a pair, and I understand they cannot do more than one stocking a day. That would be 4d.

16568. And the socks ?—They get 1s. 6d. for a dozen pairs. They would have 1½d. for a pair of socks. It is very seldom that they can do more than a pair or a pair and a half a day. As far as the shirts are concerned, I was told last Monday that they can very seldom earn more than from 9d. to 1s. a day. They work long hours in making shirts in County Derry.

16569. Are they done by hand, or have they sewing-machines ?—They have sewing-machines, and for those they have to pay. They buy their sewing-machines by instalments, and have to pay £8 for them, so they alway have that to cover as well. Then there is machine-made, as well as hand-made, underclothing. There again, it seems to come out about the same, about 1d. an hour or from 9d. to 1s. a day.

16570. Then with regard to machine-made stockings ?—There they can earn rather more. I gather they get 10½d. or 11d. or 1s. per dozen, and they can do a dozen or a few more in a day, but they nearly always get some help from some member of the family in winding the yarn and sewing up the toes.

16571. That would come to a maximum of 1s a day ?—Yes.

16572. In the hand-made it would be about 4d. ?—Yes, 4d. would be the outside, almost.

16573. Now, we will come to the Truck Acts, if you please. There has been a statement that the Truck Acts are complied with in Donegal; what is your evidence with regard to that ?—My evidence is that they certainly have not been complied with. To my mind there is not so much direct Truck as there was before. I do not think they are giving them tickets in place of coin, but I find that the understanding is very strong that they must leave their wages at the shop, or they will not get the work again.

16574. Is nearly all the out-work in Donegal in the hands of shopkeepers ?—The sprigging is certainly in the hands of shopkeepers. The plan is this: the Belfast firms send down to the little shops; they pay 10 per cent. commission and the rail one way, and the shopkeeper distributes the work. In the case of knitting it is on quite a different footing. There it is generally one of the shopkeepers, and sometimes some man who holds some other position—I found one who was clerk to the union—who buys the yarn and gives it out to be knitted into stockings, and then he sells it to the wholesale trade.

16575. Do you mean to say that that was done by the clerk to the union ?—He was clerk to one of the councils. I am not certain whether it was the union or not.

16576. A man holding public office ?—Yes. In some cases it was a shopkeeper, but in others it was a man holding some position who would take up this kind of work—giving out knitting to be done. With regard to shirts, there again they have different methods of distributing the work. Around Derry I found some of the Derry firms sent out a paid servant once a week to different places to give out the work. In some cases they give it out from a shop, and I found that even in those cases there is Truck, even though the paid servant gives it out from a shop. I had a complaint the other day which dealt with this. It reads: "If an inspector would look after the shopkeepers giving out the work and making the workers take goods instead of money, particularly those that are on their books, I think she would be doing a service to the poor people." In that case I found that Derry firms were sending the work to this shop; the work was given out from a room adjoining, and yet Truck was going on.

16577. Just describe that more fully; I am not sure that I follow it ?—There was this general shop in the village, and the shopkeeper let out his room to one of the Derry firms. Once a week they sent a woman to give out work from that room, and of course she paid the wages. The man who kept the shop knew quite well what the workers were earning, and required them to leave some of their wages at his shop.

16578. We must get some particulars about this. In the first place, where was this ?—This was in a little place near Derry.

16579. A room adjoining the shop was put at the disposal of the representative of the manufacturer ?—Yes. *Miss Hilda Martindale.* 13 Feb. 1908.

16580. Now see if I am right. That transaction began by the woman giving out cloth to be made into shirts and underclothing ?—Yes.

16581. It was returned, made up, to the same woman, I presume ?—I should like to explain this. The woman from Derry came once a week, but on another day in the week a girl living in the village came to the room and took in the work. I heard that this girl was related to the shopkeeper, or was a friend of the shopkeeper.

16582. When was the payment made ?—The payment was made when the work was returned.

16583. What had the shopkeeper to do with that payment ?—It is really all mixed up with credit. All these women who were coming for work were really on the books of the shopkeeper. He told me so himself. He was about the shop and knew what they were earning, and he made it quite clear that they must leave some of the wages, which they had received that day, at his shop to pay off some of their debts.

16584. So far as that is concerned, it does not appear to be a contravention of the Truck Acts at all, because the worker who handed in the wrought-up goods got payment in kind from the merchant in Londonderry through the agent ?—Yes.

16585. And all that did happen was that the grocer came to know that she was in funds that day ?—Yes.

16586. And in that way the link of connection between the receiver of the work and the grocer was broken, was it not ?—Yes, only sometimes it is a relative of the shopkeeper who goes in to assist the man who is giving out the work.

16587. I gather that all that would happen there would be that the girl would be the means of his finding out that his customers were getting that work and were going to get payment ?—Yes. It evidently is a great advantage, because this man told me he would willingly let his room rent-free in order to have the work given out from it.

16588. You have something much nearer a contravention of the Truck Act than that, have you not ?—Yes.

16589. Have you known cases in Donegal in which the actual person who gives out the raw material and receives it back wrought up is the merchant himself ?—Oh yes, I have.

16590. There are such cases in Donegal in your experience ?—Yes. You mean the shopkeeper gives the yarn and receives it back ?

16591. Yes ?—Yes.

16592. And is liable for payment for it ?—Yes.

16593. Now what happens in such a case ? is it uncommon or is it frequent ?—It is frequent.

16594. You are referring to West Donegal ?—Yes. I visited the South of Donegal and the part round the Ross's, and North Donegal as well.

16595. Just describe to the committee what happens when a person goes in ?—May I take the sprigging first of all. The Belfast firms sends down the work and pays the agent a commission of 10 per cent. to give out the work.

16596. The case we are investigating is where the agent is himself the grocer or merchant ?—Yes.

16597. I understand that what happens is that in many cases the worker is in debt to the shopman ?—Yes. When they return the work after they have done it, instead of getting the money they have earned it goes toward the debt; or else the understanding is very strong that if they receive the work from this shopkeeper they must leave their wages at the shop. They have told me time after time that of course they must leave their wages at the shop if they get the work from that shopkeeper—that they could not take it away.

16598. I see in one case you cite a worker as saying that she never took a halfpenny from the merchant ?—That is so. They do not. They say that if they did take it away they would not get any work again, or they would not get the best-paid work.

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16599. So far as the spirit of the Truck Act is concerned, that is a complete violation of it ?—A complete violation.

16600. But you know that under the legal decisions they cannot be got at ?—Yes, because it is impossible to prove a contract of employment. That is very difficult; I cannot prove it. They do not undertake to do the work themselves.

16601. That is the principle of *Squire* v. *Sweeney* and *Squire* v. *The Midland Lace Co.* ?—Yes. May I give one other instance which is given in my report. It is in regard to hand-knitting. This man got a girl in one day into his debt for £2, and now she has to work it off by knitting, and she does not receive any coin for her wages. It just goes towards the debt.

16602. In one case which you cite I think you say it would take about three months of work in order to cover the debt incurred in one morning ?—It would take quite that—it would take more than that.

16603. How were you able to get at these facts ? Did you go to the parish priest ?—Yes, a great deal. Then of course we saw the workers and different people in the district. I have been able to get information much more easily lately with regard to the excessive credit, which is so very much bound up with truck. Since Father Flatley's evidence before the Congested Districts Board the priests have taken a great interest in it and have been much more willing to give me information. Of course the credit system is a very serious matter.

16604. Before we go on to the credit system may I tell you that we had a witness from Ireland the other day who asked the Committee if they could do anything by way of making the provisions of the Truck Act better known; what do you say with regard to that ?—I think the provisions of the Truck Act are well-known. I have been perfectly suprised at that.

16605. Even among these humble people ?—Yes. At one of the very first cabins I went to in order to make my enquiries the girl in the cabin said : " You are making enquiries about truck." I found that everywhere. It has been very surprising to find how well-known the Truck Acts are.

16606. There is one thing which is not brought out in your Report upon which I want to know your view; if these people were free, what is their feeling with regard to the truck system ? Do they favour it or are they against it ?—They feel very strongly that they should get coin and that there should not be any sort of understanding as to where they spend their wages. Speaking generally I feel certain of that.

16607. Is it the case that in the majority of instances these people so working are deeply in debt to the local merchant ?—Yes, they are in debt.

16608. And so long as that system of debt and credit goes on you think it will be difficult to find a remedy ?—Yes, that is what I feel. The things are so tremendously united; one works in with the other so much.

16609. On the whole, do you think that they receive fair value in goods for the allowances they get ?—No, I think that the goods are very highly priced. I find that they charge the poorer people much higher prices for their goods. I was told the other day in County Mayo where I have also made inquiries in connection with truck, with regard to spinning and weaving, that they, would charge the working people 3s. a pound for tea while they would charge the middle class only 2s. 6d. for the same thing. They charge very highly for these articles.

16610. Now take Donegal, and the price paid for tea. It is sold in quarter or half pounds ?—Yes.

16611. What is the price that is charged in the case which you give where money does not pass but where they give goods in lieu of wages ?—It seems to me that the usual price per lb. is 2s. 6d. to 2s. 9d. There is a great deal of barter in these places and very often eggs are given in place of tea and grocery. The question of barter is another thing which comes in very much in these transactions.

16612. You mean a person comes with wrought up goods and with eggs ?—They would probably buy their tea or groceries with their eggs. It comes very much into all transactions.

16613. Is that mixed up also with their labour on the wrought up goods ?—Well, it is in so far as they are in debt to these shopkeepers and are working for them.

16614. Do not let us get into anything except the truck. What we are concerned with is the sale of their labour. Are you definite upon this—because it has been denied—that the payment without any attempt to evade it, is in frequent cases made directly by goods and not in coin ?—I do not think that they actually hand the goods over in place of coin now. They may very often even give them the coin, but the understanding is quite clear that they must leave it there or they will not get any more work. It comes under that other section of the Truck Act.

16615. And what they do get is goods instead of money ?—Yes, or else of course they have them heavily in their debt and then no coin does pass because it goes against their debts.

16616. Now suppose a person thus entitled by law to coin demanded it, have you any doubt that the result would be what they fear, viz., that they would get no more work ?—Yes, I am told so.

16617. Suppose that they did not demand the coin but demanded the goods at a more reasonable figure, more like market rates, do you think the same quarrel might ensue ?—I think it would, because they say they cannot say anything because they are so much in debt to these people. They have no power of saying anything.

16618. You have a large paragraph in your report about gombeening and the credit system; what is gombeening ?—Gombeening is really lending money to the poor at a very high rate of interest.

16619. Is the gombeener a person who is a merchant ?—Yes. As far as I can understand the gombeener years ago always lent money at a high rate of interest. I think he is rather a man of the past. I do not think one finds them doing that now. But the term " gombeen-man " has been applied to these rich shopkeepers, and certainly this class is arising all over Ireland. I have been very much struck in driving through these little villages to see the number of rich shopkeepers. They allow these people to get very much into debt to them and they charge a very high rate of interest.

16620. Still, that is not gombeening at all, because it is not lending; it is just allowing them to get into debt. Do they advance them money in addition ?—Sometimes I gather they do that, for emigration. But I think that term has been applied to this system of letting them get very much into debt and then charging this high rate of interest.

16621. So that roughly speaking " gombeening " is a term which does not apply to the money-lender so much as to the credit tradesman ?—I think that is so. That is how it has been put to me.

16622. With regard to the connection between truck and credit, suppose Parliament were to resolve to enforce the law with regard to out-workers as well as all other classes of workers, and make this system impossible, do you think that could be carried out effectively so long as this method of employing shopkeepers as agents for manufacturers continues ?—No. I cannot see how legislation is going to touch this truck system in Ireland for out-workers on the same lines as for in-workers, because of its being so connected with this excessive credit.

16623. That makes it rather serious for us. In the first place, I suppose you agree that the out-worker demands the protection of the law in the same way as the in-worker ?—Yes, certainly.

16624. And this idea adopted by the courts that there is no guarantee of contract that the work is to be individually done really does not touch the sore at all ?—No.

16625. Suppose that was to be the law it would be beneficial in all cases, at all events, where there was not already established a system of credit ?—Yes.

16626. It would leave them free in that sense ?—Yes, if you could find cases where there is no credit.

16627. It would allow the old cases to work out ?—Yes.

16628. I gather that your view is that, so long as the shop is there and the shopkeeper is the man with the goods

who has the work to distribute and the money to pay for work done, the parties are not on equal terms at all ?—I am not certain I follow you.

16629. The temptation to the worker to take goods there and not go elsewhere, with the risk of being sent away, is too great ?—Yes, it is too great. They are entirely under the shopkeepers in every way.

16630. Can you suggest any means of avoiding that ?—As far as I can see if one could do anything to encourage the Co-operative Societies and the Agricultural Banks it would be of advantage, because the Agricultural Banks lend small sums at 5 per cent. They have started one Co-operative Society in Dungloe which I think should do a great deal.

16631. Under the existing system I fancy your view is that substantially the independence of these out-workers is gone ?—Yes, it is.

16632. Do you think some means ought to be devised to restore it ?—Yes. Of course it is a great deal a question of education, too.

By Mr. Maddison.

16633. I should like to ask you whether your experience is that the people who are not doing either sprigging or any of this other work are also heavily in debt to these tradespeople ?—Yes, I think they are.

16634. I suppose as a matter of fact the people who are not doing this out-work are pretty much in the same condition so far as regards dependence on the shopkeeper as the others ?—Yes. This credit system prevails throughout the country districts in Ireland.

16635. So that your evidence is that the problem we are considering is really one of such a low economic condition that the people have no independence at all ?—Yes.

16636. Whether they are doing work for these firms or not ?—Yes.

16637. I wonder who that clerk to the union was ?—I will look up that point, and let you know. May I say with regard to machine-knitting I found that the machines are let out at a rent; the workers have to pay rent for them. Lately, I came across two instances where the workers had had to pay the rent, and then were told that in future they would have to buy the machines. I came across one girl who had paid a rent of 1s. a week for four years for her machine. I do not say she had paid every week, but whenever she had work during those four years she paid that amount. She then received a note to say that she would have to pay £2 for the machine—£1 in August, and £1 in November—that she would have to purchase it. There was also another case where a girl had paid 1s. a week for two years, and was then required to pay £5 10s. for the machine.

16638. Do you know of any cases where these women work for more than one agent at a time ?—In the sprigging they work for a good number of agents.

16639. But those agents direct from the Belfast or Derry firms, or wherever they come from ?—No. With regard to sprigging they are the shopkeepers.

16640. It is the shopkeepers I want to know about. Where a woman works for two or three agents what does she do with regard to the purchase of goods ?—She leaves some at each shop or she would not get the work.

16641. You told us they get 8d. a pair for large golf stockings ?—Yes.

16642. Do these women work all day or simply fill up their time with that work ?—I think that in the knitting they do work fairly continuously. It is very difficult to arrive at any exact conclusion as to the length of time they do work. I think in the sprigging they do not work so constantly, but in the knitting, it seems to me they do work very constantly. Nearly all these women are employed in herding cattle and they take their stockings with them and knit for a number of hours.

16643. It is worked in with other things ?—Yes.

16644. You mentioned £8 for a sewing machine ?—Yes.

16645. What would be the value of it ?—They told me that if they had not bought it on the instalment system but could have paid cash for it, it would cost £4 10s. or £5. They were buying them from the machine companies.

16646. You said they charged the poor more than they charged people who were better to do, but that is because the poor do not pay cash ?—Yes, it is; and that is where they get their profit.

16647. There is no discrimination against the poor as poor ?—No.

16648. It is against them because they are debtors ?—Yes.

By Mr. Delevingne.

16649. Is there work enough to go round, or is there a scarcity of work ?—In the sprigging there is a great deal of work just now. In the knitting I do not think there is so much, and certainly not in the machine-knitting. In regard to underclothing and shirts and collars it varies rather; there is not a great deal. There is sufficient, I think, but not a great deal. Certainly in the sprigging there is plenty.

16650. In the sprigging one would suppose the agent could not exercise much pressure on the worker, seeing he would be anxious to get the work done. He would be rather slow to refuse to give work. How does that work out in your experience ?—To a certain extent perhaps that is so. There is more truck in the knitting than in the sprigging, but it is so ingrained in these workers that they must leave their wages in the shop.

16651. It is a sentiment ?—Yes, it is a strong feeling. They do not realise the difference between the position of the shopkeeper and customer, and between employer and employed. They look upon it as all connected.

16652. In your Report you quote one or two remarks of women who expressed indignation at the idea of not leaving their wages at the shop.—They said they could not do anything else.

16653. I could not reconcile that with your statement that the workers were opposed to the present system ?—I think that although they feel so strongly yet they recognise that there might be another system which might be better. They recognise that they must do it because they are so much in their debt. That is where it comes in so very much.

16654. As regards shirt-making I think you said that truck is not so prevalent there ?—I do not think it is so prevalent there, because in shirt-making they send out their own agents, and do not send it to any shop or room in the village. It is the knitting and sprigging which are the worst.

By Mrs. Tennant.

16655. Have you had experience of the bonus system ?—Yes, I have, in Belfast.

16656. Have you come to any conclusion about it ?—Two employers have told me they have adopted the bonus system in order to evade the Truck Act, and it seems to me it is so. In Belfast one finds the bonus system throughout the spinning and weaving. I have made some enquiries. I helped Miss Deane in a prosecution with regard to the bonus system. There was an appeal case on it. Since then I have been making a great many enquiries as to the view of employers and employed about these bonuses, as to how far they regard them as part of the wages. I have been very much struck with this, that when a worker tells me her wages she includes the bonus and can very seldom tell me what the bonus itself is. She always includes the bonus when she tells me about her wages. In one place I found 90 per cent. of the women always received their bonus every week. It is not a thing the efore, which comes to them by chance; it is a thing which they definitely look upon as part of their wages. When I was asking about the wages in a particular factory the employer always quoted the bonus when speaking of wages. I said afterwards: "I notice you have included the bonus in every case ?" He said: "Yes, because we are virtually obliged to give it." Another man spoke of it as part of the standard wage and he said he could not get his workers if he did not give the bonus. They do regard it very much as part of the wage. In one large works I found the women were on a set wage of 7s., but they were receiving a bonus which was sometimes as much as 6s. If these women were late one morning they were fined 2d; if late two

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mornings they were fined 2d. and lost the bonus. In one case they lost a bonus of 4s. for being late the second morning, and in another case they lost a 6s. bonus. There are many different ways of losing it. In the spinning mills there is generally a shilling bonus which they lose in this way. Then there is a bonus for weaving, and there is a bonus for perfect cloth, which to my mind is really only another way of fining for bad work. In the case I have in view there was a bonus of 2s. 6d. given once a fortnight to a weaver. If she was out one morning she lost 1s. 6d.; if she was out two mornings she lost 2s. 6d. Besides that, if she was sent for by the cloth-overlooker because of bad work she lost 1s. 6d. of it, and if sent for twice during the fortnight she lost 2s. 6d. so that she could lose that bonus really in two different ways —for bad work or for being late. In the same mill they gave 2d. a cut on every cut provided they were not sent for by the overlooker for bad cloth. If they were sent for they lost the 2d. for the cut.

16657. Did they have any fine in addition, or did the fine consist of the loss of the bonus ?—I think very often they were fined as well. In this case they were fined 1d. or 2d. for five or ten minutes. They could get in by paying a fine up to about ten minutes past six, but not afterwards. If they were out for a morning they lost their bonus, and no account was taken if they were ill —they lost their bonus just the same.

16658. In that case is the bonus given for good attendance ?—Yes; it is for working the full number of hours, but they lose it if they do not attend the full number.

16659. You mentioned a case in which a girl lost a bonus of 6s. and another case in which a girl lost a bonus of 4s. ?—Yes.

16660. For what was the bonus promised in each of those cases ?—She would get a set wage of 7s., and if she did over a certain amount of extra work she would get this bonus. It seemed to me that they settled the bonus on a piece work rate, but that has not been proved. It was a textile factory, so it was outside my province. The managers and occupiers told me that it was not a piece work rate, but that it was a present which they gave. They had about a thousand women, and they maintained that they gave a different present each week to the women—different amounts. Really I think it was made up on piece work rate of some sort or other but they lost it immediately.

16661. The loss in the 6s. case was in respect of being late ?—Yes, being late the second morning. The first morning she was fined 2d., and the second morning she lost the bonus.

16662. Did her being late involve the diminution of work below the standard on which she would have earned the bonus ?—No, I gather not. It could not have made that difference of 6s.

By the Chairman.

16663. Are the regulations with regard to bonuses written regulations ?—Not in all mills. I believe in some they do have a notice put up about them.

16664. Are the stipulations with regard to the total or partial loss of the bonus for delinquencies in writing ?—I think in certain mills they are and in others they are not so far as I can remember. It is not looked upon as a fine or deduction, and it is not considered necessary to put up a notice.

Miss MARY GALWAY, called; and Examined.

By the Chairman.

Miss Mary Galway.

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16665. What are you ?—I am organising secretary of the Textile Operatives Society of Ireland.

16666. Where do you live ?—31, Crocus Street, Belfast.

16667. What do you do as organising secretary ?—I do the book work, enter the members' names, visit members, canvass for members, hold meetings, start new branches, superintend the collectors, look after fines.

16668. How many members belong to the Society ?—Three thousand.

16669. Is it part of your business to see that the Truck Acts are carried into effect ?—Yes.

16670. Have you been connected with a large number of cases of truck and alleged truck in Ireland ?—Yes.

16671. Over what period of time have your operations extended ?—I have been secretary for ten and a half years—eleven years next July.

16672. During that time how many cases have come under your notice ?—I could not say the exact number. There are a great many cases we do not bother with—hundreds—small fines in which no action is taken.

16673. Your Society has taken action in sixty-six cases during that time ?—Not in all of those. In the case of the workers in R 9 we did not take action, because trade was bad and the workers thought they would lose their work, and so they stood their fines.

16674. You have called the attention of the Courts or of the employers to fines in at least sixty-six cases ?—Yes.

16675. In the first place, how do you come to know when these contraventions have occurred ? Do the workers report to you ?—Yes. The workers come and report, and sometimes the district collector reports, and I go and visit the worker at her home.

16676. What does the district collector do ?—She collects the members' contributions from house to house.

16677. Is it a sick club ?—No, only for fires, failures, Strikes, etc. It is one common fund. We have collectors to collect it.

16678. You operate among women ?—Yes, and among men in the textile trades who have no Union in the section they work at.

16679. Is it an advantage in the administration of these Acts that there should be a Union whose officers can make the necessary investigations ?—Yes, it is most necessary that there should be a Union to look after those fines and report them, and for a Society to take action on behalf of the worker.

16680. In a number of those cases I observe that you reported the circumstances to the employer in the first instance ?—Yes, in some cases we did. In other cases we just issue a summons and take them into Court.

16681. In the name of the worker ?—In the name of the worker.

16682. When you have appealed direct to the employer have you been successful in getting the thing rectified ?—Sometimes we have. Sometimes we argue the point with regard to the damage which the worker is supposed to have done as to whether it is the fault of the material or the machinery or the worker. I argue that the fault is not the workers. Sometimes they refund the fine and let the worker go—they will not let her work again. At other times they will not even show the work which they say is damaged, and then we summon them.

16683. Have your operations in the Courts been attended with success ?—In a great many cases we have been successful in proving that the supposed damage done to the work was not caused by any carelessness on the part of our member. In other cases, where we were equally sure that our member was not careless, we have lost. It depends greatly upon the magistrates who are in Court on the day. Some of them are more sympathetic than others.

16684. Representing that Organisation, have you any views as to whether fines should or should not be continued ?—I think from my experience as a worker for eleven years and as Secretary of the Union for ten and a half years that fines should be absolutely abolished.

16685. What are your reasons for coming to that conclusion ?—Because of the number of heavy fines which have come under my notice where competent workers have done their level best. Although there was defective machinery and bad material workers were fined for not having the thing all right, although they could not possibly prevent what happened. We take into consideration the experience of the worker and the number

of years she has been with the firm, and we come to the conclusion that she would not be careless and lose money for it if she could possibly help it.

16686. I observe you have given us details of cases of fines for damaged work in your memorandum ?—For alleged damaged work.

16687. Are there fines for anything else, such as lateness ?—Yes, 1d. up to ten minutes past the time of starting, as you will see by the contract. They can also fine them 8d. a day for being absent from work. An injustice is often inflicted upon workers in that way because sometimes they are fined for being absent from work when they are standing half the day idle for work.

16688. Do you think that proper supervision would be sufficient to maintain discipline, without fines ?—I think it would. I think if they did with women workers what they do with men workers, lock them out, it would sharpen them up and they would attend properly. But if there is not sufficient work a worker should not be fined for being absent.

16689. Do you think that the abolition of fines would be attended with hardship if there was only the alternative of temporary suspension, or dismissal ?—I do not know. I think if they tried they could turn up in time. I do not think that fines accomplish the object they are intended for, because there are some people who are late every day. The good time keepers will keep time without fining, and the bad time keepers are habitually bad time keepers and fining does not make them keep time a bit.

16690. That is your experience ?—That is my experience.

16691. Have you any particular instances to which you would like to call our attention ?—Yes. There one or two cases here which I have marked which I consider very glaring instances of violations of the Truck Act. There are very many more that I might draw attention to, but these instances will prove it. Here is one case. "A woman, weaver, employed by S 9. On October 13th, 1897, she was fined in the sum of 10d. and 4d. bonus for rips in a cut of cloth. She refused to stand the fine. The society summoned the firm. They settled the case, paid the wages in full, and the costs. The woman was twenty-four years in their employment."

16692. What happened in that case ?—I went to the factory with the woman to see the cloth and the manager would not show it me. I said that she was an experienced worker and had been off and on twenty-four years with them, and I argued that the rips in the cut of cloth were not damages, and that she should not be fined. They would not show it to me. We summoned the firm and they settled the case; they never let it come on. They paid the wages in full and 12s. 6d. costs and settled the case. Of course we wanted the cut of cloth examined in Court. This same weaver went to T 9 to work and was fined 8d. in two cuts of cloth while out ill.

16693. That is Case 3, in which she was successful ?—Yes. I wrote to the Home Office about that fine, and Mr. Cooke Taylor was sent to Belfast to investigate the case, with the result that the firm was prosecuted and fined £5 and costs.

16694. What we want is to get as much light as possible on cases where the law can be amended ?—There is Case 4 of a woman weaver. That is the same sort of thing.

16695. They paid on your representation ?—Yes.

16696. Can you give us some typical cases where the law has failed ?—I did not know exactly the cases you wanted. Here is Case 9: "A woman, employed by U 9 complained that she had been fined 6d. per cut on two cuts. One shilling had been stopped out of her wages in one week. She reported to the tenter that her loom was weaving over, and she would not work any longer on the loom until it was fixed. The tenter worked at the loom for some time, but failed to fix it. When she took her cut up to the office the cloth-passer was going to fine her again. She explained to him about the loom, and he did not fine her. He fined her 6d. in her next cut. She objected to stand the fine and went to the manager. He was going to pay her off. The society sued the firm for a fortnight's wages for dismissing the girl without notice, but lost the case." In that case the girl had to pay the fine, and it was not her fault. The loom weaving over was due to the man not being able to fix the loom to make it stop at the proper time.

16697. That is an instance where you think injustice has been done under the existing system ?—Yes.

16698. There are many other instances in this document in which you seem to have been successful, either by action in Court or by appeal to the employers themselves ?—Yes.

16699. Now speaking generally, are you firm in your conviction that it would be better for the interests of the employers as well as the employed that fines should be done away with ?—Knowing as I do that there have been so many unjust fines inflicted, I think it would be better that they should be abolished altogether, and if a worker cannot do the work let her be dismissed, as is done in skilled men's work. There is no fine inflicted on them because their society will not allow it.

16700. Is that the opinion of the organisation that you represent ?—It is the opinion of all our members that very many fines are unjust and altogether uncalled for.

16701. Yes, but have they had the alternative brought before them that if fines are abolished there would be a system of warnings, suspensions, and dismissals ?—A great many say they would rather be dismissed than continually fined. I have asked them that question. When members of our union have been fined and have demanded their discharge the firm will not give them their discharge, but demand a fortnight's notice from them although they tell them they are spoiling the work and are incompetent. If they are, why do they not let them go away? Why do they wish to keep them another fortnight.

By Mrs. Tennant.

16702. In your evidence are you speaking chiefly of damask weavers:?—All classes of weavers, plain linen and damask.

16703. They do not all have the same number of looms ?—No; the coarser weavers have three looms. Usually they all have two looms.

16704. Would you say it is possible for a weaver to turn her cloth out of two looms without a fault ?—I hardly see how she could do it. It would be nearly impossible for a linen weaver to mind two looms and turn her cloth out without some of the faults they specify, They could certainly fine her for something, because while she is attending to the loom in front of her the one at the back might make some mistake, and she has to remedy that by ripping. They fine her for the damage and for the rip, and it is a question of fining any way.

16705. Is she allowed to have what one may call so many faults in hand ? Is she allowed to have so many faults before they begin to be counted ?—No.

16706. I ask that question because in certain cases weavers are allowed a certain number of faults before they are counted; it is admitted that they cannot avoid a certain number ?—I do not know of any firm which allows a certain number of rips. I do not know of that being the rule in any place. It does not say so in the contract.

16707. And it is not the practice, according to your experience ?—No.

16708. In your experience do you find discrimination in the imposition of fines—that it is only the bad workers who are fined ? I gather from some of the cases which you have given that that is not so ?—No. We find unfortunately that experienced and good workers are fined just as well as the young and bad ones. They are all fined alike in most places. Experience does not seem to count at all in Belfast.

16709. Have you any instances in which fining has been abandoned for another system ? For example, do you know of any factory where, there having been fining for late attendance, locking-out has been substituted ?—No; they all fine in Belfast. None of the firms lock them out.

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16710. Outside Belfast do you know of any cases where that has been done ?—I really do not know of any places where they have substituted locking-out.

16711. In your representations to employers have you ever asked that the one system should be substituted for the other ?—I have often said that they should be locked out and that no fines should be inflicted. When work is slack even the worker is fined for being away, and she is fined for being late. If workers were locked out it would smarten them up and make them keep time. I think that fining has failed to accomplish what it was intended for, namely to make them keep time.

16712. When you have made that request did you know that you would have had the union's support ?—Yes.

16713. Is there any division of opinion in the union upon that point ? Is there any preference for fines on the part of any of the members of the union ?—Some of the girls say they would rather stand a small fine than be locked out, but the majority of girls who are in the habit of keeping time say that it would be better to lock the gate and not fine at all.

16714. Is your own opinion quite strong that locking out would be better ?—Yes, I think so, because if the employers have the power to fine at all it often leads to injustice.

16715. You have referred to the bonus system in your evidence ; have you come to any conclusion upon that ?—I have come to the conclusion that a bonus is a thing which is offered to make piece workers work one against the other, but it is a thing which it is not intended the worker shall get very often. Hardly one worker in ten ever lifts the bonus for perfect cloth. They allow from 1d. to 4d. a cut of cloth if it is perfect. But they either fine them or else keep back the bonus.

16716. Would you say there would be the same difficulty in earning the bonus on a damask loom as there would be on the rougher work where a weaver has three looms ? Is the difficulty just the same in both cases ?—Just the same.

16717. Have you experience of the bonus system in connection with other matters besides perfect cloth—for example, a bonus for good attendance ?—Yes, the time bonus ; if they stop away half-a-day, they lose their time bonus—6d. or 1s. for the week, as the case may be. Some firms pay 6d. ; others pay 1s. ; and if they are out for a morning they lose all that.

16718. Is that a matter which has been discussed by the members of the union ?—Oh, it has been. They say they would rather have the bonus as wages, and if they are out for a morning let the wages for that morning be kept back, and if they are out for a day let the wages for the day be kept back.

16719. They do not like a bonus ?—No ; they want it added to the wages.

16720. They would rather have the wages exclusive of bonus ?—Yes.

By Mr. Maddison.

16721. Do your members regard the bonus as included in their wages ? When they reckon their wages do they reckon the amount plus the bonus ?—The spinners say : " We have 12s. a week." I ask them : " Is that with your bonus, or without it ? " and I find they practically count upon the bonus as wages.

16722. When you are negotiating piece-work rates do you take the bonus into account at all ?—Oh, yes, the workers look upon it as part of their wages.

16723. When you are actually negotiating piece-work rates, so much a cut or however you do it, do you, as a union, take the bonus into account ?—We count the bonus per cut added to the price of the cut.

16724. You do ?—Yes.

16725. Have you any firms where there is no bonus ?—No, not in Belfast.

16726. Anywhere within the area of your union ? Is it confined to Belfast ?—No, there is a bonus everywhere for weaving. It is to make them hurry up.

16727. Supposing some firm gave up the bonus system, would you insist upon increased piece-work rates ?—Oh, yes.

16728. You would ?—Yes.

16729. So that you do really regard the bonus as part of the wages ?—Yes ; the workers do.

16730. And not as a genuine reward for skill, faithfulness, and so on ?—No ; they count it as part of the wages, that is, the bonus for perfect cloth, but not the time bonus.

16731. I am talking of the bonus for perfect cloth ?—There are two or three kinds of bonuses.

16732. Just for the moment take the bonus for perfect cloth ; you say that if a firm was to abandon the bonus system for perfect cloth, you would want an increase in the piece-work rate ?—Yes.

16733. That is your evidence ?—Yes. The equivalent of the average bonus earned in the whole shop should be added to the price of the cloth, taking the bonus earned by the shop, say, in half a year.

16734. When you say it should be, are you speaking of what you consider to be the ideal system or the right system ?—Yes ; that is what our members would want.

16735. Yes, but I would like to know this. You will have had some change in the piece-work rates from time to time ?—Yes. Sometimes they reduce them.

16736. Have you never had an increase ?—No.

16737. I want to follow that up. You have never had an increase ?—Not within the last eighteen or twenty years, to my knowledge.

16738. Does your union, in opposing the fining system realise the importance of discipline in a mill ?—Yes we know very well that no big establishment could be conducted without discipline. We know that very well.

16739. And your union in every case maintains discipline ? It is not in conflict with discipline ?—No. We always say to our members that they must pay attention to their work, and turn up in time.

16740. Do you know of any difference in the experience of members and non-members of the union with respect to fines ? Have you found the union to be helpful to the workers in the mills ?—It has been.

16741. I mean with respect to fines ?—Yes. Do you mean for inferior cloth, or late fines ?

16742. Any fine ?—Yes ; the union has been very helpful. Our members and those who are not members all agree in saying that the number of fines has been reduced by 20 per cent. since the union was started. They are not nearly so heavy or so frequent.

16743. Since that reduction of 20 per cent. in fines, can you say whether the discipline in the mills has been as good or better ?—I cannot say. The firms time-books would show that.

16744. What do you think ?—I think on the whole the workers keep as good time and work as well.

16745. There has been no deterioration ?—Not that I am aware of.

16746. What do you say should happen in the case of a rather serious defect in a piece of cloth for which the weaver has been paid so much a cut ; from your point of view who should bear the loss there ?—If it can be proved that it is the worker's fault, I should say she should be dismissed, but I think very often it is due to bad material and machinery.

16747. Is it your evidence that the question of defect should be treated as a question of the efficiency of the worker, and that if her work turns out to be very defective the employer should say : " You are of no further use to me," and not fine her. What would you really candidly say would be the effect on the mill as a whole and on the employer's position, looking at that for the moment, if he had to take the summary method of suspension or dismissal for these constant defects which are going on ?—I know our members would prefer being dismissed to fining. They are of the firm opinion that fines should be abolished.

16748. What amount of fines are there in a mill ?—We have not the workers well enough organised, and I could not tell you. Unless we had it from the firms I could not tell. An inspector of factories would be able to get that.

16749. What would it be amongst a thousand weavers ?—I have no idea.

16750. Is there much fining ?—There is a great deal, and there is a great deal we never get to hear of. The workers are not organised, and consequently there are hundreds of fines we never get to know anything about. Another point is that some of our girls would rather lose a week's pay than face a court, and they tell me so ; they would rather lose any amount in fines than go to court.

16751. Do they post the fines up in the mills ?—No.

16752. Do they post the names of those who are fined in any part of the mill ?—They used to do it at one mill, but only one.

16753. What would you say to a system which substituted for fines a black list on which the names of weavers who had committed faults of various kinds would be posted ? How would the workers regard having their names posted on a black list ?—I am afraid they would not have that.

16754. Would they sooner have fines ?—No. They want fines done away with. They are positive about that.

16755. But if instead of fines the employer substituted some system of caution, and it was part of that system to post the names from time to time of those who had committed faults, would the workers resent that ?—That might have a good effect. I dare say it would. I do not know of any firm that really does that, except the one I have mentioned.

16756. Do they fine as well ?—They did. They posted the fines up with the names of the girls.

By Mr. Delevingne.

16757. You give a list of fines imposed in R 9 in the week from December 5th to December 11th last ; do you know this factory yourself ?—Yes.

16758. What size is it ? How many weavers do they employ ?—There are about 500 looms and they are two-loom weavers. I suppose there would be from 200 to 250 weavers. I could not say exactly.

16759. You give a list of twelve fines imposed in that week amongst from 200 to 250 weavers ?—Yes, but those are only the ones which are reported. There are a number of people there who do not report and consequently I cannot say how many fines were inflicted.

16760. Can you say how many workers in that mill are in your union ?—We have only about fifty or sixty in the union altogether. There are a large number of non-union girls in that factory ?

16761. You mean in that mill ?—Yes, I think not more than fifty or sixty are members of our union in that mill.

16762. I see one or two cases are amongst men ?—Yes.

16763. Those would not be members of your union ?—We take in the men weavers because there is no union for them except the Textile Operatives Society. We take in the men who are in a department for which there is no union, but we do not take in any men if there is a union for them.

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16764. Those twelve cases are all members of your society ?—Some are not, and I have recorded that. Our members reported them, and handed in the list to me. I interviewed our members about those fines. I went to their houses and tried to find out the addresses of the other girls. They work alongside our members.

16765. For the purpose of statistics we cannot draw any inference from the number of fines which you have given us in that week ?—No. I could not say how many there would be.

16766. At any rate, I suppose a large proportion of the weavers would not be fined ?—It was the opinion of our members that a very large proportion of the weavers all over the shop were fined that week.

16767. In that particular mill ?—In that particular mill. It never was so bad in one week as in that week They said they were on the push for Christmas pay, and they thought that was the reason the fining was so heavy. They were working hard for Christmas pay.

16768. And they made a number of defects in so doing ?—They say their work was as good as usual. But work is very slack, and if they leave a place they cannot get another, and it is a question of either standing the fines or walking about idle.

16769. Would the workers in this list who have been fined have been first cautioned by the employer or by the foreman ?—I do not know. They are not usually cautioned ; they are just fined.

16770. Without any caution or warning at all ?—Yes. I do not know of anyone being cautioned.

16771. Do you say that with regard to this particular mill or with regard to all mills, from your own knowledge ?—This mill is the worst for fining.

16772. R 9 ?—Yes. They inflict fines very heavily and fr quently, and the experience of a worker does not seem to make any difference.

16773. Is it your evidence that in this mill workers are fined indiscriminately, or would it be the case that certain workers are never fined ?—In this place they fine all, young and old, good and bad. They seem to fine indiscriminately. That is what leads me to think that a good many of the fines are very unjust.

16774. It is not the case that only a certain section of the workers are fined as being the inferior workers, but your evidence is that all workers, good, bad, and indifferent have these fines imposed upon them ?—Yes, old and young are fined in that place ; experience and age do not seem to count.

SIXTIETH DAY.

Wednesday, 19th February, 1908.

PRESENT.

FREDERICK MADDISON, Esq., M.P. (*in the Chair*).

Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

MR. ROBERT SMILLIE, called ; and Examined.

By Mr. Maddison.

16775. Whom do you represent ?—The Scottish miners.

16776. Do you mean the Federation ?—Yes, the Scottish Miners Federation.

16777. You have not supplied a *précis* of your evidence ?—No ; the time was so short.

16778. Perhaps you would give us a statement of what you wish to put before the Committee ?—Yes ; I will make a brief statement. I am here directly representing the Parliamentary Committee of the Scottish Trades Union Congress. I have had many years' experience as a working miner, and have been an official of the Lanarkshire Miners' Union for some twenty years. The miners so far as I can gather their opinions, are absolutely opposed to any deductions whatever being taken from their wages with the exception of those contributions which might be taken off wages at the miners' request, and handed over to theeir Committees for their own pur-

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poses. Deductions are now made for explosives, pick sharpening, lamps, medical attendance, house rent, coals, charities, etc., while fines are sometimes imposed for breaches of rules, improper filling of tubs, etc. The Truck Act provides that deductions must be agreed to by the workmen before they can be imposed, and that where deductions are made the employers must allow an audit of accounts to be made on behalf of the workmen. Both of those provisions are more or less of a farce at the present time, and do not meet the purpose for which they were intended. Some years ago the Scottish miners made a strong protest to the Government against deductions from wages being made. At that time, in addition to the deductions which are now made, there was a percentage taken off the workmen's wages for advancing cash to them in the middle of the pay. Where the pays were fortnightly pays, if the workman received advances in the middle of the pay they had to pay in some cases 1s. in the £, and in some cases 2s. in the £. The Government appointed, as Chief Inspector of Factories, Mr. Redgrave, who visited quite a number of Scottish mining districts, and made full inquiries. The opinion expressed by all the leading miners whom he consulted was strongly against any deductions from wages. They were of opinion that the workmen's wages should be paid in full, and any debts which they might have to the employer should be paid to him in the ordinary way. I believe that Mr. Redgrave expressed himself as being impressed with the statements which were made to him, but unfortunately the Government took a middle course. The legislation at that time permitted deductions to be made by agreement, and where deductions were made, the workmen were to have the right once in twelve months of auditing accounts. I will briefly tell the Committee how that works out. Immediately that that became law, the employers, the coal owners, had books printed in which they had a statement authorising them to make deductions from the workmen's wages. One clause of that, which the workmen had to sign, was this: "We hereby agree that this does not form a condition of hiring." Yet the workmen were told they could not continue their employment unless they signed those books. We had a strike in one case against signing the books, but we were defeated, and while the workmen signed the statement which said that it did not form a condition of hiring, as a matter of fact they could not continue their employment unless they did sign it. At all our collieries these books are kept, but to a great extent they are now in disuse. They are seldom signed, but it is taken for granted that a workman in accepting employment agrees to allow the employers to make those deductions. Now I have had considerable experience of auditing accounts at the collieries, and I find that the position is this: the employer makes up a statement of the total income from deductions. Take pick-sharpening, 6d. per fortnight is deducted from the workmen for the sharpening of their picks, drills, and other tools. A correct statement of income is kept by the employer, and on the other side the expenditure is kept. It begins with the rent of the smithy. That may be placed at anything from £10 up to £30 for a building which in all probability would not cost £20 altogether. Then there are the coals used by the workmen, and the use of the tools in the smithy, which are charged for. Then the time or wages of the blacksmith are included. We usually find that the workman are in debt because of the excessive charges.

16779. How do you mean in debt ?—The income which the employer deducts from the wages sometimes works out to cover the expenditure, but sometimes it falls considerably below the expenditure. The expenditure for smith's wages, rent of smithy, coals, and other charges usually exceeds the amount which the workmen are supposed to pay. But we say that that is because the charges made are excessive.

16780. You mean that the accounts show that those things are costing the employer something ?—Yes, that the employer is really at a loss.

16781. So far as sharpening picks and drills, etc., is concerned ?—Yes. That is not universal because in in some cases we have really found a balance in the workmen's favour.

16782. And then what happens ?—In that case the money in some cases has been paid back to the workmen, 1s. or 1s. 6d. for the year, or a remission of deductions is given for one, two, three, or four pays; that is, deductions are not made for that time. But generally it may be taken that the accounts either square themselves or the employer's statement is that he is losing by the transaction.

With regard to safety lamps, where safety lamps are used the employer provides them. He makes a charge usually of 1d. per day for the use of the safety lamp, and he makes a charge for all breakages of glass or any other damage which may be done to the lamp by an individual workman. All those charges are kept on the income side by the employer, and are shown to the auditors when auditors are appointed. But the expenditure side in many cases covers the purchase of the lamp. In some cases I have known 150 lamps charged for at 6s. each, and those were charged in the expenditure side against the workmen, although the workmen had no claim on the lamps. When a workman left he had to leave the lamp; he never could take it home with him; it was the employer's property. The charges against the workmen for the lamps also include the lamp cabin where the lamps are cleaned, the machinery for cleaning and repairing lamps, the wages of the workmen who clean and repair the lamps, the oil and wicks; and in some cases the charge also includes the wages of lads who are employed underground for carrying the lamps to and from the workmen in the event of their being extinguished. Those charges, I find, usually do more than take up all the money paid by the workmen in deductions.

Then medical fees are kept off. The workmen do not object so much to that because the employer is bound to supply to the workmen's auditors the doctor's receipt for the total moneys paid, less perhaps a percentage for the trouble of making the deductions.

House rent is kept off the workmen who live in employer's houses. I have known cases in which the employers removed an earthen floor, or a tiled floor, and put in a wooden floor, a board floor, and charged a deduction of 6d. a fortnight for some years afterwards in order to recompense them for the repairs to the houses in the shape of putting in a wooden floor.

16783. In that case you say they charged for some years; have you any knowledge as to whether the value of the floor was ascertained, and the amount was stopped at the rate of 6d. a fortnight until it was covered ?—No attempt was made to ascertain what the cost of the employers for putting in the floors was and then measure it in sixpences.

16784. That is my point ?—No; it was simply added to the rent. Sixpence was added to the rent, and so far as I know it is going on yet, and that is ten years ago.

16785. That is to say it became a permanent addition to the rent of 6d. a fortnight ?—Yes. When we protested against it we were told the increased charge was to recompense the employer for putting in a new floor, and that when the floor was paid for it would be taken off It is still charged.

16786. About what rent would those houses be ?—What is called a single apartment house would be 1s. 9d.

16787. I do not know much about Scotland; is a single apartment house only one room ?—Yes.

16788. Only one room altogether ?—Only one room altogether.

16789. Is that the average price ?—That is the average price for a single apartment, or one-roomed house.

16790. That was 1s. 9d. a week made into 2s. ?—Yes, 6d. per fortnight being added to the rent.

Deductions are made for explosives, and under a new order recently issued by the Home Office the mine owners in most cases will now have the exclusive right to provide explosives for the underground workmen. It was customary previously for the Home Office to grant a licence to miners' contractors and allow them to keep explosives, but that has now been done away with by special order, so that the employers will more and more have the right to supply explosives. Of course, under the Truck Act they are not supposed to make a profit, but it is exceedingly difficult to find out really whether or not they are making a profit, because we find that the invoice charges

from the persons who supply the explosives wholesale may be one thing and the real price another. We have found that discounts have been given which previously we could not reach; we have found discounts of 25 per cent. and 30 per cent have been given, while the explosives were charged at a certain price. So far as medical attendance is concerned, I have pointed out that the workmen do not object so strongly to that, but we feel the workmen should be protected in regard to the payments to the medical attendant. At the present time an employer may deduct fees fortnightly from the workmen for medical attendance, and the medical officer may attend the workmen, but something may go wrong, and it has been found that the employer has not paid the fees over to the medical attendant, and in some cases medical attendants have been short of £100 or £120. In one case I know of it amounted to £120 which they have not received, and there is no redress. Where a firm—generally a small firm—goes into bankruptcy, the medical attendant has no redress, and in some cases they refuse to attend the workmen although the workmen have been paying their fees.

Deductions for foreign material found in the tubs, or for improper filling of tubs are allowed by the Mines Act. I do not know whether this Committee will have any control over that, but it is a very serious grievance to mine workers.

16791. Would you repeat that?—Provision is made in the Mines Regulation Act to permit of deductions from the workmen's wages being made for what is called improperly filled hutches or tubs, or for foreign material.

16792. You are referring to deductions under the Coal Mines Act?—To deductions for improper filling of hutches.

16793. Whenever it takes the nature of a fine it is obviously within our purview?—It is not money fines so much as fines in kind, which come to the same thing. It may be a fine of 1s. or 6d., or it may be a fine of a certain quantity of coal.

By Mr. Delevingne.

16794. You mean so much is taken off the tub for improper filling?—It may be an allowance off the tub, or it may be a standing allowance off the ton, or it may be a money fine.

16795. The allowance off the tub, or the standing allowance off the ton is under the Coal Mines Act?—Yes; it is provided for and mutually agreed to.

16796. That is under the Coal Mines Act?—Yes.

16797. When you speak of fine in money, what is that?—In some cases there is a fine of 3d. or 6d. taken off the men's wages as a fine for improperly filled hutches or for stones found amongst the coal, which may either take the form of a deduction of material, or a fine.

16798. But the money fine is not under the Coal Mines Act?—I think the Coal Mines Act allows fines if mutually agreed upon. It goes on, at any rate.

By Mr. Maddison.

16799. So far as it does touch fines we shall be glad to hear your statement, because it all comes into the general question of fines. So far as it is covered by the Coal Mines Act, the Secretary points out that Mr. Ratcliffe Ellis dealt at some length with this question. He seemed to complain that it does not come under the Truck Act, as I gather from the Secretary.

By Mr. Walsh.

16800. He complains that a practice which has long been carried on is admittedly illegal, and that it is not within the Truck Act.

By Mr. Maddison.

16801. You do not wish to have it brought within the Truck Act?—Not by any means.

16802. I will read to you what Mr. Ratcliffe Ellis said in answer to *Q.* 9969: "The amendment we want is in the direction of either Sir Matthew White Ridley's or Mr. Asquith's amendment—that instead of this unworkable method we should have the means of deducting from the wages, under proper restrictions, something in respect of the loss that we sustain by their sending up from the pit something which should not be sent up. (9970.) You want power, I gather, to make a deduction from the wages?—(*A.*) We do. (9971.) Under the Act of Parliament there is power to make a deduction from weight?—(*A.*) Yes. (9972.) Does not that come to the same thing in the end?—(*A.*) No, for this reason: We want something more than the actual quantity of the minerals." That is the matter you are referring to?—Yes. I do not think that powers should be allowed under the Truck Act to have fines or deductions for that. There are other methods which in our opinion should be taken.

16803. You take exactly the opposite view to Mr. Ratcliffe Ellis and you resist any attempt to legalise it?—Yes.

16804. Believing that it could be dealt with if necessary in other ways?—Yes; that is my position. Then I am strongly against fines being permitted for breaches of special rules of the Mines Act. The Coal Mines Regulation Act provides that prosecution should take place for breaches of the Mines Act or breaches of the special rules which may lead to danger to life and limb underground. It is a common practice in the mines of this country now to impose fines, sometimes even for serious breaches of the law which may endanger life. I think that that should be made illegal. All breaches of the Coal Mines Regulation Act or special rules should be dealt with in a Court of Law, and not by fining. The tendency where fines are imposed is to lead to want of dicipline, and I think the Truck Act should make it illegal that fines should be taken off the workmen for offences of this kind. Those are all the points really with which we are chiefly concerned.

16805. In the first place your evidence is clearly against all deductions from wages?—Yes.

16806. That is to say, no matter what offence a man commits, or what he does, you want his full wages paid to him?—Yes.

16807. And that he should fulfil his obligations, if he has any, in his own way?—That is my position.

16808. And that if he fails to fulfil those obligations the employer has his remedy, as any ordinary citizen has?—Yes.

16809. That is your general evidence?—Yes.

16810. And you make probably the one exception in contributions which are deducted by request, which is solely for medical relief?—Yes, and there are the check-weigher's wages to which I should make an exception. The workmen have the right to appoint a check-weigher at the pit mouth. In the event of the workmen wishing his wages to be deducted at the office and paid to him I think that should be allowed.

16811. Is not that in the Act?—It is no breach of the Truck Act if that is done. The employer is not guilty of a breach of the Truck Act if he deducts the wages of the check-weigher at the request of the workmen.

16812. I suppose there are no expenses connected with the deduction of the check-weigher's wages? They do not charge anything for doing it?—There is an allowance sometimes of 5 per cent. and sometimes of 10 per cent. given to the clerk for his trouble. We do not object to that.

16813. Is it the common practice to charge anything for the expense of collecting the medical contribution by the colliery companies?—I think in some cases there is an agreement between the medical officer and the firm, but that does not reach us; we never hear of it. I have heard it said that the medical officers very often make an allowance to the clerk for his labour, but I do not think the firm benefit by it.

16814. What is your opinion with respect to compulsion in regard to medical contributions? Do you think the men at a colliery should be compelled to contribute so much per week for medical relief, as I call it?—No, I do not. I think the medical officer at all collieries should be provided by the colliery company.

16815. For ordinary illness?—Yes, for ordinary illness. I think he is bound at the present time to have a medical officer in case of accident, so that he may call upon him in such a case. I think that he should be bound to provide medical attendance as well as having

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a medical officer there for accidents. But that is not really the question you put. I do not think that it should be made compulsory for workmen in every case to pay for the medical officer.

16816. What is the opinion of Scottish miners generally? Do you represent their opinion as a whole?—I think it is their view that they would give the workmen the right of choice, and we claim that in certain cases the workmen have the right to refuse to pay for medical attendance. I will give you a very strong reason for that. In some cases, at a very large colliery employing it may be 400, 500 or 600 men, one medical officer only may have his name on the books. All the workmen are bound to pay for that particular medical officer. In many cases I have known them pay for years. I myself have paid for ten years to a colliery for a medical officer, but when illness took place in my house I did not call him in because I did not like him; he was not liked in our home. I had to call in another doctor and pay a very considerable bill to him. The workmen should have the right to choose any medical officer they like if they are paying through the colliery office, but I do not think it should be made compulsory.

16817. We have had some very excellent evidence from a representative of the British Medical Association on this point, and I wished to see how you look at it. As I gather from you, you are against compulsion?—I am against compulsion.

16818. But if there is a general scheme to which all the men contribute, they ought to have the choice of doctor?—I think so. I think it is very necessary indeed. I would like to add that when I was working in the pit myself, I paid for ten years to a certain medical officer who lived four miles from the village in which the colliery was situated. He only came twice a week to the village, and if illness took place you could not get him until his regular day came. I myself paid over £6 in medical fees to another medical practitioner who lived close to us, because I could not get the services of the other man.

16819. With respect to safety lamps, you have told us the workmen pay 1d. per day for the use of them?—Yes.

16820. In no case do they pay for the lamp in a lump sum as well?—No, the individual workmen do not, but from those deductions of 1d. a day, when the total is made up at the end of the year, I have audited books in which the employer claimed that the new lamps which he bought was a charge against this amount which was deducted from the workmen's wages.

16821. So that the workmen pay entirely for the lamps?—They buy the lamps.

16822. I suppose you say the lamps should be provided by the employer?—Yes. I think that is universal in England and Wales.

16823. Yes, I was surprised to hear what you said with regard to Scotland. From the point of view of safety, I suppose it is necessary that these safety lamps should not be taken home?—Absolutely. The employer should be held responsible for keeping them in a proper condition, and you could not do that if they are taken home by the workmen.

16824. With regard to explosives, you do not quarrel with the exclusive right of the employer to provide explosives?—No; I think it is a very necessary provision.

16825. Do you say that there ought to be no deductions for explosives? That the workmen should be provided with them free?—I think so.

16826. Is not that a question of rates of pay, etc.?—It is largely a question of contract.

16827. I mean to say if you had not to pay for these would not that be a factor in wage settlements?—It would. We would require to face that.

16828. And you are prepared to face it?—Yes. I will put it to you in this way, to make it clear, that workmen who are paid day wages and who use explosives are supplied free with them by the employer; workmen who are paid so much per ton have to pay for all explosives used by them.

16829. Is there any coal-getting by the day?—Occasionally there is; where difficulties come in men are put in to get coal by the day.

16830. Just a concluding question. You make a rather serious complaint against fining for breaches of the Mines Act on the ground that it tells against discipline, and therefore, as I gather from you, against safety?—I think so.

16831. Now we have had evidence placed before us to this effect, that there are offences clearly under the Mines Act which are in themselves not very serious. You are a practical miner and I cannot give you an illustration, but if Mr. Walsh was in this chair he could have given you an illustration which would have made it clear. But there are what are called minor offences which are still breaches of the Mines Act?—Yes.

16832. It has been put to us that men prefer to be fined than to be dragged up to the Police Court?—I believe in almost every case, even in serious breaches, the individual concerned would prefer to be fined; but the body of the workmen taken as a whole are so concerned with their own safety that they prefer that there should be a prosecution.

16833. My point was that the body of the workmen were agreeable that the manager should use his discretion—that where it was an act of carelessness, to which we are all subject, but still a breach of the Mines Act, it might be met by a fine, but wherever it was serious there should be a prosecution?—I do not think it should be left to the manager to decide when it is serious and when it is not, because if you leave an opening you never know where it is going to end.

16834. Are fines very prevalent in the Scottish pits in connection with a breach of the Mines Act? Is it usual in Scotland to fine a man for breaches of the Mines Act instead of prosecuting him?—No, it is very unusual.

16835. Then this is not a very serious matter?—No. So far as the Scottish miners are concerned prosecution usually follows a breach.

16836. So that you are expressing an opinion on principle rather than a complaint about details?—I have known of fines taking place, but our association has set its face so strongly against them that to a very great extent we have had them abolished.

16837. I suppose your federation has a good deal of power with respect to unjust fines?—Yes, we have.

16838. Are there many fines altogether in Scottish mines—not merely on this question of breach of the Mines Act? I suppose as a matter of fact the Mines Act covers almost everything?—Almost everything. There is a good deal of fining, not so much money fines as deductions of material, which are equivalent to a money fine. If you deduct 6 cwt. of coal from a tub of 10 cwt., and 3s. per ton is the price which the workman gets, that is a very serious fine.

By Mrs. Tennant.

16839. Are there cases in which the miners are unorganised?—There are cases in which the miners are not sufficiently organised to protect themselves.

16840. Would you allow them to have deductions made in those cases?—I would not allow deductions in any case, whether the men were organised or not.

16841. I think you said you would exempt certain deductions provided they were asked for by the men's committees?—Yes.

16842. I am thinking of a case where perhaps the men have no committees: what would you do in those cases?—The workmen in those cases would not make the request.

16843. You would not allow anyone except the committee of a recognised organisation or trades union to proffer the request?—No, I would not. You would have to have some authorised committee before you could make the request. Wherever you have a request by a committee appointed by the workmen for certain deductions to be made for their own purposes I would permit of that being done.

16844. You would allow a committee appointed by the workmen to make the request even though the workmen had no organisation?—I should take it that if they appointed a committee, although they might not be a strong trades union they would have a purpose in view and appointed a committee for that purpose.

16845. Have you thought there might be circumstances in which the workmen might hardly be free agents, and in which the committee might be appointed practically at the direction of the colliery owners ?—Yes, there might be a danger of that where there was no organisation amongst the workmen, and I think the workmen should be protected in a case of that kind.

16846. I am not sure that I altogether understand your attitude towards the question of medical attendance. I gather you would compel the employers to provide a doctor ? You said I think that he has to have a doctor for accidents and you think that doctor ought also to serve for ordinary medical purposes ?—Yes.

16847. But you do not wish the workmen to be compelled to have recourse to the doctor whom the employer provides ?—No.

16848. In the event of the doctor provided by the employer, and compulsorily provided by the employer, being obnoxious to a considerable number of the workmen what would you say upon the position of the doctor and the employer ?—I think in a case of that kind you should allow a workman at his own expense to provide medical attendance for himself and his family. I have really known circumstances in which workmen could not have provided themselves with medical attendance. The wages were so low and the conditions were so bad that they could not have provided themselves with medical attendance if they had to pay for it out of their wages. In that case deductions were made and they had the right to call in the colliery doctor for whom they were paying.

16849. What provision would you make for the selection of the doctor ? In a case in which you wish the employer to provide a doctor would you wish any vote to be taken among the men as to the doctor whom the employer should provide, or would you leave it to the employer's discretion to choose the doctor ?—I think it should be left to a vote of the workmen to choose the doctor. I think it would be necessary to have provisions that where there were more than a certain number of workmen they should have the right of two or three medical attendants according to the number of workmen employed.

16850. You would safeguard the position by certain requirements of that kind ?—Yes.

16851. For example, that the doctor should live within a certain distance of the mine ?—I think that is very necessary.

By Sir F. Cawley.

16852. What is your grievance in regard to pick-sharpening ?—I think that pick-sharpening should be done free for the workman.

16853. There is no grievance in regard to the way it is done, because it is done really now at a slight loss to most employers, I take it ?—I do not think it is, but the books are so arranged as to show that it is. I am sure that it is not.

16854. Do you mean to insinuate that the employers cook their books ?—I do not say they cook their books, but I mean that the charge made for the rent of the smithy and for coals is considerably in excess of what it should be.

16855. What you mean is that the employers show accounts which are misleading—that they pretend they are running the pick-sharpening smithy at a cost price, or a little below cost price, but are really making a profit ? —In many cases that is so. I will put it as plain as that. If you will permit me two words I will give you a case in point. In the first audit in which I was engaged under the Truck Act the total amount paid by the workmen was some £300, but the charge against the workmen was about £900. There were six blacksmiths about the colliery, but only two of them spent any time for the workmen ; all the blacksmiths' wages were down against the workmen.

16856. I do not quite understand you. That really came to what I say—false book-keeping. If they only employed two or three workmen and had the wages of six down they were falsifying their books.—Where is your remedy ?

16857. I am not speaking of that, but that is what you contend ?—There is no doubt about that. I would not say they were falsifying the books.

16858. Is it not falsifying the books if theyput down six men and only employ two or three ?—I would hardly call it falsifying the books. They were putting charges against the workmen which they were not entitled to do. I would not call it falsifying the books even if they put in £20 for the rent of a smithy where the rent would reasonably be put down at £2.

16859. That is rather a different case. There may be differences of opinion as to what the rent of a smithy ought to be, but there can be no difference of opinion as to employing two men or six. If they only employ two men and put down six that is falsifying the accounts. —You may call it so.

16860. You think the masters in this case did falsify their books ?—You may put it in that way, but I am not prepared to put it in that way.

16861. You contend that the employers put down that they employed six men when they were really only employing two ?—I have given you that case but I wish to emphatically state that I do not say that the employers had been falsifying their books. You might allow me for my own protection to say that I have known employers put down the whole time of two smiths when the smiths were really only engaged on the workmen's work for one-half of their time. I do not think that that was falsifying the books, but it was putting down a charge which they were not entitled to do.

16862. I should have called that a false statement, but you do not. However, we will not pursue it. With regard to bringing other material than coal up, stones or things of that description, what is your remedy for that if the workmen do so ? I understand you are not in favour of them being fined for doing it either in money or kind ?—No, I am not in favour of them being fined.

16863. What do you suggest is the remedy if a man persistently sends material other than coal up a shaft ? What punishment should there be ?—If a man persistently sends material up the shaft other than that which is contracted to be gotten he should be warned once or perhaps twice. If he persists in doing so he should be dismissed.

16864. If he sends other material than coal up the shaft is he to be paid for what he does not do ?—Yes.

16865. What I understand is, whatever he sends up you would pay him as if he were getting coal ?—I would not say whatever he sent up. If he sent up a tub full of stones which was supposed to be coal I would not pay him in a case of that kind.

16866. That is rather an extreme case, but suppose he sent up a proportion of material other than coal which he could have avoided sending up ?—I would only pay him for the coal, contained in the tub and not the stones.

16867. Would it not be a good deal of trouble to go through it and get the stones out and then weigh the coal separately ?—Yes ; that is what the Mines Act provides for at the present time.

16868. Does the Mines Act say he is not to be fined ?—The Mines Act says he shall be paid for the true weight of the material contracted to be gotten.

16869. I am not conversant with the Mines Act, but you do not suggest that the Mines Act would say he was to be paid for anything he sends up ?—No ; it only says he is to be paid for the coal—the true weight of the material—but it puts the onus on the employer of removing the foreign material from the coal and paying him for the coal.

16870. You do not consider it fair at all to fine a man, for sending up stuff which is not coal ?—No, I do not think it is fair to fine a man. I do not think it is in the interest of the employer himself to fine a man. I think a person who deliberately sends up material other than that which he is paid for should be dismissed.

16871. I am quite ignorant of this matter : cannot a miner keep the stones or other material away ?—No it is absolutely impossible.

16872. It may be carelessness, I suppose ?—It may be, but it a practical impossibility to send up pure clean coal out of any colliery.

16873. I suppose one miner would be more careful than another as to what he sent up ?—That is so in some

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cases. Some miners deliberately send up stuff which they should not send up. In a case of that kind I think an employer is better without a man who will do that. If you allow fines you do not know where they will stop. I want an employer protected against men of that stamp.

16874. That is my point; how is the employer to protect himself against it?—I think the best method is dismissal. I find that where workmen know that they will be dismissed if they send up material deliberately which they should not send up that is the greatest deterrent against its being done.

16875. You mentioned the case of a new floor to a cottage; I suppose that is really an isolated case?—It was quite a number of cottages—a whole row of colliers houses.

16876. Do we understand that the miners themselves wanted the floors altered or was it a caprice on the part of the employer? Why were they altered?—The miners were certainly anxious to have the floors altered in order to make the houses habitable.

16877. I suppose the miners waited upon the employers to have the floors altered? I do not mean waited upon them, literally, but let them know what they wanted?—Yes; I think they requested that the earthen floor should be taken out and that a new floor should be put in.

16878. Were not they told that they would have to pay a little more rent?—They were not.

16879. Do you mean to say they thought they were going to have it done for nothing?—I think it was very natural they should.

16880. That is a question between landlord and tenant; it has not much to do with coal at all.—It was a question of deductions being made from their wages. In other cases I have known a water barrel to be supplied at the sides of miners' houses to catch the water, and they were charged 2d. a fortnight for that.

16881. What you object to is not the fact that they were charged 3d. a week more rent but that it was taken off the wages?—I want to emphasise the point that when you allow fines at all you do not know where they may crop up.

16882. This is not a fine; it is a different thing. Your point is not that you object to the 3d. a week charged for the floor but that it was taken off the wages?—I object to the deduction.

16883. You object to its being taken off the wages?—Yes. Had it not been in the power of the employer to make those deductions the probability is that the floors would have been put in and the rent would have continued as it was before.

16884. You think the men would have got the new floors for nothing if it had not been deducted?—I think an ordinary landlord who did not own the colliery as well as the houses would have provided those floors without increasing the rent to the workmen, and the power which the employer had to make those deductions caused him to do so.

16885. I am afraid that employers are not alway such angels even when they have not the power of making deductions. Then with regard to medical attendance, your contention is that the employers should find medical attendance, not only for accidents, but for any ailment whatever?—I think so.

16886. Are you aware that that is not usual in any other employment in the kingdom?—I am.

16887. You think it should be commenced in the Scottish collieries? You think they should set a good example: is that so?—I think some of the Government Departments do it.

16888. In the case of an ordinary employer do you know any employment in which it is done?—I do not know of any case outside the Government. But the example of the Government is sometimes very good.

16889. You want the Scottish mine-owner to set a good example?—The British mine-owners I will say.

By Mr. Walsh.

16890. You say that the miners are opposed to all deductions except for the men's own purposes?—So far as I know their opinion that is so.

16891. Would that mean a case where the fund, when built up, was managed by the employer or should a fund for the men's own purposes be managed by the men?—I had in my mind just now medical attendance as one thing, and charitable purposes as another. There are fortnightly deductions from miners' wages for charities, but the workmen have no voice in the distribution; the employer does all that. I do not object to this because it is a very fine thing that the workmen should pay that.

16892. In order to make my question clear I will point out that there are societies which are paid to almost entirely, and in some cases entirely, by the men which are administered by the employer: would that be a case where you would not be opposed to deductions?—I would be opposed to deductions in that case.

16893. If the administration lay with the employer when the payments were made by the men?—Yes.

16894. And although it might be ostensibly used for the workmen's own purposes?—Yes; I am strongly against administration by the employer in a case of that kind.

16895. You say you are opposed to all deductions although you would be perfectly willing to have a committee agree that certain payments should be made?—Yes.

16896. I suppose you think those payments ought to be made by the men just as they are made now in an ordinary business transaction?—Quite so.

16897. You say that there are fines for breaches of rules in the mines: are you aware of any fines where no breach of rule takes place, for instance, say small incidents in the mine, some derelictions of duty without any breach of rule?—So far as Scotland is concerned I have not known anything of that kind for some years.

16898. Did you know any before?—I remember in years gone by they fined for almost anything.

16899. Let me just illustrate the point: supposing a boy stationed at a particular part to scotch the boxes does not do so at the proper time either through carelessness or through a slight inefficiency, and they run and cause some damage below: can you imagine a boy being fined for a thing like that?—I have known fines for a thing like that.

16900. And that is no breach of rule?—No.

16901. And indeed at the very most could not be put higher than a little inefficiency or misplaced judgment on the boy's part?—Yes, or sometimes a mistake may arise.

16902. A slight mistake due to causes in many cases over which a boy, or even a man, would have no control?—That is so.

16903. In that case you consider fines very improper indeed?—Very improper.

16904. I do not wish to press the point about improper filling because it is distinctly the law that the deduction if made at all, should be made from the weight of the box and not from wages?—Yes.

16905. Nor do I wish specially to press the point which was made by Sir Frederick Cawley as to the smithy charges, but I understood you to put it that when those charges are made, sometimes only a very small percentage of the blacksmith's time is devoted to the special work of sharpening picks or drills or other implements?—It may be two hours only of the blacksmith's time.

16906. And the remaining portion of the time in the cases you spoke of was also debited to the men?—Yes, it was also debited to the men.

16907. In the stoppages for house rent was it made a condition of employment that the people should tenant those houses?—Yes, in many cases it is made a condition of employment that they must live in houses owned by the employer if the employer has houses which are empty.

16908. If the houses are vacant?—Yes; it is made a condition of employment that the workmen shall go into them.

16909. In the event of a man quitting his employment he has held over his head the dread of losing his tenancy

as well, has he not ?—Yes, and his wages are kept until he has removed from the house.

16910. Is that applicable to-day in many collieries ?—Yes, a workman will not get his wages, if he leaves at the end of a fortnight, until he clears out of the house and gives up the key.

16911. With regard to the new floors and the increased charge of 3d. per week do I understand that it was the increased charge to which the men made objection, or the fact that they were not allowed any say in the matter ; that there was no bargain entered into and no contract in any way ?—There was no contract, and I do not know that they were even consulted in the matter, but what they objected to was the deductions being made from their wages, and their further objection was that they did not think it was a just charge.

16912. First of all they thought the charge was an unjust one ?—Yes.

16913. Secondly, they thought the manner in which it was done was unfair ?—Yes ; they were the two strong objections.

16914. Had they objected, could you say what would have been the probable result ?—Had they objected as individuals they would have been told they could leave the employment and leave the house, and probably would have had to do so. I personally objected on their behalf.

16915. Was this a class of property where tenancy of the house was made a condition of employment ?—Yes, and it was some miles from any place where a workman could get a house. There was nothing but owners' houses there.

16916. You say of late years the practice of fining has largely diminished ?—It has largely diminished.

16917. It has gone out of existence, so to speak ?—Yes, but that is only an incident. It is largely because of the improved organisation on the part of the workmen. If the organisation had not existed the fines would in all probability have been continued.

16918. I was not asking the cause but was rather anxious as to the effect. Could you speak of any mines where the fines still obtain ?—I do not know of any now where fines obtain.

16919. Have you heard any complaints either from the employers or the workmen as to any increased danger or lack of discipline which have resulted from fines being practically abolished ?—I think the discipline in our mines is better to-day than it was before.

16920. Has there been any increase of danger so far as you know ?—Not so far as I know.

16921. You are the President of the Scottish Miners' Federation ?—Yes.

16922. It is probable that if the employers had any complaint to make on the point of laxity of discipline they would make those complaints directly to you as President ?—I think so. I am in close touch with the employers and I would be sure to hear of it if there had been laxity.

16923. And up to this moment you have heard of no such laxity ?—That is so.

By Mr. Delevingne.

16924. Your recommendation is that the employers should provide the pick-sharpening gratis ?—I think so. In almost every trade that is done.

16925. That is perhaps a little outside the scope of this committee which is only concerned with deductions by the employer for things done, but supposing the employer simply left the pick-sharpening to the men to arrange as they thought best would that be a convenience to the men ?—That is done in some cases. In some cases the workmen carry their picks and drills away to a private smithy and get them sharpened there.

16926. Is that equally convenient ?—Sometimes it is inconvenient. If they were forced to do so, in many cases it would be inconvenient. I mean they might require to carry them a very considerable distance.

16927. The power of the employer to make deductions for pick-sharpening might be abolished without the supplementary provision which you suggest that he should also be compelled to do the pick-sharpening for nothing ?—Yes.

16928. Supposing he was simply deprived of the power to make deductions but allowed to leave it to the workmen to do it for themselves, that would not be an unmixed blessing for the workmen ?—It would not. I might say that my strong point is that deductions should not be made, but if the employer is still to be paid for it he should be paid in the ordinary way. When the workmen gets his wages the employer should be paid whatever debts are owing to him.

16929. You suggest the employer and the workmen might be left free to bargain that the work should be undertaken by the employer and the workmen should pay the employer out of their own pockets and not by way of deductions from wages ?—Yes.

16930. Whatever might be due ?—Yes. I would not object at all if the employer and workmen were allowed to make their own arrangements provided the deductions were not made through the office.

16931. As regards coals, I do not think you quite explained what the deductions were for. Are they for coal supplied to the workmen for household use ?—Yes ; I should have said they were for coal for household use.

16932. Do the miners get coals cheaper in this way ?—Yes, rather cheaper than the ordinary outside consumer. In some cases it may be 2s. or 3s. a ton cheaper than the outside public get them.

16933. Supposing the law prohibited the employer making deductions might he not say "Then I will not provide the coal at all" ?—Yes.

16934. Would not the workmen be the losers ?—The employers refuse in some cases now to supply the workmen with coal.

16935. Surely the workmen would be the losers if under the present system they get the coals at a cheaper rate than they would from an outside dealer ?—When coals are supplied them they get them almost invariably at a cheaper rate, but if the employer was not entitled to deduct the money from the wages I should expect that they would still get them at a cheaper rate, but they would pay for them to the employer.

16936. But it is possible that an employer might say, "I cannot be bothered with collecting the money from the workmen ; they must get their coals from an outside dealer" ?—The workmen would have to face the position if that were so.

16937. Even with that prospect of loss you would abolish the present system of deduction ?—Yes.

16938. As regards houses and house rent, is it your suggestion that the employer should have nothing to do with the provision of houses for his workmen ?—Not altogether.

16939. Do you suggest that he should not be the house-owner as well ?—I do not go that length. In many districts there are no houses other than those owned by the employers, and the workmen would have no place to live in except by travelling a considerable distance. But I say the employer should be treated just the same as any ordinary landlord ; he should depend upon the workmen paying the rent as they would to ordinary landlords. You may have two classes of houses, one owned by ordinary landlords and the other owned by employers. The employers have their rent beforehand ; they have the first claim on the men's wages for the rent, and they are, therefore, placed in a better position than an ordinary house-owner is placed in.

16940. I understand that, but I rather understood your objection to be that the employer in those cases had the workmen in his power. The miner can find no house which is not the property of his employer, he is bound to live in that house, and therefore he is bound to pay whatever the employer likes to ask for it ?—Yes.

16941. How is the workman bettered by the abolition of deductions ? After all, the deduction of the house rent week by week or fortnight by fortnight from the men's wages is a method of collection, and the change

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from that method of collection to the other method does not affect the main position at all, as I gather ?—I take it the workman should be looked upon as an honest man who is willing to pay his debts. When he has served an employer he should get his wages paid in full, and whatever his debts are, either to his employer or to anyone else, he should pay them ; they should not be deducted from his wages before he receives his wages. I think it is payment in kind and not in coin if a workman is to get a house as part payment.

16942. But that change is only a change of method ? —Yes.

16943. It would not affect what I thought was your main objection, that the employer has the workman in his power and can make him pay what he likes—for instance, he could make him pay 6d. a fortnight for the wooden floors. That would not be remedied ?—I daresay the employer would still be in the position to say : "If you do not pay me you must go out." It would not protect the workman against the employer turning him out of the house if he cared to do so. We are asking the Government to deal with the question of tenure of workmen's houses, but I do not think this Committee would care to hear about that.

16944. As regards the improper filling of tubs you said that you agreed that a workman ought not to be paid for stone or dirt sent up, but that he should only be paid for mineral contracted to be gotten ?—That is so.

16945. Is it practicable, as a matter of ordinary mine working, for an employer to separate and keep an account of the dirt and stones sent up by each separate collier ? —It is not very practicable ; it is very difficult to do.

16946. When the tub is emptied on the screens there is nothing to distinguish the coal sent up by one collier from that sent up by another ?—No ; there is a great difficulty there.

16947. What is your suggestion ?—The employers at the present time in many cases make examinations of individual tubs. They take out an individual tub, riddle it, pick out the stones, and find out what stone there is in it. That is the only way in which they can protect themselves. They cannot examine every tub and find out how much is in it, but they can sample a few, and if they find a workman is filling the tub with very dirty coals they can deal with him, either by warning in the first place, which I think is the proper way, and by dismissal if it continues.

16948. I am rather on your other suggestion that the employer should not be called upon to pay for the stone or dirt sent up. If that is so, if it is equitable for the employer not to pay for that I want to find out in what way you think he would be able to separate the stone and dirt in the case of the individual collier ?—I do not think it is possible to separate the material in the tubs in every case and find out how much stone is in each tub.

16949. What would you suggest the employer should do ? If it is fair that he should not be called upon to pay for the dirt or stone it is also fair to provide some means by which he can calculate it ?—At the present time the men's ton rates are fixed on the understanding on both sides that coals cannot be got clean, and that there must be a certain proportion of stone. That is recognised both by employers and workmen, and the rates are fixed on that understanding. It is only when the proportion of stones goes above what is considered to be the average, and it is done deliberately or through carelessness, that the employers have any complaint.

16950. What is the employer to do in those cases— ? In those cases he is to dismiss the workman who sends up unnecessary quantities of stones.

16951. I am on the question of payment. You admit the employer should not be called upon to pay for that stone and dirt ; how is he to separate it ?—When it is in excessive quantities.

16952. Yes, when it is above the amount allowed for in the tonnage rates ?—He must protect himself by taking a sample from time to time and dealing with that sample.

16953. Then he only protects himself as regards the sample. He is not in any way protected as regards the general run of the tubs ?—Of course, the workmen are not always protected. The system of weighing is in most cases by ½ cwts.

16954. To the nearest ½ cwt ?—No. If there is 9 cwt. 54 lbs. in a tub only 9 cwt is marked for it.

16955. Suppose it is 9 cwt 60 lbs. ?—That is counted as 9½ cwt ; and supposing it is 9 cwt. 80 lbs. it is counted as 9½ cwt.

16956. Is it not usually calculated to the nearest ½ cwt. ?—Not usually.

16957. Supposing it is 5 lbs. below a complete cwt. ? —Then the ½ cwt. is marked, except in cases where there is a mutual agreement for a standing deduction. There are some cases where there is a standing deduction off every tub of ½ cwt., and in some cases a ¼ of a cwt. Where there is a standing deduction of ½ or ¼ of a cwt. for dirt then the tubs are weighed to the nearest ½ cwt. or the nearest ¼ cwt. Where there is no deduction of that kind a man may lose 15 lbs., 20 lbs., 30 lbs., or even 50 lbs., in some cases on a tub. The tub must weigh ½ a cwt. or it goes back to the whole cwt. At the present time there are agreements mutually arrived at between the parties.

16958. But those are arrived at under the Coal Mines Act ?—That is so.

16959. And they would not be legal otherwise ?—That is so.

16960. If you abolish the provision in the Coal Mines Act you make such an agreement illegal.—Mr. Ratcliffe Ellis thinks they are illegal now.

16961. But I want to have your opinion. You have recommended the abolition of that provision in the Coal Mines Act, which would have the effect of making those agreements illegal ; do you wish to do that ?—I am strongly of opinion that it should not be possible to legalise deductions for dirt because it leads to injustice being done in many cases.

16962. With regard to breaches of discipline, you are opposed to fines for breaches of discipline which do not amount to breaches of special Rules or of the provisions of the Act ; what is your remedy ? In what way do you think the manager should treat breaches of discipline or acts of carelessness or other acts which are likely to cause inconvenience or danger in the working of the mine but which cannot be punished under special Rules ? There are such acts, I suppose ?—I think at the best managed mines discipline is maintained without fines, chiefly by the firmness of the manager and other officials. If slight offence which does not amount to a breach of a Rule or anything of that kind is committed by man or boy and the manager knows of it, then he warns him not to do such a thing again, and that is usually effective. If a person, either man or boy, continues to be guilty of breaches of discipline he should be dismissed.

16963. Do you know any cases in which suspension is imposed as a punishment ?—Yes. I have known men and lads suspended for one, two, three, and sometimes four days.

16964. That was, of course, equivalent to a fine ?—Yes.

16965. Do you think that is better or worse than a fine as a mode of punishment ?—I think perhaps it is better than fining, but I do not like suspension. I think it would be more effective if a workman was dismissed rather than merely suspended and kept idle for a time.

16966. You are dealing with Scotland where you state there are no fines, so that perhaps it is hardly fair to ask you, but do you think it is possible that if managers were forbidden by law to impose fines for breaches of discipline they might resort to suspension ?—I think they might.

Mr. JAMES GAVIN, called; and Examined.

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By Mr. Maddison.

16967. You are General Secretary of the Amalgamated Society of Steel and Iron Workers of Great Britain ?—Yes.

16968. Your offices are in Glasgow ?—Yes.

16969. You come here to give evidence on behalf of the Society, I suppose ?—The Parliamentary Committee of the Scottish Trades Union Congress appointed me to give evidence here.

16970. The first point upon which you wish to give evidence is with regard to the deductions from the wages of workmen employed in the tube welding trade for deficient material known as "wasters" ?—Yes. In the tube welding trade the men are paid a time wage and when they earn a certain amount they have what they call "pluck" money. When they earn over what pays the shift wage the balance is "pluck" money. It is a piece rate with a standard wage.

16971. We want to know about the deductions: How do the deductions come in ?—The deductions come in on account of bad material, bad workmanship. This is the notice posted up at the works: "Notice by W 9 to the undermentioned workmen of the said Company. Under the Truck Acts, 1831 to 1896, the Company hereby in terms of these Acts give notice that in connection with the employment by them of their workmen engaged, or to be engaged, in the process of welding tubes in the said works, the Company will only allow 'pluck' or piece-work rates in respect of good tubes welded by such respective workmen. And also that the Company will deduct from the number of such good tubes the following number in respect of such tubes wasted by bad or negligent work or injury to the material of said Company, viz., for each wasted tube the 'pluck' applicable to five good tubes of same size." I do not consider that that is a fair and reasonable deduction to make. For one tube that is spoilt they deduct five good tubes.

16972. Is your objection to the number of tubes or to any deduction at all ?—My objection is to any deduction at all. I think that when a man has welded a tube for nothing he has lost sufficient. In the steel trade when we spoil a bar or a plate we usually lose the weight of that plate, but no other weight do we lose. That applies to either iron or steel plates or bars.

16973. If the plate is spoilt you simply do not get the weight of it ?—That is so.

16974. And there is no other deduction ?—That is so.

16975. And you want the same to apply to tube welding ?—Yes.

16976. Of course, you do not want to be paid for what is spoilt ?—No. There are two causes given in the notice I have read, but there are other causes over which the workmen have no control. For instance there are badly sheared tubes, badly rolled tubes, defective material, or a low brand of iron, and a low quality of fuel to get the welding heat. These are other causes by which the tubes may be spoilt, over which the men have no control.

16977. Is that a representative notice ? Is that in most of the works ?—It is in most of the works in the tube trade.

16978. Has your union entered into negotiations with the employers about that ?—Yes, I have discussed that matter with the employers and have protested against these deductions, stating that I considered that they were not fair and reasonable. I asked the manager to make me out a statement, which I am prepared to put in, but I think it would be fair to the firm and also to the manager to say that when I asked for this statement I was not aware that I was going to put it in here. It is signed by the manager. It is taken for a year. I will put it in, but I hope the Committee will treat it as given in confidence. (*The document was handed to Mr. Maddison.*)

16979. What does it amount to ?—The statement which I have just put in amounts to a deduction of from 1·53 per cent. to 3·12 per cent., on the average.

16980. Really your evidence is that this is not fair and reasonable ?—That is my opinion.

16981. The next point is with regard to the deductions from the wages of workmen in various steel and iron works for subscriptions to hospitals and infirmaries and to club doctors. Do you object to those deductions ?—No, we do not object to them. There is no complaint from the men regarding those deductions being made. The complaint is that we have no control over the disbursement of the money.

16982. What form of control do you want ?—There is a very good system in operation at X 9. There is a committee appointed, one member from each department, and the money which is collected for the works' doctor and the various institutions is handed over to the committee, and the committee disburse this money as they choose. They have a greater control over the doctors by employing them than if they were employed and paid by the employers.

16983. You do not object to subscriptions being collected for these purposes ?—No, we do not.

16984. What do you say to compulsion in this regard ? Do you support compulsion ?—I do not consider that the way the workmen are treated with regard to this is fair. For instance, we have the case of a new works which was started this year. When the men received payment for the first time 3d. was deducted from their pay. They did not know who the doctor was; they never had an opportunity to appoint the doctor, and the 3d. was deducted without their sanction and without their appointment or anything. I consider that that is a hardship.

16985. Do I understand that in that case there was no committee, and that the firm did not confer with any body of workmen representing the men, but that when the men got their first week's pay the 3d. was deducted ?—Yes; that is my information from the men who paid the money.

16986. Are you quite sure about that ?—Quite sure.

16987. Your point is that while you quite agreed to subscriptions being collected there ought to be a representative committee which should be consulted and which should have some voice in the disposal and management of the funds: Is that it ?—That is it. There is another point to which I should like to draw your attention, and that is this: There is a system at some works where they make the appointment of the doctor by a vote of the men, but the men at whose works it is in operation tell me that it is simply a farce.

16988. What do you mean by that ?—The thing in engineered.

16989. By whom ?—By the firm or the firm's managers, and so forth—the leading men in the works.

16990. Are you speaking now about the club doctor or about these excellent institutions, hospitals and, infirmaries, and so on ?—I am speaking just now about the appointment of the doctor.

16991. Do you think that the men should be compelled to subscribe for a works' doctor—that is to say, a doctor appointed for the works ?—I do not think they should be compelled.

16992. If they are compelled would you say they ought to have a choice of doctors ?—Undoubtedly.

16993. Why ?—Well, you may have a doctor in the works who is not suited to you, one that you do not want. For instance, I was in a steel works for fifteen years and during the last ten years of that time I paid 13s. annually to the doctor, who was never in my house.

16994. Your next point is with regard to the retaining or forfeiting at certain iron works of amounts due to workmen-members of the works' stores as portion of dividend due in the event of workmen through unforseen circumstances having to leave the works, and therefore cease connection with the stores before the actual date of the end of the quarter for which the full dividend is payable. By whom are these works' stores run ?—They are run by the firm in many cases. The licensee of the stores is an employee of the firm. A number of

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these stores are actually inside the works' gate, with a notice on the gate that you have to go through to go to the stores : "No admittance except on business." I visited one of these stores last Monday night. I looked into the stores, and had I gone into the stores from the public street I should have gone in behind the counter.

16995. What do they sell ?—They sell provisions, butcher's meat, groceries and liquors.

16996. And these are inside the works ?—Yes, in through a gate where it says : "No admittance except on business." I call attention particularly to the Y 9 stores. It is what they term a "billy."

16997. What is that ?—It is a licensed bar, popularly known as a "billy." It opens at seven o'clock in the morning. The cash office opens at seven in the morning and also the provision stores. The cash office is up four of five steps. They get cash there and when they come down they have to pass the store door before they can get outside, and they invariably go into the store because the shop is open.

16998. What constitutes membership of these stores? —That is a rather difficult question for me to answer. They have a book in the store. Whether they put any money in this book or no I cannot say, but they have a book and the purchases are marked in it.

16999. But how do they deposit money ? How do they pay money in ? You speak of them forfeiting sums of money when they leave the works ?—They deal with those stores and the stores pay a dividend.

17000. There must be some membership, then ; or is it just those who purchase ?—Those who purchase.

17001. Is there any compulsion to belong to these stores ?—No ; there is no compulsion.

17002. The firm do not interfere in any sort of way ? —No, they do not.

By Mr. Delevingne.

17003. Are they co-operative stores ?—They are termed co-operative stores. But while the firm does not compel them in any way, the store is there and the cash is paid at seven o'clock in the morning and the store is open then, and that is an hour before any other place where they can get food or liquor is open.

By Mr. Maddison.

17004. If there is no compulsion to join these stores and no deduction from wages in connection with them, however great the evil may be, or may not be, I do not quite see how it comes into our enquiry. I understood you to say that no deductions from wages are made in connection with these stores in any way ?—No deduction is made from wages in connection with these stores.

17005. And there is no compulsion to join them ?— And there is no compulsion to join them.

17006. And it is only those who are willing to purchase there who receive the dividend, of course ?—Yes. As a matter of fact they all purchase there, or nearly all.

17007. Who retains these amounts which you allege are forfeited ?—They are retained by the committee.

17008. Who are the Committee ?—I put that question to one man who is employed there and he could not tell me who the committee was. He had never had a financial report.

17009. It is the opinion of this committee that that does not come within our references, so that we shall not trouble you for any further evidence with respect to these stores. We have to do with fines and deductions, and there are no fines in connection with this, and no deductions ?—There are deductions. The men forfeit the dividend to which they are entitled in the event of their leaving the works.

17010. But there is no deduction from their wages by the firm ?—No.

17011. That is only a rule which they have among themselves, that the men forfeit their dividend if they leave, but you have not connected the firm with it and you have not shown deductions from wages, and therefore we must treat it as outside our enquiry.

By Mr. Walsh.

17012. The deduction of five times the price rate for good tubes in the event of one being spoilt seems a very serious matter ?—Yes.

17013. You have already been asked about that, and I do not think I have anything further to put to you upon it.

By Mr. Delevingne.

17014. Does that deduction of five tubes exceed the loss to the employer from the one wasted tube ?—I cannot answer that question.

17015. Is the wasted tube wholly a loss to the employer ?—It is not wholly a loss. It is sometimes cut up into smaller tubes and sold as such.

17016. Is the deduction of five good tubes still made in that case ?—Yes.

17017. The deduction is made indiscriminately whether the employer can do anything with the tube or not ?—Yes.

17018. Have you ever taken that up by proceedings under the Truck Act of 1896 ?—No ; I have never taken it before the magistrates. I have discussed it with the manager of W 9, whose name is on the notice I have put in.

17019. With no result ?—With the result that he has given me that statement, and he said that if I could guarantee that the men would keep the wasters under 2½ per cent. he would abolish these deductions altogether.

17020. What did you say to that ?—We could not give him the guarantee because as I have said we are not entirely responsible for the wasters. There are other causes from which wasters may arise than those which are given there.

17021. I refer you to Section 2, Sub-section 1, of the Truck Act, 1896 : "The deduction or payment to be made must not exceed the actual or estimated damage occasioned to the employer by the act or omission of the workman." That is, the deduction must only correspond to the loss caused by the default of the workman. Now in these cases in which you say the loss is not caused by the default of the workman, are the employers nevertheless making deductions ?—Yes ; they make deductions if a tube is spoilt, whether from bad material, bad heating, bad rolling or bad sheeting.

17022. You see that provision in the Truck Act ?—Yes.

17023. Have you never taken any action on that ?— No ; I have never taken the matter up.

17024. Have you ever called the attention of the Factory Inspector to it ?—No.

By Mr. Maddison.

17025. It does not matter what Acts are passed if people will not use them. We shall be going on for ever. Mr. Delevingne has called your attention to that section ? —I will put that into operation the first time I have an opportunity of doing so. There is another point in connection with a number of Spaniards in Ayrshire who have been brought over here. There are about fifty of them and they have 2d. or 3d. per shift deducted from their pay. They cannot speak our language and they do not know anything about what their earnings are.

17026. Have you any personal knowledge of this case ?—Yes. Of course I do not understand the Spanish language, but I have been down on the ground and discussed this matter with representatives of the workmen there, and in order to get the thing verified and brought up-to-date I sent my assistant down there on Tuesday last. Here is the report which I had handed to me this morning. (*The same was handed to Mr. Maddison.*)

17027. What are these deductions for ?—They do not state what they are for.

17028. By whom are they deducted ?—By the person who ships them from Spain over here ; he deducts this amount which I have mentioned.

17029. Is the deduction made by the employers ?— No, not by the employers.

17030. Is it a commission for shipping them ?—These men are employed by the employers at 3s. 4d. or 3s. 6d.

a day as the case may be and the foreman lifts the whole of the money out of the office for these men and pays them less 2d. or 3d. a shift each. Whenever these men find out they are not getting all that the employers are paying he ships them away to Spain and brings back other men who do not know anything about the conditions.

17031–17032 .This man does not appear to be their employer in any way, and our inquiry is a restricted one. We are not ignoring the importance of this question but we have a certain reference given to us by the Department and we must abide by it. In this case the deduction is not made by those who actually employ these men ?—No, not by the firm.

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MR. CHARLES STUART, called; and Examined.

By Mr. Maddison.

17033. Whom do you represent ?—I represent the Federal Union of Scottish Mill Factory and Bleachfield Workers.

17034. And you have been sent here by them to represent them ?—I am sent by the Parliamentary Committee of the Scottish Trades Union Congress.

17035. The first thing you wish to speak about is deductions from workmen's wages in respect of fines, etc., in lace-making trades ?—Yes, briefly stated, fines do obtain to a large extent in these works in Ayrshire and Glasgow.

17036. What do these mills make ?—Lace. The deductions are made from the workmen's wages on account of bad work. What the workers feel is that while the lace may be damaged it is very nearly always because of the machine. The employer determines the amount of the fine. They feel that these fines ought to be abolished.

17037. In your view what protection is the employer to have for bad work and the rest of it ?—If the goods are damaged they should be sued in the Courts as would be done in the usual way outside the works. I take it that is what the workers feel in regard to this particular matter.

17038. Are you yourself connected with lace-making ?—No. The reason I am called upon to give evidence is that I belong to that Federation. The branch of the textile trade with which I am connected is the bleaching industry. We are affiliated with the Federal Union, and I expect that is the reason I have been called upon to give evidence.

17039. With respect to these unfair deductions and fines, have you ever taken any action with the firms under the Truck Act ?—The members of the Union at one of the firms have resisted these fines successfully.

17040. Is there much fining in these mills ?—Yes, at one mill in particular, Z 9. That is where these bonuses are paid to which I refer in my *précis*. It obtains there to a very large extent. The workmen are paid partly by a fixed wage, and partly by a system of bonuses. I may say that I have not been fully informed on this particular point, because I was called upon at very short notice to come here. I expected the facts to come along from Ayrshire from the Secretary of the Union before I left Dundee, but up to the time of my leaving they had not arrived.

17041. Do you mean the facts concerning the whole of your evidence to-day or just upon the question of bonus ?—Just upon the question of bonus.

17042. Then I take it you do not care to give your evidence upon that ?—No; but such a system does exist.

17043. Your next point is with regard to deductions from workmen's wages by fines, etc., in the lappet and lino-cloth making trade ?—Yes.

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17044. Your objection is the same as in the case of deductions in the lace-making trades, I suppose ?—Yes.

17045. Then the next point is deductions from workmen's wages for rent of houses occupied by them, and owned by the employers ?—Yes.

17046. What do you say about that ?—This refers to the workers engaged in the industry with which I am connected, the bleach workers in the Dundee district The employers own many of the houses where the workers live. The rents are deducted from the wages week by week or month by month as the case may be. What they object to is that in many cases it might be a great hardship, and it very often is. A man may earn only half a week's wages, but the rent is deducted all the same. They feel that this ought not to be; they ought to have the privilege of paying their rent in the usual way, like those who live in houses which are not owned by the employers.

17047. Supposing they did, and only had half a week's wages, what would they do ?—They would very likely pay the rent the following week, but they do not get the opportunity of doing that.

17048. Are these people compelled to live in these houses ?—In many cases they are, in this way, that when there is a situation vacant unless a man is prepared to occupy the house he would not get the situation.

17049. It is really made a condition of employment ?—In many cases. I live in Dundee, about a couple of miles from where I work. I was offered a situation, and was compelled if I accepted it to remove and live in the employer's house.

17050. How do the rents compare with those of adjoining houses ? I suppose there are some houses not owned by the employers ?—Yes. They are much about the same.

17051. There is no complaint as to the amount of the rent ?—No.

17052. I suppose your complaint is that the rent is compulsorily deducted ?—Yes.

17053. You think you ought to be in the position of ordinary tenants ?—Yes.

17054. You think that you should receive your wages and then pay your rent ?—Yes. If you want any more facts I can send them to you.

17055. I think not. We see your main point.—Thank you.

MR. WILLIAM BURTON, called; and Examined.

By Mr. Maddison.

17056. You are the Chairman of the Joint Committee of Pottery Manufacturers of Great Britain ?—Yes.

17057. You come here to give evidence on their behalf ?—Certainly. I may say that we have had a considerable number of meetings to discuss questions concerning the Truck Act during the last two years and I did my best to make somebody else come to give evidence because my works are not in the pottery district. Formerly I was chemist to Wedgwood's in the potteries and there I became perfectly familiar with what was done in the district, but I am not any longer in that district.

17058. The Joint Committee of Pottery Manufacturers represents manufacturers who employ about two-thirds of all the workers in the pottery industry in this country ?—Certainly.

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17059. The first point you refer to in your *précis* is the origin of the many deductions from wages for power, light, usable stores, repairs of tools or machinery, assistance, etc., until recently general in this industry; I gather that you agree that these deductions should be stopped ?—That is so, but I think that requires a little explanation. Our trade seems to have been looked upon by a great many people, especially by factory inspectors and those who are concerned with deductions from wages,

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as one in which the Truck Act has been most persistently infringed. Unfortunately it is a very complicated trade, and an old trade, in which handicraft still survives, perhaps more than in any other organised trade in the country. Machinery for performing many of the operations attendant upon the production of pottery, the preparation of the clay, the manipulation of the clay, and so on, has been very slowly introduced into our trade, particularly in some branches of it, like the manufacture of china. The consequence is that the method of payment, which has remained unchanged for about a century and a half, has been adjusted in this way, that whenever a fresh method or a fresh process, even a fresh method of employment, has been introduced, instead of making it there and then a question of wages the manufacturers and operatives have agreed that the former should make a deduction for whatever new process or new method of work was introduced. When the trade was first organised as a settled industry you must remember that in the Staffordshire Potteries the trade was all in small families. It was a family trade, as it still is in some parts of Germany. Then some manufacturers hired these people for a year from Martinmas to Martinmas and they provided a room to work in and material to work upon. The person who took the work employed his own attendants ; he might employ his own family. That is very often the case to this day. He provided his own light if he needed it, and all the rest of it. The old system went on, and then when gas came in as a general illuminant the master said, "You have always paid for your own light, and now that I provide your gas you must allow me, say, 6d. a score dozen," and that was agreed upon. But these things have led to so many abuses by unscrupulous manufacturers that we think the time has come when everybody should clearly recognise that these are questions of wages and should be settled as such, and the old custom done away with.

17060. Therefore, the first recommendation of the Joint Committee is that all the stoppages to which you have been referring should be prohibited by law ?—Yes, of the kind referred to in the *précis*.

17061. In your first paragraph ?—Yes. Of course, one could not expect a view like that to be unanimous among all the manufacturers in the Potteries, but that is the view which I have been sent to put forward on behalf of the majority of the Joint Committee of Manufacturers. They now think the time has come when the matter should be treated as a question of wages, as it ought to have been from the first.

17062. It will mean a readjustment of the wage rates ? —Yes.

17063. Then the second recommendation of the Joint Committee is that manufacturers should be allowed to act, as many of them have done hitherto, as collectors for : (*a*) Sick or provident clubs organised and controlled by their workpeople ; and (*b*) for local medical charities approved by the workers. You say that in the Potteries district contributions to the local hospitals have for many years been collected in this way ?—Yes. In studying all that has been said on the question of the Truck Act we had to take into consideration the view which has been urged more and more insistently from various sources, that deductions from wages of every kind should be done away with. Now while we are perfectly prepared that deductions such as I have already spoken of should be done away with there are certain other deductions which are made which in our opinion are still necessary, and the first of these is the stoppage which many manufacturers now make for sick or provident clubs which are not managed by them, but by a committee of the workpeople, and which are solely for the benefit of the workpeople. The custom is that 1d. or 2d. a week as the case may be is deducted from every person's wage, and is put into that fund. In the same way in the Staffordshire Potteries district, where two-thirds of the whole industry of this country is to be found, the North Staffordshire Infirmary is largely maintained by funds which, for the last twenty years, to my knowledge, have been collected in precisely this way. We think, and we are perfectly sure the men themselves would think, that this is the simplest way of making the collection, and that if you interfere with deductions of that kind you will seriously cripple institutions of various kinds in our district which it would be a very great pity to cripple in that way.

17064. Would you make these deductions compulsory ? Would you say that men should be compelled to allow these deductions to be made ?—No, I do not see any reason why you should make them compulsory. They are not compulsory now. If a man in my employment, for instance, refuses to agree to have the 1d. a week for the Infirmary stopped, of course it is not stopped ; but if he signs a paper agreeing that that 1d. a week shall be deducted, why should anybody object to the manufacturer acting as a collector for the Infirmary ?

17065. If it is deducted, would it be a condition with you that the workpeople should have a real voice in the control of these funds ?—Certainly. Unless the workpeople have the voice in the control of them, I think deductions should not be made. It is a question absolutely of the workpeople. I am now putting forward the view that in this case the manufacturer really acts as an agent and not as a principal ; he does not control what becomes of these funds.

17066. Does the custom of employing works' doctors apply in the pottery trade ?—You do not mean certifying surgeons, of course.

17067. No.—We have, under the special rules, to provide doctors ; but you mean for sick club purposes ?

17068. Yes.—Not generally at all.

17069. But where it does exist would you say that the individual workmen should have different doctors ? My point is that they should not be compelled individually to have the one doctor who is selected for the works for his medical attendant.—That is a question I have never considered. I know something with regard to the appointment of doctors in the colliery district, where I am now, and if you do that you would set up a great deal of trouble as to whether it is worth anybody's while to be a club doctor at all.

17070. You would not insist upon compulsion, as you have already said ?—Certainly not.

17071. Your second point with regard to local medical charities is covered by what you have said ?—Certainly.

17072. Your next point is that disciplinary fines are necessary and should be expressly allowed subject to definite conditions ?—Certainly. There again I come back to the point that has been held by many authorities, that is, many people who are active in this agitation, that disciplinary fines ought to be done away with—indeed, that fines of every kind ought to be done away with. We are perfectly well aware of the mischief which has taken place in many industries, and in many sections of our own industry, through an unregulated system of fining. At the same time, we look upon it that it would be an unfortunate step both for employer and employed if it were rendered absolutely impossible for the manufacturer to inflict fines of any kind. We hold that the power to inflict fines can only be given under very stringent conditions, and I have indicated in my memorandum the sort of conditions which after consideration we think might meet the difficulty.

17073. Before we come to those conditions, I see you refer to the question in a few words of the alternative of suspension ?—Yes, naturally, because that is the alternative which has been mostly put forward.

17074. I suppose there is another step in a disciplinary method before suspension, viz., a system of cautions, records, and various things of that sort ; what do you say to that ?—That, of course, in most cases would precede the fine or the suspension.

17075. But does it ? We have had evidence before the Committee where it is quite obvious that it did not. Does it in the Pottery district ?—I cannot speak for everybody, but this is the point I feel, that in all these regulations, and in all the discussions which have gone on, it has generally been assumed by the speakers that the manufacturer was a pretty bad lot, and that he did not do anything for his workpeople, and that the latter were very much oppressed and ill-treated by their employer. Now those who assume that view make it very hard indeed for the good employer. They are assuming that because there is a minority of bad employers therefore everybody in the trade must be regulated by what is sauce for the bad employer.

17076. I am anxious for you to elaborate a little further this very important technical point you put as to the

effect of suspension upon the various processes which go on in your business?—In our business suspension would be a very serious matter. It would seriously interfere with the labour of many other workers, and would generally inflict hardship on others than the actual offender.

17077. Will you tell us how that works?—In a business like ours which is split up into a great many departments there are many branches of the trade. Perhaps in works like those of Wedgwood's or Doulton's and many others, such as my own, there would be fifty, sixty, or a hundred different departments, and the work passes on from one department to another. In many of those departments the thing is simple; the person works alone. But in many other departments, especially in the making departments and in the firing of ovens and kilns and the placing of the articles into those ovens and kilns, the dipping of the ware, and so forth, men and boys and girls, or women and boys and girls work together in small gangs. Take the case of plate-making. A plate-maker needs two assistants generally, and sometimes three, to bring clay, to carry moulds, to help in the work, and so forth. Now suppose you suspend one of his attendants for misconduct or carelessness, you paralyse that man and his gang, it may be for a whole day, or for the period of suspension, whatever it may be. You are not only punishing the person who has committed the fault, but you are punishing somebody who has done nothing at all.

17078. So that you would regard suspension as sometimes working badly for those who are industrious, and as being a more severe punishment to the individual?—Undoubtedly, in our industry that is so. In the debate in the House of Commons before this Truck Committee was appointed that was the view taken by Mr. Richard Bell with regard to the railway servants and by Mr. Keir Hardie with regard to the South Wales miners. They found it in those industries just as we shall find it in ours.

17079. You make it clear that while favouring the power to impose a diciplinary fine you realise the necessity of placing fines under almost rigid supervision and control?—Undoubtedly, because fines have been so much abused in the past.

17080. You think there has been a good deal of abuse of fines?—In some portions of our industry. I can only speak for my own industry—I prefer only to do so. In some portions of our industry there has undoubtedly been abuse.

17081. You say that the amount of any diciplinary fine should be in proportion to the loss caused and should be subject to appeal either to the resident factory inspector for the district, or, in case of difference, to the superintending inspector of the district?—Yes. I know several cases where although the resident inspector of factories has no power at all, he has gone to the manufacturer (and rightly, in my opinion, though he has stepped outside his province in another way) and pointed out that a certain fine imposed upon a boy for breaking a window or something of that kind was absurdly excessive, and was a very severe punishment indeed, and that really it ought to be modified; and modification has followed. Searching about for some means by which a system of fining could be most stringently overlooked, and most easily supervised, I can see nobody so good as the inspector of factories.

17082. And you carry that confidence of your's in the impartiality of the Home Office inspectors to the extent of saying that there should be a register always open to his inspection?—Absolutely. I would have all these fines most stringently recorded. If there was a case in which a fine had not been recorded, that ought to be punishable. Then, moreover, we wish that these fines should in no case go to the benefit of the individual employer.

17083. You feel strongly about that?—Very strongly. That is what the best of us have always done. I can speak with regard to A 10 twenty years ago; I know it was their custom, and had then been for the the last fifty years, that all the fines exacted from the work-people for any cause should never go to the firm at all; they simply went to the works sick club, and do to this day.

17084. You would clearly say that it is quite untr that these fines in any sort of way have been regarded by the employers as sources of profit?—By the best employers, undoubtedly.

17085. I am assuming now that you are confining yourself to the pottery trade: Are there many cases in which fines have been placed to the ordinary account of the firm?—That is a very difficult question to answer, because outside our Association there are a certain number of pottery manufacturers over whom we have no control and for whom I cannot speak, against whom all these things are alleged. It may be perfectly true, but it is not for me to say that it is so.

17086. Further, I see that you want deductions for bad work to be authorised, but again under strict regulations?—Yes.

17087. You say in your Memorandum that deductions for bad work should be authorised, provided: "(a) That in no case shall the deduction exceed x times the amount paid to the worker for his specific part in the production of the work in relation to which the deduction is made." ?—I say x times because I do not know what figure to quote there. At present the law as it stands is that the employer may deduct the exact amount of damage done to his work. Now I will give you a case which happened in my own works only last week. A woman used a wrong colour in painting some tiles, and made ten dozen of the tiles absolutely unsaleable. If she had painted them correctly I could have sold them at 5s. a dozen. As it is, I shall sell them at 1s. a dozen simply to clear them out, because they are no good. Theoretically, I could deduct the difference between the 5s. a dozen—it would have to be rather less than that—and the 1s. I should be entitled to deduct 40s. off that woman's wages, because she spoilt not only her own work, but all the work which had been done on the tiles before they got into her hands at all. That is why I say you must have something more than the power to stop merely the proportion of wage paid to the individual worker for doing his or her small share of the work, because that worker may spoil the work of twenty other people. But in my opinion it would be manifestly unfair—it would entail very great hardship indeed—if in an industry like the pottery industry, where in many cases the value of the finished article is 100 times the individual wage paid for doing a portion of it, one were to stop the whole lot. One gets cases of work-people being in debt to their employers for deductions. One case was quoted in the Chief Inspector's Report where a woman was in debt to her employer for deductions for two years.

17088. You would say that that was placing a liability totally out of proportion to the ordinary reward of the worker from week to week?—Certainly. The manufacturer must take a certain portion of that risk, it seems to me, as a fair manufacturing risk.

17089. You do not think he ought to take it all?—No. Why should he take it all, if it is due to carelessness or incompetence or the absolute indifference of the person who does the work wrong?

17090. That raises a great question. Then you say that the deduction should be made in such a manner that it amounts to not more than 10 per cent. of the wage payable in any one week?—That 10 per cent. is only to get at some idea in regard to the subject, so as to make what we claim are necessary deductions less onerous upon the workpeople.

17091. The deductions should be paid in instalments of not more than 10 per cent. of the wages?—Yes. Take the case of that woman of mine; her wage was 18s. a week. Suppose I had wanted to stop her 40s., it would be manifestly absurd to make her lose nearly three weeks wages and go home with no wages at all for that time, in order to pay it.

17092. You again are willing to regard the resident inspector of factories as the Court of Appeal or as the arbitrator?—Certainly.

17093. Then you say that the employer should be expressly allowed to deduct, in the aforesaid manner, the ascertained cost of damage done to his property, either wilfully or negligently, by his employer. Of course that affirms what you have said?—The previous

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paragraph deals only with bad work; this refers to other things. Suppose, for instance, one employs a lot of rough lads who will play football, and who break windows by that means, or by throwing pieces of pot at one another.

17094. You wish those to be included?—Yes; those are the things I include in that paragraph. If you have a window broken, what are you to do?

17095. You think that in the case of window-breaking you should have some power to deduct from the wages of those who break them?—Yes, the exact cost of what they have broken. It is far better, surely. What other remedy have you? You can talk to them, and you generally do that first. Then suppose it happens again? A fortnight ago, going home late to my lunch after everybody thought I had cleared off half-an-hour before, I found a lot of boys trespassing on one of my neighbour's fields, playing football. I stopped them. I said, "Now, you chaps must not do this again! We provide you with a field on which to play football, and I suppose the other chaps have turned you off because you will not play properly, and now you are playing on this field. You must not do it again?" The Monday of this week I found the same gang playing football on the works, and they had broken a window.

17096. How did you find out who actually broke the window?—I did not attempt to. Who could say?

17097. What did you do?—I divided the cost among the six of them who were playing football—the whole lot. It came to 3d. each. You see, they were all breaking rules.

17098. Then you say that where common service is performed by the employer or his worker, he shall only be entitled to receive from them the exact cost to him of such provision. You say that the accounts governing such transactions shall be kept in such form and manner that they are always open to the inspection of any of His Majesty's Inspectors of Factories?—As I understand, the first part of that is the law now. That refers to a great many things. For instance, in a pottery works large sponges are very important tools. The custom was for the workmen to provide his own tools, and many of the workmen perfer to do so—all kinds of little things made of indiarubber. Formerly they used the lip of a cow, which was always kept soft in water. Many old workers still use that to-day in preference to anything else. Now many who prefer indiarubber prefer to have their own, because they can make their own choice. The question of sponges is a very difficult one. A sponge is a very useful thing to have in the house, and if the manufacturer provides the sponges they disappear.

17099. You would say that some disappear?—Of course; I do not mean they all disappear. Anybody who has had acquaintance with the works knows that sooner or later a proportion of the sponges will disappear and the man whose sponge disappears always says somebody else has taken it. Therefore the custom is this: sponges are bought wholesale by the manufacturer, who sells them to his work-people. This is rather an important point because the price of sponges has gone up about five times what it was owing to the failure of the sponge fisheries, and it is very difficult to get them. The manufacturer can get them very much cheaper than his work-people, and he does get them and sells them to them. My point is that if he does things like that, where it is to everybody's advantage that he should, he should not make a profit out of doing them.

17100. Under the term "common service" would you include overalls?—That is a very difficult question. I have a note here about it, and about the medical inspection of pottery works. As a matter of fact, I was concerned in all the arbitrations and negotiations which have gone on between the Home Office and the potters during the last ten or twelve years, and I know exactly what was meant both by Mr. Dugdale who held the first arbitration, and by Lord James who held the second, as to how these things were to be provided. The manufacturers never objected to providing overalls for their women and young persons; what they did object to, and what was never put on them by the arbitrator (it was agreed to by the Home Office) was that they should be expected to provide overalls for their adult male employees. As far as the provision of overalls is concerned it is perfectly well understood that the manufacturer provides them for his women and young persons but does not provide them for male adults—that is above eighteen years of age. They provide their own. But it is a vexed question as to who should be responsible for washing them, and paying for it. There again Lord James rather hastily shut the whole thing up and said: "I do not propose to interfere with what is done at present." What "was done at present" was simply chaos, because everybody did as he liked. Some manufacturers paid the whole cost themselves, they paid for all the washing and all the repairing, and they paid for all the overalls. Some paid for nothing at all. Some got it done, and charged their work-people what they liked. So at present in our trade that provision is in a very unsatisfactory state. That of course is governed really by the Special Rules. We are bound to have new Special Rules, as the last Workmen's Compensation Act makes it necessary, and then that will be adjusted. May I say also that to my astonishment I have found during the last three years that the question as to whether a manufacturer should pay for the certifying surgeon examining the work-people employed in a dangerous trade has been left unsettled, although I was in all the negotiations, and should have said that it was absolutely settled in intention that the employers should pay. 90 per cent. of the employers have certainly always paid. But to our astonishment we found that some of them did not pay. They deducted it from their work-people, and when taken before the Stipendiary he said he could not do anything—that it was perfectly clear that they were at liberty to do so.

17101. Your view is that such deductions ought not to be allowed?—Yes, they are manifestly unfair.

17102. It is an obvious question, but, as you have said, you again insist upon the accounts governing these transactions under common service being clearly kept, and open to the inspection of the factory inspector?—Certainly.

17103. Then you refer to the question of minor breaches of Special Rules for dangerous trades, such as smoking in dipping houses, and eating with unwashed hands, etc.?—That affects our trade very considerably. It is a very vexed question. Special Rules in any trade, I do not care what it may be, but especially in a trade like the pottery trade, which has a long series of them, are very onerous; they lay duties on the employers and work-people, and they make the employer responsible for seeing that the work-people carry out the duties laid upon them by the Special Rules. Two of the Rules we have a very great difficulty in enforcing at all. The first is the prohibition of smoking in dipping houses, and other places where lead is used. You may explain to the men that if they smoke when at work that is the way they get plumbism, and that if they eat their food with unwashed hands they will get plumbism, but you have the greatest difficulty in preventing them. In my own case three years ago I had to get Major Roe, then the resident inspector of factories at Manchester, to come to my place, which was five miles away, and talk to them. I had talked to them till I was sick of it.

17104. Had you been imposing fines?—No. As a matter of fact I do not impose any fines.

17105. There are places which do fine?—Yes.

17106. Is there any better attention to these excellent special rules in those places?—No.

17107. So that fines really have no deterrent influence?—I do not know that. One manufacturer may fine and another may not.

17108. I was asking you whether you had any experience of those who did fine, and whether those men were more attentive to the rules than your men?—A great deal must rest with the individual employer and his foreman, but that the difficulty exists widely is proved, because in the very last report of the Chief Inspector of Factories, Mr. Walmsley, the factory inspector who has just left Staffordshire for Leeds, and Dr. Hill, certifying surgeon, both refer to this difficulty of getting the workmen to obey the special rules. It is a question of ignorance. Men do not realise how important these things are. But it is a very serious question.

By Mrs. Tennant.

17109. Have you considered the position of workmen or workwomen who may be members of friendly societies in relation to sick or provident works' clubs ?—I think that was covered by what I said—that I would not allow a manufacturer to make deductions for his sick club on the works compulsory. It should be voluntary.

17110. Do you not think it is often very difficult to draw the line in certain works—I do not say in all works—between what is compulsory and what is voluntary ?—At present these deductions are made in this way: the manufacturer has a book in which it is stated: "We, the undersigned, agree to contribute" so much. It should not be made a condition of employment. I would not allow a manufacturer to do that. He must not make it a condition of employment. But if the book contains such an agreement as this: "We hereby agree to contribute 1d. or 2d. a week," or whatever it is, "to such-and-such a sick club," or the local infirmary, or whatever it may be, and the workpeople sign it, that is his legal position with regard to deducting from the wages 1d. or 2d. a week, and that seems to cover the ground, because if somebody is paying to the Oddfellows or the North Staffordshire Provident Society, which is a very large society in the Potteries, they would not sign.

17111. Do you not feel that a condition of employment may often exist as an implied condition though it is not an expressed condition ?—I see what you mean, but I do not see how any Act of Parliament is to get us out of that. I do not see how it is possible to get over implied conditions except by prohibiting the whole thing.

17112. This is what I feel. It is a question of balance between good and harm is it not ?—Certainly.

17113. You yourself feel that what is permissible under the Truck Acts has been abused by certain manufacturers ?—That is so. Nobody in his senses would deny that.

17114. You have experience of it in your trade, and other manufacturers and other people have had experience of it in theirs ?—Certainly.

17115. It is a question of the extent of the abuse ?—Not only of the extent, but also if it is possible to devise regulations which would limit the abuse and reduce it to the smallest possible compass without at the same time crippling what may otherwise be wise provisions. That is the whole gist of my evidence.

17116. It is also a question how far the matter is worth making elaborate schemes for ?—Certainly.

17117. As to whether the gain would be sufficient to justify elaborate machinery to secure that end ?—Certainly.

17118. I am questioning whether it would be so in this case ?—This is a case in which our industry as a whole, both employers and workpeople, would feel very strongly upon. I should say that nine-tenths of all the pottery works have sick clubs managed entirely by the workpeople, in which the employer has no voice, and has never sought to have a voice, and to which the employer very often subscribes himself so much every year, and at the same time acts as collector, very often giving the services of a clerk to manage it. That is not only done at my place, but at plenty of other works. I would ask you to think, very carefully before you interfere with a thing of that kind, which is undoubtedly for the good of the industry, and is also good in promoting a feeling of goodfellowship all through the works and also between the employer and his workpeople.

17119. Have you considered the position of a man who has contributed to a sick club for a certain time and then leaves the works and leaves his money behind him ?—Yes. I do not see any remedy for that.

17120. With regard to the analogous matter of the medical charities to which you refer, do you not think that a collecting box in the works would meet the case, leaving the workmen absolutely free to contribute to the charities to which they are inclined ?—My experience is this: Take the Manchester Infirmary or the Salford Royal Hospital or the North Staffordshire Infirmary; the course of the last ten years has been to show that that method of raising funds for those institutions is hopeless. We are being pressed both by Manchester and Salford to institute at our own works a weekly collection from the workpeople, although we are five miles away, because they say that the old-fashioned hospital Saturday fund, or even boxes at the works (which we have always had, into which people could pay if they liked), is no good at all; it does not result in anything.

17121. Does not the fact that those methods work badly show that the work-people may not be inclined to contribute to those charities ?—I do not think it is a question of inclination. I think work-people are like most of us—they forget. They do things if they are sufficiently put before them. They will do it for a week or two—we all do, and then we forget all about it until somebody reminds us again.

17122. But if there were a weekly collection they would be reminded ?—They are now reminded because they have a collection weekly.

17123. I do not mean a deduction weekly, but a collection weekly ?—That is all a question of machinery, as to which is best. I only say that the North Staffordshire Infirmary, the Manchester Infirmary, and the Salford Royal Hospital have appealed to the manufacturer to do it in this particular way because that is the way that answers best. That opinion comes from the men who govern the charities. Of course, they are very often manufacturers themselves, but they are not all manufacturers.

17124. It has been represented to me that when deductions are made and a workman has to appeal against a deduction, he becomes a marked person ?—I have never heard of a case of that kind. I think that if that existed to any extent I should have been bound to hear of it. I am perfectly certain that somebody would have told me that.

17125. I am not thinking of the Potteries only ?—I must speak, of course, for the Potteries.

17126. Does that occur to you as possible; that if you have a foreman who is keen about a good contribution from his works, who wants his works to stand well in the list, he will bring a certain amount of moral pressure to bear ?—It is always possible, but I think it rather a remote contingency. I do not think that would occur in very many cases.

17127. On the broad question of fining as against suspension would you say that a good deal would depend upon the matter which was contained in the caution ? You yourself gave as an example the fact that you cautioned some boys who were playing in a field in which they ought not to have been playing ?—Yes.

17128. And when that caution was not effective, the next time you imposed a fine of 1s. 6d., which amounted to 3d. each ?—Yes.

17129. Over that number that was not a very severe penalty: Do you think it would serve in any way as a deterrent if they wished to play football again under the same conditions ?—Undoubtedly.

17130. They would know their fine; they would know that they were going to pay 3d. each for their game ?—Yes.

17131. But if they knew they were going to pay for their game by running the risk of suspension or dismissal do you not think that that would be a more effective deterrent ?—Most certainly not, and I will tell you why. In most working districts a boy over fifteen years of age does not give the whole of his wages to his parents—in some districts nothing like the whole of his wages. He gives a portion of his wages and has a portion left for pocket money. If he is fined 3d. probably that comes out of what he has retained for his pocket money, or even if he is fined 6d., but if you suspend him for a day it does not; it falls on his mother That is a fact.

17132. But if you dismiss him ?—Then it falls on his mother also.

17133. But he will not have a very comfortable time at home, will he ?—That depends on his mother. His mother may spoil him.

17134. As a broad principle—excluding the folly of mothers—do you think that on the whole this payment of a small sum is likely to be as effective a deterrent as risking the loss of his employment ?—Well, of course, behind all fines there is the risk of loss of employment.

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That exists whichever course you adopt, and the man or boy knows that perfectly well. One does not go on fining a chap for the mere fun of fining him. At least, what I should expect anybody to do, and what I have always done myself, is this: nobody is allowed to fine or deduct anything on our works except myself. If I am not there, my brother does it, but otherwise I always do it myself. The case has to be gone into beforehand, and I have the person in my office and talk to each one according to his age, capacity, and sense.

17135. You are giving us an example of the method when it is conducted with intelligence, but I think the evidence we have had shows that fines do go on quite continuously without achieving any deterrent result? —That may be so in many industries, but that is a question of the method of doing it. Of course, I know in some industries if a man or a woman is five minutes late, he or she is stopped a quarter of an hour. That is unfair. But you have to do something with people who come persistently five minutes late, and there are people who have a constitutional inability to get to work in time. They are very few, I am glad to say, but in a big works you will always find one or two. On my late list which I get every morning some names occur with monotonous frequency.

17136. That is what has been urged to us by those who wish for the prohibition of fines, that the same names do occur with monotonous frequency?—Yes, that is a fact.

17137. That is really because the deterrent is not sufficient? If you had a stronger deterrent activities would be stimulated?—Well, that does not agree with my experience of work-people, anyway.

17138. There is one point which struck me in the distinction which you draw between the charge for the supply of overalls to the adult male and the charge for medical examination. They are both precautions; they are both designed in the interests of preserving the worker's health. I wonder what your reason is for feeling that the adult male should be charged for overalls and not for the doctor?—One must always look upon these things as they arise. The adult male always did supply himself with overalls. He used them long before they were made compulsory by law.

17139. For the preservation of his clothes?—Yes.

17140. He would not necessarily keep his overall clean? —No, that was the difficulty.

17141. Now he has to keep his overall clean?—Yes, and why should he not?

17142. As long as it was a question of the preservation of his clothes it was his matter, but the preservation of his health is taken to be the employer's charge?—But why should it be?

17143. In the case of the doctor you yourself say it ought to be?—I do not mind that, but the preservation of a man's health is surely as much to do with him as with his employer?

17144. If that is so, why should he not pay for the doctor.?—I should have no objection myself, and I believe it would be very much better if the male employee did pay for his own doctor, but then we should have the difficulty that was raised before—everybody would want his own doctor. The law says there must be certifying surgeons. When the surgeon comes to do this work he has to examine so many males and so many females. He has to examine, roughly speaking, twice as many males as females, taking our trade all through the country. Half the males he examines are probably under eighteen years of age, and we have to pay for them in any case. The whole thing was small in amount, and it would have been ridiculous to pay four-fifths of the charge and leave the doctor to collect one-fifth from the people; it was not worth talking about, and we pay the whole charge.

17145. It was purely a question of expediency?—Yes.

17146. Would you draw a distinction between the adult male and the adult female?—There again we must see what was the custom. The custom always was for men to wear overalls, but the women did not do so; they often wore a print dress, which they washed. That served as an overall, but it was their dress, and they had their food in it, and nursed their children in it if they were married women. Everybody must realise it was very much better that they should not do that, but that they should have an overall provided for them. The women who work at these employments—I am speaking of the dipping house attendants and the ware cleaners—are only assistants; they are generally employed by workmen and their wages are not high. The adult male in the head operations in the pottery industry gets exceedingly high wages. I know the average wage because we have to pay compensation—I am Chairman of the Insurance Company. The average dipper's wage is well over £2 a week, and he only works on the average eight hours a day, so that he is a very well paid workman. There is a great difference between expecting him to provide his own overalls, or even his own medical attendance, and expecting a woman whose wages are perhaps not more than 12s. a week to do the same.

17147. That is raising a very big question indeed, as to whether certain things ought to be paid for because somebody's wages happen to be higher than somebody else's, but it is in line with your suggestion that the amount of the fine should be proportionate to the wages earned?—I really do not quite see how we have got to this point, because I do not see what the provision of overalls by workpeople has to do with the Truck Act.

17148. It is a question of deduction for the supply of overalls?—Yes, but that is allowed now. If you supply, you do not charge; if you do not supply, of course you do not charge; and the law says you are not compelled to supply to your male adult worker, and you are not compelled to supply to all your female workers.

17149. Would you draw a distinction between the adult male and young person?—Yes.

17150. But you do not equally draw a distinction between an adult male and an adult female?—No, I should not, for the reason I have stated.

17151. Because it is the custom of the trade?—First because it is a custom of the trade, and secondly because the rates of pay are so different that I think it is a case where the employer might very well do it. I do not see why he should do it for an adult male at all, but I do see a reason why he should do it for an adult female.

17152. You suggest that the custom of the trade should be abandoned in the first matter, in regard to deductions for power, light, usable stores, and so on: you are ready to depart from the custom there?—It is no longer the custom. It still remains, but it is no longer the custom of the trade. The majority of the manufacturers have already done away with those charges, and we think they ought all to be done away with. Our association has gone as far as it can go. We recommended years ago to our body that these deductions should as far as possible be got rid of and adjusted, and as far as possible they have been with most of the manufacturers for whom I am here to speak. But they still remain in that body of manufacturers for whom I cannot speak. There is no other way of getting rid of them than by prohibiting them.

17153. In your general distinction between the adult male and adult female and young persons, would you suggest that the adult male should be made responsible for the cost of other precautions with regard to the protection of his health because he has good wages?—I do not know of any other precaution that he is responsible for. The manufacturer has to provide the washing accommodation, and he has to look after the sweeping of the rooms. At least, that is a question which is not settled; but it is not a question of the Truck Act, but of special Rules as to who should pay for the sweeping of the workshops, and so forth.

17154. These are all analogous matters: they all relate to the protection of health?—Speaking generally, I should say that as far as possible these things should be taken from the workpeople and done by the employer, Speaking generally, that would be my attitude.

17155. You do not say you think they ought to be a charge upon the employer's industry in the case of adult males, or would you go so far as that?—No, I would not go so far as that.

By Sir F. Cawley.

17156. With regard to disciplinary fines and suspensions, if you do not have fines you have to have suspensions?—Yes, certainly.

17157. And in your opinion suspension is not only more onerous on the employee, but it is also onerous on those he has to work with, and perhaps on other sets of workers who work in the same routine ?—Certainly.

17158. And also for the employer ?—Yes, it hits the whole trade.

17159. And therefore in your opinion if you can preserve anything like the same discipline by a fine, you think a fine is better ?—Undoubtedly.

17160. If you did not have fines I take it dismissal would have to be resorted to sooner very often ?—Both suspension and dismissal.

17161. Although dismissal might very often upset the routine of the works ?—Yes. You have always to consider whether you can discharge a certain workman from a complicated industry like this.

17162. And not only would dismissal be against your own interests as employer, but it would very likely affect adversely other employees as well ?—Undoubtedly.

17163. Those who work in the set, or perhaps work in sets before or after them ?—Suppose, for instance, I had to discharge my head-slipmaker, the man who prepares the clay for the potter's use. I am thankful to say there is no particular likelihood of that, but I know that at a pottery that would be regarded as one of the most serious changes one could possibly have to make. For weeks after that everybody who worked on that works might suffer in their wages because the new man could not do the work like the old one, and he would not quite know the ropes. When you have a man in that position you do your best to keep him at his work, because so much depends upon him.

17164. You do not want to have the smaller penalty taken out of your hands, because if you did you would very likely sooner have to resort to the more stringent penalties of suspension and dismissal ?—Undoubtedly

By Mr. Walsh.

17165. In this case I suppose you are really giving evidence almost wholly for the industry with which you are connected ?—Well, I must come and give evidence on its behalf.

17166. Your remarks are not to be taken in a general sense ?—May I say this. Of course I come to speak for my own industry primarily. I believe men should only speak for their own industry. But in all the regulations I have suggested I have borne in mind very carefully indeed all the evidence which has ever been given in the Reports of the Chief Inspector of Factories as to the working of the Truck Act, and as to the mischief done in other trades. I have made a careful study in that respect. As far as I could I have endeavoured, by those safeguards which I suggest for the power of fining, to invent or discover a form which will be readily applicable to every trade, and not only my own.

17167. So far as your knowledge goes ?—Yes.

17168. Actually gained, or acquired in a general way ?—Certainly.

17169. Are we to understand that the stoppages which have previously been made for power, light, usable stores, and repairs of tools or machinery are deductions which you would really prevent in future ?—As a whole, and where they have operated as they have in our industry, certainly. It might be very easy for you to point out an industry where it was all right. I am speaking now of what has been taking place in my own industry. I wished to bring here a wages sheet of a certain manufacturer which had deductions upon it under twenty-five different headings, but the manufacturer was not willing to let me have it. We say that that system is so cumberous and complex and is so open to abuse that it ought to be done away with, and the whole thing ought to be put on a proper footing.

17170. Your idea being that such deductions as these really merge into the question of wages ?—Yes. It wants merely a readjustment of the piece-work prices. May I explain another point. The pottery trade is an extraordinary one. It is very conservative and the way in which things are paid for is very extraordinary. They are paid for by score dozens very often, but a dozen does not mean twelve at all. The only thing where a dozen is twelve is the 10-inch dinner plate. In saucers a dozen may be 144. In 7-inch dinner plates a dozen may be twenty-eight. One large jug such as harvesters have beer in is five dozen. Every new county court judge who comes into the district says we are the biggest lunatics he eversaw. But it is a perfectly simple matter and both masters and men understand it thoroughly; it is ingrained in them; they know all about it. The whole question simply turns upon the amount of space that the articles take up in the oven. Formerly it was a home industry and the things were made in the houses, and one man fired for the lot and charged them so much per cubic foot. That was taken as a dozen, and that system prevails now. If a man says that the price for making the best china tea saucers thrown—very few are now—is 6s. a score dozen, that means 6s. for twenty times 144. If you are going to take something off that wage it becomes a question of decimals instantly, and the workpeople have in the past preferred this very foolish method of having these deductions made. But now, the whole question of wages and counts and everything else will have to be gone into, and now is the time that we should draw the line and make an end of it.

17171. You used the word "collectors" in connection with provident clubs and so on ?—Yes, I do advisedly.

17172. Does that mean that the money is collected, or is it withheld in the office ?—It is withheld in the office. That is the general way of doing it.

17173. That is the meaning of the term "collectors" ?—As I use it there. What I meant to imply by the word was that this was not money which was deducted for the employers.

17174. You meant it did not pass into your own coffers ?—That is so—not in any way.

17175. You say in an industry like pottery suspensions would seriously interfere with the labour of many other workers ?—Yes.

17176. When you were answering the Chairman I think you said that was also the case in mining ?—No I do not think so. I have not thought about mining in connection with that matter.

17177. You say that in no case shall the deduction exceed x times the amount paid to the worker for his specific part in the production of the work in relation to which the deduction is made ?—Yes. That is a very difficult question.

17178. Would not that be a very uncertain quantity ?—Yes.

17179. Possibly at your own works, or the works with which you are best acquainted, a definite value could be given to x ?—Yes.

17180. Would you leave it an uncertain quantity in every case ?—No. I say it is for the Truck Committee, who have all the evidence with regard to all the trades, to say what x shall be—that the deduction shall not exceed two or three times the amount paid to the worker, or something like that. I will give you a concrete case. In dipping tiles I know that many of the best manufacturers arrange in this way with their dipper; he is paid so much a square yard, no matter what the size of the tile may be, for dipping. The standard rate is 3d. a square yard, and he is paid that in the best houses in the trade. But for all those which come out from the kilns spoilt through his fault he has 2s. a square yard deducted, which is eight times the price he is paid for doing the work. But that 2s. a square yard does not recoup the manufacturer, because the difference between a seconds tile and a best tile is 3s. 8d. a square yard. But I say there must be a limit.

17181. You are in favour of the legislature limiting the number of times the amount paid to the worker shall be multiplied for the purpose of deduction ?—Yes; I say it must do so.

17182. Something must be allowed for human fallibility ?—Certainly. The manufacturer must take some portion of the risk as a manufacturing risk. It might operate in this way. Take the case of an expensive American dinner-plate such as B 10 make in large quantities, relatively, and which they sell at from six to twelve guineas a plate for an American millionaire. They sell hundreds a year. The last work which is done

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on that plate is the burnishing of the gold on the edge. Three farthings a plate is a reasonable price for that, and the plate is then worth £6 6s. 0d. Supposing a woman chips that plate through carelessness, how many times the wage is that ? That is an extreme case—I could not give you a more extreme case than that—but that shows you something of the difficulty.

By Mr. Delevingne.

17183. I have only one question, and that is upon your suggestion that the amount deducted for damaged work should not exceed a certain proportion of the wages every week ; you said that if the amount to be deducted exceeded that proportion it should be collected by instalments —Yes.

17184. Is not the instalment system rather a bad one in itself as keeping the workers in the debt of the employer ?—It has that difficulty, but I have tried to minimise it. I have seen that difficulty, and I have tried to minimise it by saying that if the worker voluntarily leaves that employment, or is dismissed by his employer, the employer shall have no power to recover any sum remaining as due to him, but the payments shall cease. That is a way of getting over that.

17185. It would not be possible to say that the whole of the sum deducted should not exceed a certain proportion of the weekly wages, so as to clear the whole thing off at once ?—Personally I should certainly like that plan, but I think in many branches of our industry it could not be worked. It would be all right in a branch of the industry like my own, where no article is worth more than 2s. 6d., perhaps. Yet about a month ago I myself saw a boy, in larking with another boy, kick over a pile of tiles ; there were about fourteen tiles, I think, and they were worth 2s. 6d. each. The boy was simply employed to carry the tiles from the kilns to the warehouse. I just came round the corner as he did it. I think his wages were about 17s. and he spoilt tiles to the value of fourteen times 2s. 6d. He is the son of a widowed mother. What was I to do ?

17186. What did you do ?—I should like to have kicked him. In fact, I gave him a very severe talking to. I pointed out to him that if I deducted something from his wages I was taking it from his mother and not from him. I said, " If I hear of you doing anything of this kind again you will have to be discharged, because it is a serious matter. You have done so much damage that I really cannot take it out of your wages." It would have been absurd to fine him 1s., because that is nothing compared with the damage. That also answers the question which Sir Frederick Cawley put to me, as to whether, if you do away with fines, you do not immediately make it more imperative to impose the more severe penalties of suspension or dismissal.

17187. But where it is possible, you would be in favour of a single deduction, once made ?—Yes, as a principle, certainly.

SIXTY-FIRST DAY.

Thursday, 20th February, 1908.

PRESENT:

The Right Hon. Thomas Shaw, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir Frederick Cawley, Bart., M.P.
Malcolm Delevingne, Esq.
Frederick Maddison Esq., M.P.
Mrs. H. J. Tennant.
Stephen Walsh, Esq., M.P.
A. F. Yarrow, Esq.

T. E. Bettany, Esq. (*Secretary*).

Mr. CHRISTOPHER JOHN HEALY, Secretary of the Scottish Chamber of Manufacturing Industries, was called and examined.

By the Chairman.

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17188. You are a solicitor in Glasgow ?—Yes.

17189. And Secretary to the Scottish Chamber of Manufacturing Industries ?—Yes.

17190. How long has that body been established ?—Since about 1902.

17191. I understand the Chamber embraces in its membership about 250 manufacturing firms in Scotland ? —Yes.

17192. What kinds of firms ?—Very largely textile.

17193. Do you mean engaged in the manufacture of yarns, cloth, and the like ?—Yes.

17194. In what parts of the country ?—They are located in different parts, all over Scotland.

17195. Are they large concerns ?—Yes, very large concerns.

17196. Have you any idea of the number of workmen employed by these firms ?—I have put it roughly at about 50,000.

17197. Men and women ?—Yes, about two-thirds of them are women and girls.

17198. Are you a paid Secretary of the Chamber ?—Yes.

17199. I understand you have considered the remit to this Committee ; but there is one portion of it upon which you do not propose to give evidence, namely, that portion which has reference to the system of living-in ?—No, that is not in vogue with us at all. It does not affect any of our people.

17200. Do you know whether there is such a practice in Scotland at all ?—I don't think there is.

17201. Then we will come to the part of the remit referring to the Truck Acts, but first may I take it that you are a practising solicitor ?—Yes.

17202. In order to enable you to give evidence, you issued a Circular to your members ?—Yes.

17203. Enumerating the various deductions from wages ?—Yes. The enumeration was as follows :—

(*a*) The supply of medicine or medical attendance, of fuel, of materials, of tools, of implements, and of hay, corn, or provender, for any horse or other beast of burden employed by a workman.

(*b*) The rent of a house let to a workman.

(*c*) The supply of victuals dressed or prepared under the employers roof and consumed by the workman.

(*d*) Any advance by an employer to a workman for a contribution to any friendly society or savings

bank or for his relief in sickness or for the education of his children.

(*e*) The sharpening or repairing of a workman's tools.

(*f*) Fines imposed on the workman by an employer.

(*g*) Bad or negligent work or injury to the materials or other property of the employer; and

(*h*) The use or supply of materials, tools, or machines, standing room, light, heat, or for or in respect of any other thing to be done or provided, by the employer in relation to the work of the workman.

17204. And now I want you to answer me some questions with regard to all of these in detail. In the first place with regard to (*a*), namely, the supply of medicine, medical attendance, fuel, etc. Have you any information as to that?—I understand that only about 7 per cent. make deductions in respect of the items enumerated under (*a*), (*c*), (*d*), and (*h*).

17205. Can you give any details with regard to (*a*), the supply of medicine, etc.?—I am afraid I cannot, as that item alone would be a very small one.

17206. Then with regard to (*b*)?—Of the replies received, I find that about 8 per cent. make deductions in respect of (*b*), namely, the rent of a house let to a workman.

17207. Have you any notion of the circumstances under which rent is charged, because that seemed to the Committee rather a curious item, with respect to the textile industries which you principally represent?—One firm writes with regard to that:—"Some of our workmen ask us to keep their rent off their wages fortnightly," that is simply a matter of convenience.

17208. That is a separate contract, is it not, with the individual workman?—Yes.

17209. And by way of request upon the part of the workman as a more convenient method of getting the rent paid?—Yes, it suits the workmen better that the money should be deducted from their wages in that way and paid over to the landlord.

17210. So far as the employers are concerned, they have substantially no interest in keeping up anything of that sort?—Absolutely none in that case. Another firm in a country district says "as to rents deducted that these are based on the general average for the district and, if anything, slightly lower."

17211. Have you any idea of the circumstances under which these deductions for rent are made?—No. They do not as a rule explain the circumstances to me, but one firm says:—"We are owners of several blocks of workmen's dwelling houses, and these houses are let to our workers on the understanding that the rent will be deducted from their wages. The houses in question were built solely for the accommodation of the workers, and are let to them at very cheap rates. Many of the houses are occupied by girls who come from other parts to work and, but for the accommodation provided, would have difficulty in finding a suitable lodging."

17212. What is the work in question?—It is a rope work.

17213. Where is it?—I don't wish to identify the firm in the public evidence.

17214. I am afraid we would almost require that information. Can you not tell us the town?—That would indicate at once where it is. Would it not be sufficient if I said it is within sixteen miles of Glasgow?

17215. In similar cases we have identified the firms by letters of the alphabet, and this might be done in the present case?—Well, yes; the firm is C 10. I said in my evidence that the girls came from other parts—as a matter of fact, the girls come from Ireland.

17216. Is the town you mentioned not very close indeed to another large town?—Yes.

17217. Then why should there a difficulty in finding lodging?—I meant suitable lodging for the girls near to their work.

17218. What are the girls charged for rent?—I have not detailed information as to that, but it is reported to me that the rents are very cheap. I have been quoting the firms' reply to my circular. I could get informatioon, if it would be required, as to how much per week is charged for rent.

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17219. Can you tell us what wages these girls get?—I am afraid the firm does not say how much.

17220. Then we will come to item (*c*), namely the supply of victuals dressed or prepared under the employer's roof, and consumed by the workmen?—That is so small a matter that it is scarcely worth taking it into consideration. If there was any difficulty about it, I suppose the firms would be willing to stop it.

17221. Then let us go on to (*d*), namely any advance by an employer to a workman for a contribution to any Friendly Society or Savings Bank, or for his relief in sickness, or for the education of his children?—That is in the same position of being a very small item.

17222. Have you any information with regard to item (*e*)—the sharpening or repairing of a workman's tools?—None.

17223. Then we will go on to to (*f*), namely, fines imposed on the workman by an employer. May we take it that your evidence chiefly applies to this item?—Yes, to (*f*) and to (*g*), the latter having reference to the deductions for bad or negligent work or injury to the materials or other property of the employer. In summarising the replies I received I find that 30 per cent. make deductions in respect to item (*f*), and 55 per cent. in respect of item (*g*).

17224. With regard to item (*f*) may I take it that you did not get replies from all the firms in your Chamber to your schedule of enquiries?—Not from all the firms.

17225. A certain proportion took no notice of the circular?—In Scotland, in a number of cases, that would mean that they had no fines, and in other cases that they did not take notice of the circular.

17226. We are anxious to ascertain, if we can, the proportion of the firms comprised in your Chamber which do impose fines, and the proportion of firms which do not impose fines. Can you help us upon that point?—I think you might almost take my figures and proportions as applicable to the whole.

17227. That is to say, taking (*f*), that 30 per cent, of the number of the members impose fines, whilst 70 per cent. or probably less do not impose. fines Should we say that there were 50 per cent, who do not fine?—I would not put it so high as that Probably one-third of our members do not fine.

17228. A third have given you answers that they do fine?—Yes.

17229. With regard to the other third one is not able to lay down any affirmation one way or the other?—Quite so.

17230. Before we come to further details have you any information from Scotland of cases where fines did prevail, but have now been abolished?—No cases.

17231. Did you make any enquiry under that head?—I did not specially ask that question, but the nature of my circular might have evoked replies upon that point.

17232. What are the fines chiefly under item (*f*).?—The fines are almost entirely for late arrival.

17233. What is the amount of the fines?—I can give two cases. The deductions made for lateness and bad work are exceedingly small. One firm puts the amount at one-fifth, (*i.e.*, 4s.) per cent. Another firm puts it that the average fortnightly amount is only 7s. 6d. on a pay list of over £1,000.

17234. Does that indicate to you that there is much lateness?—It rather indicates that there is not much.

17235. Do you happen to know if in any of these works which sent a reply to your circular there is a system of warning a late arrival before imposing a fine?—I have no replies indicating that, but I should think from the whole tenour of the replies that the employers do not act too severely with their workpeople. It is probably only as a last resort that they impose a fine.

17236. Even in cases where fines are imposed you would gather that that was a last resort?—Yes, it does not necessarily mean that the lateness at once automatically results in a fine.

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17237. Do you know what are the regulations under which these fines are imposed. Are they imposed under individual contracts or under a general rule posted up in the works?—Generally under Rules posted up at the works.

17238. So as to conform with the Statute?—Yes.

17239. With regard to the fines, I suppose we may take it from you that there is no pocketing of these fines by the masters?—Oh, no! In any case the fines would not recoup them for the loss. The employers say that the faults cause them loss of production and the fines imposed are quite small; perhaps a penny or even half-penny at a time.

17240. Can you give any evidence with regard to the effect on discipline of fining for lateness?—The fines are imposed for disciplinary purposes. In all the replies I have received that is the reason given for the fine.

17241. Take the third who do fine, and the third who you think do not fine, have you any information showing which of these two classes represent the best disciplined works?—No, I am afraid I have not information upon that point. In no cases do the deductions made serve as a means of recouping employers for the losses sustained by them. Late time means loss in production. Bad work means loss of material and loss of production through time wasted. One firm writes: "We keep weavers for repairing bad work, and charge their time against the weaver who made it, being careful that the rate charged is less than we pay the repairer, thereby avoiding the name of trying to make profit from this source." In several cases the deductions are not retained by the firms at all, but are paid away, as for instance, in one case to Convalescent Homes for the Workers' benefit; in another to the Workers' Sick Fund; and in another to an Employees' Voluntary Sick and Benefit Society.

17242. With regard to the charges for bad work can you tell us in what proportion of your firms such charges are made, and what is the effect on discipline?—I could not say exactly what proportion. In addition to the circular I have seen some of our members personally, and have discussed the matters with them, and their feeling is that they do not wish the power of fining to be taken away from them. They wish to be able to exercise that power if they find it necessary. The main advantage to the employer is to impose fines or deductions for disciplinary purposes. Particularly is this the case in factories employing female labour. A very large number of young women are employed, who not being bread-winners for their families are not so strict in their attention to hours of work, nor to seeing that their work is kept up to the mark. Some measure of discipline is necessary to prevent the condition of things becoming worse, and the power to fine is very helpful in this direction. It is noted also that it is not the amount of the fine alone that tells, but the indignity of being brought up before other workers, and expostulated with and fined. The fining carries with it a reputation with other workers which gives the power to fine its chief value. Further, the experience generally among the workers themselves is that they do not dispute the necessity for deductions in respect of lateness in starting work, and for bad work.

17243. Does not what you have said confirm the idea that the fines are really a branch of discipline?—Yes, pure and simple.

17244. Have you tested the opinion of your Association upon this process, first warning, second suspension, and third dismissal.?—No, I do not think the firms take such an elaborate course of conduct towards their employées.

17245. You have no experience of that course being adopted?—No.

17246. So far as your evidence goes it appears to be this, that fines in themselves mean substantially nothing, but that they signify something as a convenient means of discipline?—Quite so.

17247. Then would you conclude that if equal discipline were to be accomplished as effectually by any other means the fines might go?—Yes, I should say so. I think that is quite correct: other means as effective.

17248. Of course, other means as effective in your judgment would have to be found?—Yes.

17249. Can you give us any instances of other deductions, I mean deductions for other purposes than lateness in starting work and bad work?—One firm say:—"Our workmen have a medical club, and for handiness to them we deduct the fortnightly amount they have agreed to pay the doctor from their wages. We also supply some of our workmen with coal at cost price, and at their request keep the value off their wages. Some of our workmen ask us to keep their rent off their wages fortnightly. We have a regularly appointed cooking house in which meals are supplied to our employees and the price (cost) deducted from their wages."

17250. What is charged for the cooking of meals?—Cost price; the price is deducted from the wages.

17251. Are there no cases in Scotland, like many cases which we have heard of in England, where the cooking is done on the premises and nothing is said about it by way of charge, where the work-people get their meals cooked in addition to their wages?—No information has been given to me as to that.

17252. If that were a convenience to both parties, it would ultimately economically solve itself?—Yes. The case I have referred to is in the country, and it is very convenient for workers coming from a distance to have their meals provided in this fashion. It costs them much less than if they had to get their meals in other ways.

17253. What about the item of "light and heat" mentioned under (*h*)?—There are very few cases of charges or deductions for that.

17254. Your evidence then relates chiefly to fines for lateness and deductions for bad work?—Yes.

17255. Am I to take it that the attitude of your Chamber is one of decided objection to the abolition of fines?—That is so, and of deductions for bad work.

17256. Have you made any enquiries as to the cases in which there are no such deductions for bad work, and why there are none?—No, I have not.

17257. Is it the view of the employers in your Association that they could not get proper discipline without these fines for lateness and deductions for bad work?—As you yourself, Sir, suggested, if any other method as effective and satisfactory in their judgment could be provided, the method of fines would not stand in the way.

17258. I understand you suggest that no alteration of the present Truck Acts is necessary?—That is our opinion; except that the Acts might benefit people on both sides more if they were consolidated and perhaps made simpler in their expression.

By Mrs. Tennant.

17259. Do you happen yourself to be acquainted with the circumstances of the local labour market, which made it desirable in the case of the rope work you mentioned to have recourse to the employment of girls from Ireland?—I am not sufficiently acquainted with the local conditions to be able to say much about that.

17260. Do you think importance is attached by the firm in question to the power to make deductions from wages for rent?—It would appear from their letter as if they considered it was important to them.

17261. If it is difficult there to obtain suitable house accommodation, and if the accommodation provided by the firm were suitable enough to carry its own recommendation, would not the girls take advantage of that without compulsion?—I understand that it is somewhat difficult to get female labour for the work in question, and that the firm in bringing these girls over from Ireland think it desirable themselves to provide good accommodation for the girls at a cheap rate, and the accommodation so provided is better than the girls could otherwise obtain. If they were getting accommodation otherwise it would cost them a good deal more, consequently the provision is a benefit to the workers. The firm, of course, could not give the accommodation rent free, but it is let at cheap rents.

17262. Why is it an advantage to deduct the rent from the wages? Is the Irish girl suspected of a natural dislike to paying rent?—I am afraid that may be the reason.

17263. Has your Association endeavoured to ascertain with regard to the 33 per cent. of employers who do not fine upon what aids they rely in the matter of discipline?—No, we have not.

17264. You said that if some other method of securing discipline could be secured which would be as good as fining the members of your Association would probably be glad to adopt it, but you have not ascertained upon what the 33 per cent. of non-fining firms rely ?—There is no system by way of substitute before our Chamber. Its members consider that the present method of fining and making these deductions is a fairly good one for the purpose, and they have had no occasion in their minds to devise any other method. I cannot say upon what the non-fining members of our Association rely.

17265. You have not discussed it with them ?—No.

17266. Have you any concrete case within your knowledge, which you could cite to the Committee, of one of the 33 per cent. of firms who do not fine ?—Yes, I think I know of one case where there are no fines or deduction.

17267. Can you give us that case ?—It is D 10, a rope works in the neighbourhood of Glasgow.

17268. In the case of rope works do you not generally find the same class of rather rough labour ?—Yes.

17269. Then there can be no distinction in the labour which makes it easier to secure discipline in the one case than in the other ?—I think not.

17270. Then in what does the distinction lie ?—It would be difficult to say offhand what the distinction is. The firm who provide suitable housing accommodation for the girls from Ireland may do so as an inducement to them. The deductions in that case were of course, not at all a question of discipline.

17271. I was referring to fines when I asked you if you knew of any other firm which did not fine, and you quoted the case of the other rope works in the neighbourhood of Glasgow ?—I cannot say whether the firm which I first mentioned impose fines or not. The evidence I quoted from them referred simply to deductions for rent.

17272. You do not know upon what methods the second firm which you mentioned in the neighbourhood of Glasgow relies in order to secure discipline ?—No.

17273. You were satisfied it does not have any fining ?—I know that as a fact.

17274. Have you any other example in your mind in which comparison could be made with another firm in the same industry who do impose fines ?—I cannot think of any that would enable us to get at the reasons of the difference. The difference may be a matter of judgment on the part of the respective employers.

17275. Is it within your knowledge, as we have heard it stated by representatives of different industries, that one foreman in a factory is able to keep his department in perfectly good discipline without fining, whereas another foreman has recourse to fines ?—I have no knowledge of that.

17276. Is it your opinion that dismissal instead of fining would be a hardship to the worker ?—Yes. There comes a time in some cases when dismissal may be necessary, but where a fine would serve the purpose a dismissal would be regarded, I think, as a hardship. Employers decidedly object to be obliged in every case to take the extreme course of dismissal. This suits neither employer nor employed. The employer may find insufficiency of labour in his district or he may consider that the worker's act has been one of thoughtlessness not sufficient to warrant dismissal and yet requiring some disciplinary action on the employer's part to prevent repetition. The worker on the other hand cannot be benefited by being thrown out of employment suddenly, and without an opportunity given of retrieving what he might admit was a fault on his part.

17277. Everything turns on the purpose of the fine. It is meant to be curative ?—It is a punishment.

17278. Is it not a punishment with the desire to cure ?—Yes, I should think that is the idea.

17279. Can you say whether it does achieve that purpose, and that a worker fined once or twice does not need to be fined again, but is cured by the application of the first fine ?—It would be rather difficult to say. I should say that after a worker has been twice fined, the third offence might mean dismissal.

17280. Does the system of fining succeed in the practical experience of your members ?—Our members must find it some advantage in its practical results, or they would not continue it, as it is no benefit to them financially to impose fines. *Mr. Christopher John Healy.* 20 Feb. 1908.

17281. If your members do not like fining they would be ready to adopt other methods—such methods as might be learned from the experience of other firms who do not impose fines ?—The other methods would require to be as effective.

17282. That can only be ascertained from experience ?—That might or might not be so.

17283. If dismissal is a greater hardshp than fining do you not think a caution which carried a threat of dismissal would be more deterrent than a caution which merely carried a threat of a fine ?—That might be so, but we were dealing with the actual fine, rather than with any threat of a fine to come.

17284. I understood that the first step generally is a caution ?—Probably.

17285. And then perhaps a fine and afterwards dismissal ?—But the fine is not so severe a punishment as dismissal.

17286. Would you not say that the more powerful the punishment the greater its deterrent effect ?—That may be so in abstract theory, but in actual practice dismissal would be considered rather an extreme course for an employer to take unless in bad cases of repeated offence. It would not do lightly to dismiss a worker and so take away the worker's source of livelihood.

By Sir Frederick Cawley.

17287. With regard to the disciplinary fines, I understand they are mainly imposed in cases of late arrival ?—Almost entirely that.

17288. And you say that they only come to an infinitesimal amount, something like $\frac{1}{2}$th per cent.?—Yes.

17289. Would you not say that that is in itself evidence that they are effective ?—Yes.

17290. If firms did not fine, they would require to have recourse to some other system ?—Yes.

17291. There are some places where they have no fines. Would it be right to say that these places have, or have not, as good a system of carrying on their business ?—I do not know whether I can answer that.

17292. I will put it the other way. Is the fact that some firms carry on their business without fining for coming late in the morning real evidence that they consider that that is a better system than fining?—No, I would not take it so.

17293. That is rather the point. You would not take it that the absence of fine is evidence in itself that these people consider that they can do better without fines than with them ?—No, I would not take it in that way.

17294. If they have not fines for coming late in the morning, presumably they have to have some other system, generally speaking ?—Either that, or they may not be very particular about their people coming in early in the morning.

17295. They may be a little lax in their system ?—Yes ; I am not saying that they are, but they may be.

17296. That is one alternative—that they are a little lax in their system ?—Quite so.

17297. But I suppose they might have a system of locking the doors, and saying that they would not let their people in for a quarter-of-an-hour.?—They might.

17298. You do not know whether they have or not ?—No, I do not.

17299. Would you consider that keeping their people out for a quarter or half-an-hour was more or less severe than fines ?—That might not suit them. It is a question of production as well. Shutting them out for half-an-hour would mean a great deal if it was a large place with a large number of factory workers.

17300. It might not only be quite as hard for the delinquent but it might also be hard for others in the works who could not go on with their work ?—Yes, and hard for the employer, who could not go on with his production.

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17301. Because he would have his machinery running and all his expenses going on, and would not have the workmen there to do the work ?—That is so.

17302. So that you take it that the system of suspension is not really so good as fines for all parties concerned ?—I think that would be the opinion of our members as a whole.

17303. Then as regards caution and dismissal, would you say that giving the master no option but to caution and dismiss would be rather hard on him ?—It would be hard on the employée.

17304. Yes, and hard on the employer ?—Yes, and hard on the employer, especially if there is a difficulty in getting labour.

17305. I suppose there are some good workers from whom a master would put up with a certain amount of laxity rather than dismiss him ?—That is so.

17306. And on whom caution has not very much effect ?—Not without some form of punishment with it, as there would be in the case of a fine.

17307. If a man knew he was a good man in the works, and that his master did not want to dismiss him, would you say he would be more amenable to reason by being cautioned or by being fined ? Which would most affect him ?—The fine. But I fancy it would be both—both the caution and the fine.

17308. But if he had it in his mind that he was a little bit too necessary a man to be dismissed ?—The caution would not have much effect in that case.

17309. But fining might have an effect ?—Yes, the punishment of the fine.

17310. In your experience have you had any objection whatever among the people employed to fines for being late in the morning ? Have you ever had it brought to your notice that they object to them ?—No. You are upon the question of fines for lateness in the morning.

17311. Yes, I am upon the question of their being late. Has there been any agitation or representation on that matter ?—No.

17312. Or any grumbling whatever ?—No ; nothing of that kind.

17313. Taking it broadly, the workers consider that the fining for being late in the morning is only just ?—Yes, I should say so, from the information I have.

By Mr. Walsh.

17314. Sir Frederick asked you if the smallness of the amount of fines was not rather evidence that the system of fining was effective ; do you think it is the case that the smallness of the amount proves that the system itself is effective ?—Well, it might. I do not know if the employers are going into such an abstruse question with regard to fines.

17315. I suppose there is something abstruse in that ? In the 30 per cent. which you mention in respect of item (*f*), what are we to understand by that ? Does that mean that 70 per cent. of the employers from whom you have received replies are not fining ? (*f*) is "fines imposed on the workman by an employer" ?—Yes, the other 70 per cent. do not fine.

17316. 70 per cent. of the employers do not fine ?—They do not fine, so far as I can make out. That is 70 per cent. of the replies I have received.

17317. Does it not seem that the very large bulk of the employers are satisfied with a system which does not impose fines ?—I do not know that I could answer positively one way or the other. The position of our people is that they wish to have the power to do it if it is necessary. I think that is what I mean to say. They may not do it in practice, but they wish to reserve the power, to be used if necessary.

17318. It is getting to a very intangible state of things when you wish to have a power which you never exercise.—It is exercised in 30 per cent. of the cases.

17319. So far as you are aware, is there any complaint on the part of those members who are included in the 70 per cent. of any laxity of discipline because fines are not imposed, or because they have not exercised the power ?—No ; there is no evidence of that.

17320. There is no evidence of that kind at all ?—No.

17321. You say in your *précis* "It is noted also that it is not the amount of the fine alone that tells, but the indignity of being brought up before other workers and expostulated with and fined" ?—Yes.

17322. Suppose for the moment we leave out the last two words, "and fined." The whole sentence there seems to imply that there is a certain sense of honour among the workers, else they would not feel the indignity under these conditions. Is not that the case ?—That appears to be the case.

17323. Would that sense of honour not be acted upon by them being brought up before other workers and expostulated with, without being fined ? Is it not probable that the same sense of indignity would be aroused and an appeal made to their honour in future ?—I am afraid it cannot be so when they do fine. The fact that they fine in addition would show that there must be a necessity for it. We find fining in criminal matters. We have cautioning, and also fining as well, and I suppose the same idea enters into ordinary discipline. The fining is an element of punishment.

17324. Of course, it is desired that it should have a punitive effect as well as a disciplinary effect ?—Quite so.

17325. In cases where fines do not exist, have you any evidence that this method of bringing them up before other workers and expostulating with the delinquents takes place ?—No.

17326. That is to say, a caution which is administered in the presence of other workers ?—I cannot speak to that.

17327. Can you tell us as to whether the 70 per cent. of whom you have no direct knowledge whether they employ the method of caution or fining, have the same proportion of workers, broadly speaking ?—Yes, pretty much the same.

17328. In the case of deductions for bad work, of course, "bad work" is a very illusive phrase : How is it arrived at, mainly ?—Sometimes in the weaving the cloth is not properly woven—there is not proper attention paid to the weaving of the cloth ; it is carelessly done. There are a large number of young girls employed who are not actually the bread-winners of the family.

17329. The family is not entirely dependent upon them ?—That is so, and consequently, they are not so careful in their work, probably ; they do not have the same incentive.

17330. To your knowledge have the workers ever made any distinct complaint of bad material being supplied which may result in bad work ?—No.

17331. Nor of irregular running of the machine, say ?—No ; there is no complaint of that so far as my knowledge goes. There may be odd cases.

17332. In the case of late arrivals, when a deduction is made, is it made from the wages actually earned after that late arrival, or is it taken off from the previous day ?—The practice I think is simply to deduct it from the weekly or fortnightly wages.

17333. Subsequently earned ?—It may be subsequently earned or previously earned. It may be in the middle of a trade week or fortnight, and then it is deducted at the end.

17334. From time actually made ?—Yes.

17335. Either made then and there or made later ?—Yes.

By Mr. Maddison.

17336. I gather from your evidence that you have practically no personal knowledge ?—I have no personal knowledge.

17337. That is to say, when you state that late fines are not applied automatically you do not know that from your own knowledge ?—I know it from my correspondents—from the replies which I received from the members.

17338. Could you tell this Committee that there are not many cases in Scotland where a fine is imposed for habitual late coming, perhaps once a fortnight for months ?—I have no other figures than those I have stated.

17339. With respect to any alternative methods of discipline you also have no personal knowledge ?—I have no personal knowledge of any of these. All my knowledge is derived from the information which I have received from the various members.

17340. I mean with regard to this 70 per cent. who do not fine ?—I mean fines for late arrival.

17341. It is not only fines for late arrival ?—Fifty-five per cent. make deductions for bad work.

17342. I am confining myself to item (*f*) "Fines imposed on the workman by the employer." Under that heading there are only 30 per cent. which do fine ?—Yes, for that purpose.

17343. The 70 per cent. comprise, I suppose, both large and small employers ?—Yes, both large and small.

17344. So that there is no peculiarity with regard to the 30 per cent. in being either large or small. They would be both ?—Yes, what applies to the 70 per cent. applies to the 30 per cent.

17345. You can only recall to your mind one firm which got on without fines altogether ?—That is so.

17346. And that was a place where discipline would be very difficult to maintain ?—I cannot say as to that.

17347. You have told us it is a rough class of work ?—Yes.

17348. And a rough kind of girl ?—Yes.

17349. You would say that that class of girl would require a good deal of discipline, would you not ?—Probably more than those who are better educated. That does not always hold, of course.

17350. There are exceptions ?—Yes. Sometimes half-learning is worse than none at all.

17351. Would you say that a rope works was a place where one would have to look after the hands pretty smartly ?—Yes.

17352. They would not stand much on ceremony ?—That is so.

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17353. And the one case you can give us where there are no fines is this rope works ?—Yes. These factories have more or less a poor class of girls in a great many instances.

17354. You would hardly say that these girls were of the same class as weavers ?—No.

17355. So that you do not give it as your evidence here that the absence of fines is in any way an indication of slackness of management and discipline ?—Oh no; I would not say that because there are no fines, there is a slackness. Is that what you mean ?

17356. Yes ?—No; I would not say that, and I would not say the reverse. I have no information one way or the other.

17357. That makes it awkward, because that is the information we want. What would be your own view ? Would you say that the frequency of fines or the scarcity of fines indicated a well managed factory ?—I am afraid, not being a factory owner myself, that I am not in a position to answer a question of that kind.

17358. You have been asked whether you had complaints from the workers about fines, and you replied that you had not ?—That is so, so far as I know.

17359. But as a matter of fact, no individual complaints of that kind would reach you ?—I would hear something of it if they were very serious.

17360. The members of your Association might have many complaints, but they would not bring them to your Association, would they ?—It depends upon their nature—how serious they were.

17361. So that within the four corners of your answer there may be scores of complaints going on but they do not happen to be sufficiently serious to be brought before your Association ?—They might or they might not. I cannot say.

Mr. DANIEL McNICOL, called; and Examined.

By the Chairman.

17362. You are a partner of the firm of Robertson, Lockhart & Co. ?—Yes; I am sole partner.

17363. What is your business ?—We are jute manufacturers.

17364. How many people have you in your employment ?—About sixty—rather more than sixty just now—directly, but we have others in our employment indirectly.

17365. Where is your place of business ?—In Douglas Street, Glasgow, and Argyll Street, Glasgow.

17366. What do you mean by "directly and "indirectly" ?—We send out work to the labour home to be done by their people for us; that is "indirect." Then we employ more than sixty directly under our own supervision, on our own premises.

17367. That is in Douglas Street ?—Douglas Street and Argyll Street. We have two premises.

17368. Is it mostly female work ?—It is all female work. We have three men only; one is a storeman and another is a mechanic.

17369. What is the nature of the work your employees do ?—Making bags, and jute sheets, and so on.

17370. They are not employed in the actual manufacture of the jute ?—No; it is not the actual manufacture of the jute.

17371. It is the making up of the manufactured jute into articles for use ?—Yes, precisely.

17372. What is the average wage of these women ?—The average wage will be about 8s. per week.

17373. Are they on piece-work ?—Yes; most of them are on piece-work. A woman who only earns 8s. a week will possibly only work six hours a day. A woman who works eight hours a day will earn from 10s. to 12s., and sometimes a little more.

17374. Have you a system of fines in your warehouse ?—Yes, we have. I have brought a copy of the rules with me, if you would like to see it. The rules are as follow:—

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"Swearing or indecent language is not allowed. Anyone found swearing will be fined 3d. for first offence; 6d. for second offence; and for third offence will be dismissed. Swearing is an unnecessary, sinful, evil habit. Workers to be courteous in their speech and conduct. Kind words and actions are worth much and cost little. Sewers are required to conform to the foreman's instructions. Every machinist to number their bags as they make them. Machinists, omitting to do this will be fined 3d. for first offence. After that liable to dismissal. Time workers and machinists must be regular and punctual in their attendance at their work, and on no account absent without leave. Three shillings lying time is kept off wages, and three days' notice given and required; other wise forfeiture of lying time. Intoxicating liquors are positively forbidden to be brought in to this store, and no one under the influence of liquor allowed inside. Disobedience to orders, breaking of rules, and unseemly conduct will not be allowed. Impertinence to those in charge or misconduct of any kind liable to instant dismissal. Our desire is comfort and contentment for our workers, plenty of work, fair wages, and pleasure to do the work. Robertson, Lockhart & Co., August, 1906."

17375. Your system is embodied in these rules, which are posted up in a prominent place in your warehouse, according to the Act of Parliament ?—Yes.

17376. Do you enforce these fines ?—No; we have never enforced them yet. When we find that a threat is not effective we generally dismiss the individual.

17377. Of course, your object is to have good discipline ?—That is so; that is the whole object.

17378. Have you found that for the purposes of good discipline you have got on well enough without the fines ?—Well, you could not get on without the threat; you could not get on without the rules.

17379. You can get on without the thing itself, but the fear of the thing helps ?—Undoubtedly.

17380. Although this is apparently put up under a Statute I see it is really a series of very excellent advice.

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"Workers to be courteous in their speech and conduct," and so on. "Sewers are required to conform to the foreman's instructions"; "disobedience to orders, breaking of Rules, and unseemly conduct will not be allowed"; "impertinence to those in charge or misconduct of any kind liable to instant dismissal." In the whole of that series of very excellent Rules, if I may say so, I only find one fine, that is, 3d. for swearing, 6d. for a second round of swearing, and dismissal for the third round ?—Yes.

17381. I beg your pardon: there is one other ?—With regard to bad work, I think.

17382. For omitting to number their bags ?—Yes.

17383. "3d. for first offence; after that, liable to dismissal" ?—Yes.

17384. How long have you worked under this system ?—Since August, 1903, but we have always had rules. These particular rules have been hung up since August, 1906.

17385. May I take it you have never had to enforce the part of the rules dealing with fines ?—Yes; you may take that as correct.

17386. And you have a well-conducted place ?—Thank you; it is not so well conducted as we would like.

17387. We understand the class of worker is rough ?—Yes.

17388. And I dare say one of your troubles in life is to see discipline properly carried out amongst them ?—Undoubtedly. That is the object of the rules.

17389. Now suppose fines were altogether abolished—I want you to be quite frank with me—it would not make much difference to this nice placard ?—It would not make any difference to the placard.

17390. These two items would disappear, but the rest of these excellent exhortations would remain, and apparently they have done a great deal of good ?—Supposing the fines were abolished it would make no difference to the placard, but it would make a great deal of difference to the discipline of the factory.

17391. That is exactly what I want to get at. Take swearing; it would still remain that if a person was found swearing three times she would be dismissed ?—We have not done that. We have invariably been able to influence them by a severe talking to.

17392. Just so. So that suppose you blotted out the fines they would still know they were liable to a severe talking to ?—Oh no.

17393. Would they not, if you put it in the rules ?—Of course, if you blotted it out of that you would have to have it in another paper.

17394. You would get the discipline which has been so excellent up to this point by just putting it down that they would be cautioned instead of fined ?—Yes. *

17395. Then take the other case of the fine of 3d. for failing to number the bags; I fancy that that is an annoying practice—the failure to number them—is it not ?—It is an annoying practice, and it begets carelessness and bad work, just the same as a weaver being slipshod in her weaving.

19396. If it is as bad as that, why have you not fined them ?—Well, it was out of the generosity of our own hearts that we did not insist upon the fine when we saw that the individual when talked to or rebuked seemed to pick herself up.

19397. Just so. Please understand that I am taking all this in the best part from you ?—I quite understand that.

17398. You have found in practice that by using the ordinary means of talking to the people and exhorting them and showing an interest in them you have accomplished all your purpose with regard to discipline?—Yes, in a way; but, you know, we never could have got on, and neither could we get on now, unless we had rules hanging over their heads, binding them down to a certain line of conduct.

17399. Perhaps this Committee does not quite follow that. If you have rules up for a couple of years which are never enforced, I do not quite see the moral power of them, if they know that in practice, whatever these rules say, they will merely get a good talking to and that if they are not civil they will be dismissed ?—They do not know that in practice, because that class of worker is of a very floating, come-and-go kind. The women who have been there for, say, two years—some of them have been for four years—have been broken in and you need not talk to them, and the rules do not affect them because they observe everything that is required of them.

17400. So that on the balance you think that although you can get the discipline without actually fining, still it is as well, seeing the floating character of the workers, to have the fear of fining before them in the rules ?—You could not get on without that.

17401. Are these all the rules ?—They are all the rules that regulate the workers.

By Mr. Walsh.

17402. Dismissal has followed where caution has proved unavailing ?—Yes.

17403. And really up to now you have not fined ?—No. When caution has proved unavailing we have dismissed them.

17404. That is to say, where their conduct has not improved after a caution—where you have found a continuance of bad conduct—you have then thought that dismissal was really the only remedy ?—Exactly so. That is the general rule. I believe I am correct in saying that about two years ago the foreman whom we then had did insist upon keeping 3d. off a girl, but I think that was an isolated case; I do not remember it ever having occurred before or since. The foreman was working up to his rules.

17405. That is one of those exceptions that we really do not need to trouble with. The fear of a great penalty, the penalty of dismissal, has operated, and has brought about a better standard of conduct ?—Oh, yes, undoubtedly, because the fact of an individual not improving on being spoken to sharply and thereby getting her dismissal has had an influence upon those who were left.

17406. It not only influenced the actual delinquent, but inspired a wholesome fear in the minds of the remainder ?—Just so. That is the exact position.

17407. Now, do you not think that that fear before their eyes would bring about the result desired by you just as well as the fear of a 3d. or 6d. fine ?—There is fear in both cases. It is something held over their heads. My contention is that, unless you have something held over their heads, almost any kind of worker would get out of your hands.

17408. Are they not having something held over their heads of a very severe character when dismissal is likely to follow a second delinquency ? After the first delinquency has taken place and a caution has proved ineffective, if a second delinquency would lead to dismissal is not that a very substantial fear ?—Yes, it is a very substantial fear; but how are they to know that they will not get off with a caution ? Unless you have some penalty behind your rule, no one would observe it.

17409. I understand that the workers who remain in your factory are inspired with fear when they have seen one or two cases of dismissal ?—They are inspired with a fear that it may come to their turn. That is so.

17410. And that has in fact so far produced the effect desired that you have been able to do entirely without fines ?—Exactly so; but that was through the generosity of the foreman and myself. We have had opportunities of fining them.

17411. I am quite certain of that ?—We have had quite a number of opportunities.

17412. The higher state of efficiency on your part, and the increased efficiency on the part of the workers because of the fear engendered, has enabled you to do without fines at all ?—Not exactly, from your point of view. We had to insist upon the fining by saying that unless they worked up to a certain point they were liable to be fined. Rather than impose a fine, if the foreman came to me and said: "That girl will be better away

* The witness has since written to the Secretary in regard to this answer as follows:—"There is in your proof the answer 'Yes' to the question (17394): now that answer should be 'No.' I believe that I did give the word 'Yes' to my interrogator, but it ought to be 'No.'"

because she is only bothering us," when the time came for her to get her notice we gave her her notice and dismissed her rather than be bothered with her.

17413. Supposing the alternative of fining was taken away, and your foreman was restricted to only one kind of remonstrance, viz., that if their conduct did not improve they would be dismissed, do you not think that that would produce the desired effect?—No; it would not produce the same effect.

17414. You think not?—I think not. I have laboured amongst that class for a long time.

By Mr. Maddison.

17415. I do not see your last point. You have told us that you do not impose fines although you have rules with regard to fining?—Yes.

17416. Your workers know very well that a fine is never imposed: that is before their minds?—Oh, no. There are only two of them just now in the place who know that a fine has not been imposed for, it may be, two years. When the women come there to commence their employment, the rules are read over to them, and they are asked if they agree to them.

17417. How long do they work with you?—Some of them only work a month, possibly.

17418. Supposing there was nothing held over their heads in the rules except dismissal, would you not say that the threat of dismissal would operate just as well as the threat of the fine?—No, I would not say it would operate as well. It would operate in a certain measure, but not quite so much. *Mr. Daniel McNicol.* 20 Feb. 1908.

17419. Which do you regard as the more serious thing—fining or dismissal?—Dismissal, from the girls' point of view.

17420. Is not that the measure of their fear?—Yes; that is the ultimate measure of their fear.

17421. And you depend upon the terrors of the law with this class of hand?—Yes.

17422. Therefore that is the major fear?—Yes. You see, a minor fear is put in in the threat of fining. That is the minor fear.

By Mr. Yarrow.

17423. I think the upshot of what you have told us is that although you do not in practice enforce fines, and are anxious to do with as little fining as possible, you are still of opinion that the fact of having those fines within your power to exact is essential to the carrying on of your business?—Oh, yes, quite essential.

SIXTY-SECOND DAY.

Wednesday, 26th February, 1908.

PRESENT

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.
A. F. YARROW, Esq.

T. E. BETTANY, Esq. (*Secretary*).

MR. ALEXANDER SIEMENS, called; and Examined.

By the Chairman.

17424. I understand you are here as representing the Engineering Employers' Federation?—Yes. *Mr. Alexander Siemens.* 26 Feb. 1908.

17425. And also the Shipbuilders Employers' Federation?—Yes.

17426. Are the firms which form these federations located mostly in England?—They are distributed all over the United Kingdom. The two federations combined have a membership of about 960 firms, and together we employ nearly 600,000 men.

17427. Have these federations met with regard to the subject being inquired into by this Committee?—The Secretaries of the Federations asked the members what remarks they had to make, and what their habit was with regard to imposing fines or making deductions or anything that could be considered as falling within the scope of the Truck Acts.

17428. Communications have been made to you in reply?—Yes.

17429. And your evidence will practically embody the result of these inquiries?—Exactly. I may explain that I am Chairman of the Parliamentary Committee of the two Federations, and that is why they have asked me to come and give evidence.

17430. I see that the first point has reference, in the *précis* of your evidence, to the supply of medicine and medical attendance. That is under the Statute?—Yes.

17431. Is the advantage of that recognised by the workmen?—Yes, I expect so.

17432. Is it the fact that in practically every district deductions are made for medicine and medical attendance?—No, not in all; there are some districts where it is not made. In the Leeds Association it is done, and in the Doncaster Association, but here in London, for instance, it is not done.

17433. In cases where it is done, how is the matter managed? Is so much taken off the workman's wage?—One firm in Leeds reports that at the request of the men a deduction is made from their time at the rate of half an hour a month, and the amount which that represents is handed over to the hospital fund.

17434. That is not quite the point I had in view. We will come to the hospital question in a moment, but in regard to services of a doctor or medicine supplied, is the method pursued that of charging so much against the workman and deducting it from his wage, and paying it over to the doctor?—I do not think that the details are separated in our reports; hospitals would include medicine.

17435. Do you know of the practice—perhaps you do not—of getting a doctor to attend upon patients from a particular works?—Perfectly; we have it at our own works, but we make no deductions whatever on that account. We simply pay the doctor.

17436. What are your own works?—Siemens Brothers, at Woolwich.

17437. How many employees have you?—I think just now we have about 1,500, but the number goes up to about 3,000 when we are busy.

17438. The men going into your employment know that you have a doctor attached to the works?—Yes, certainly. Perhaps I should add that we have also got a sick club.

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17439. I will come to that. Do you know of any other large works like your own where no charge or deduction is made for medical attendance?—Yes; I see that the deductions under the heading of medicine, etc., of which I have examples are not for the doctor.

17440. So that what you really mean under that head is contributions made by the workman to the funds of local infirmaries, hospitals, convalescent homes or dispensaries?—Yes, or special sick clubs as in our case for instance.

17441. Are there not many such cases?—Oh, yes; in many districts.

17442. Is that found a convenience to the working people?—Yes, the workmen like it in a certain way because it compels them to provide for doctors, etc., in time of sickness.

17443. Is it possible for a workman to enter into and remain in your employment without contributing to the sick club, or is it compulsory?—No, it cannot be compulsory; it is done by a free agreement of the workpeople.

17444. If some of the workmen were already connected with sick clubs of their own, I suppose they would not join the works sick club?—Well, in our particular case they do join, and when the workmen fall ill they get two helps, in such a case—one from their own society and one from our sick club.

17445. Do you know of any cases where they do not join?—I believe it is voluntary in all cases. It can scarcely be anything else.

17446. I grant that in principle, but have you any experience of the system you mention not being practically universal?—In bygone times we made our sick club compulsory, but the Truck Acts were amended some years ago, and the club was no longer compulsory. Some workmen did not join, but if one of these workmen suffered an accident, our firm refused to do anything for him whatever. We naturally could not provide for a man who had refused to contribute to the sick club. He could not expect us to do the same for him as for a workman who had joined the club, so the workmen found it to be to their advantage to join, and since then there has been no question.

17447. Do they practically all come in?—Yes.

17448. We can now go on to the next head in your notes, namely, the rent of a house let to a worker. Does that practice exist in a number of districts?—Yes, but in the majority of cases the rent is only deducted from wages at the express desire of the workmen. I think there are only two or three districts from which we have reports, namely, the North-East Coast Association and the Manchester Association and Bolton.

17449. Can you tell us what is the kind of accommodation afforded in houses let under such circumstances?—My own firm have a branch in Stafford, and when we established works there we found there was no convenient house accommodation, so we had to build houses for many of our workpeople. We built quite a number.

17450. What was the kind of accommodation for a family?—They were the usual workmen's houses. We have several classes—some of them four rooms, or six rooms, or eight rooms according to the demand. If we had not provided houses which were convenient the workmen would not have taken them.

17451. Do you think that is a convenience to both parties in certain circumstances?—Yes, certainly. I should make it clear that we do not deduct the rent from the men's wages in any way. The payment of the rent is quite independent; in fact, we placed the whole of that matter in the hands of a house agent and the collection and payment of the rents has nothing to do with any deductions from the wages.

17452. That explanation makes the matter much clearer. And now we can go to the next point, namely, that of the supply of victuals dressed or prepared?—That also depends on the district. There are some localities where the men cannot go home conveniently, and when it is a great advantage to be able to obtain food, or at least to have a place in the works where they can consume their food.

17453. Is that done at your works?—As a matter of fact, we only provide a room with facilities for boiling water and all that sort of thing. We have no attendant there and we make no charge. If the men wish to consume their victuals at the works, they must go to that particular room.

17454. They can get boiling water there?—Yes, it is heated with the general steam service of the works and no charge is made for that.

17455. The next point is as to advances by the employer for contribution to friendly societies or savings banks. Are these deductions from the wages?—In some cases, but the practice is not common. Men of thrifty habits frequently request their employers to retain a certain proportion of their wages and apply the sum deducted to the funds of a benefit society which will provide them with sickness relief, funeral or insurance benefits, etc. Many men state that it is only by having their contributions retained from their wages that they have been able to maintain their interest in such funds, and the practice receives their approval.

17456. Can you tell me whether a deduction is made or are the wages paid in full to the men, who then hand in their contribution?—I believe the general practice is much the same as in our own firm, where the workmen gets the bulk of his wages in cash and he gets a receipt also for any deduction which has been made by agreement. The funds made up by these deductions are put into a bank for the sick fund in the name of trustees who are workmen nominated by the subscribers. The firm does not keep the money in hand.

17457. With regard to the sharpening or repairing of tools, I understand that no deductions are made in your industry for such a purpose?—We have not got that custom.

17458. Before we pass on to the question of fines, let me ask you one or two general questions. Are there any charges or deductions made by any of your firms for lighting the premises?—Not that I know of.

17459. Is there any charge for heating?—Not to the workman.

17460. Is there any charge made by way of commission upon any advances; I mean when the contributions are gathered up by the employer and put into the bank, does the employer in any case to your knowledge make any charge by way of commission for collection?—Certainly not.

17461. Is there a charge made at any of these places for the supply of boiling water?—No. Some firms make a small deduction for the use of dining-room or preparation of food. One firm makes a deduction for dining-room attendance.

17462. Do not you think that all that might quite well be thrown into the general on-cost of the works?—The charge may be only one penny or two pence per week; in any case it is not much and there is, moreover, always this consideration to bear in mind, that a man usually prizes more what he pays for than what he gets for nothing.

17463. But your own firm makes no charge, and are your workpeople consequently in an ungrateful frame of mind?—Perhaps we had better have also made a charge.

17464. Would it be contrary to sound policy, if these matters were made part of the on-cost of the works as a rule?—I do not know. I am not prepared to pronounce as to that. If you give people a thing as a right, it is very different from a thing granted voluntarily as a privilege. A man may feel some small measure of gratitude at what is a gracious act or concession on the part of the employer; but when men get the same thing as a right they may begin to grumble.

17465. Is that your experience?—It is human nature.

17466. Is that your view of human nature under the circumstances?—If you say that everybody has a right to get boiling water, some of them would probably bring a thermometer, and say that the water was only 211 degrees of heat instead of 212—or make some other grumble. I suggest that, in a rather exaggerated form, in order to make my meaning clear.

17467. There are some charges of a penny for facilities for cooking—but the workmen know that your firm make no such charges?—We do not.

17468. Do you put that upon the on-cost of the works ?—The workmen have to do the cooking for themselves.

17469. They have the use of your room, and your boiling water ?—Yes they have—but it so happens that we are heating our works and offices in any case with steam—so it is no extra cost to us.

17470. In some places, we understand, a man is appointed to do the cooking ?—In such cases I think it would be only right that the workman should pay for his services. We have no such attendant provided at our place.

17471. Now we will come to the subject of fines. I understand your evidence is that the practice of imposing fines is practically universal ?—Yes, I believe it would be very difficult to do without fines.

17472. Is there a scale of fines posted up in the works ?—Yes.

17473. With particulars given of how much the fine is for each different offence ?—Yes.

17474. Do not these rules vary greatly ?—Yes. They vary so greatly that it is hardly practicable to describe them in general terms. There are all sorts of fines imposed in various places—but the real point is, not the material value of the fine so much as its moral value. The fine enables a man to be punished without sending him away—whereas dismissing a man at once is a serious matter.

17475. Do the employers in your federation regard the maintenance of the system of fining as of great importance ?—Yes, they do. The fines provide an incentive to good behaviour—while on the other hand they are small in amount and create no real hardship when inflicted. The universal experience is that they have proved of great value.

17476. On the moral side ?—Yes, as a means of discipline.

17477. What is done with the fines ?—They are mostly devoted to charitable objects.

17478. Such as ?—In the case of our own firm we give them to our own sick club.

17479. You employ at present about 1,600 men ?—Yes—the number fluctuates.

17480. What would be the amount of fines in the course of a year in your firm ?—I have not enquired, but I should not think it was much.

17481. Would it amount to £10 ?—No, I don't think so much.

17482. May I ask what is the amount of your wages bill ?—It is about £130,000 per annum.

17483. Would you put the fines altogether at £5 in the year ?—I really don't know—but it is the moral influence of them, rather than the amount of the fine that we consider.*

17484. With regard to that, when a person commits any delinquency for which a fine is prescribed, do you fine him straight away, without any warning ?—Our fines are really practically confined to small offences in connection with the placing or removal of time tickets. Where a man takes the wrong ticket, or does not put his ticket in, or does not take it away at the proper time.

17485. How much would you fine a man for a matter of that kind ?—Sixpence.

17486. Would a man be fined on the first offence ?—Certainly—the rules are printed, and besides he gets a copy of the rules, so that he knows.

17487. What if a man offends two or three times ?—If he is an unsatisfactory servant he is dismissed, but that rarely, if ever, happens under such circumstances, as the fault is really only due to forgetfulness or negligence, and there is really no object in committing it.

17488. Have any of the firms connected with your federations abandoned the system of fines ?—Not that I know of.

17489. Do you ever adopt the system of warning, followed by suspension ?—Oh, yes, certainly.

17490. You suspend the offender for a short period ?—Yes.

17491. A day, for instance ?—Yes.

17492. That is something greater than a fine ?—Well, it is practically a fine. The man does not get paid for the day he is suspended.

17493. It is the opinion of your federation that the fining system should be kept up ?—Yes.

17494. If you had a system of warning first, then suspension, then dismissal, don't you think dicipline could be maintained by that means ?—It must be remembered that if a man is sent away he does not do any work for us—whereas we want the work done. So it is not in the interest of the employers or of the work that men should be dismissed—especially skilled men, because we cannot go into the street and pick up the first man we see and put him to the work. Every workman, when he comes into a new factory has to do work to which he is not accustomed, and he has to get accustomed to it before he can do the work properly.

17495. During that probationary period he is learning his lesson with the assistance of fines ?—Oh, no—fines are only imposed when there is real reason for complaint. If a man has some telegraphic instrument in hand, it has to be made very carefully, and we cannot put a new man to delicate and difficult work. Men are only entrusted with it after they have been some time with us, and shown their capacity. Besides, if we gave a new man a very difficult piece of apparatus to finish, he might spoil it—not out of malice, but simply because he cannot do the work.

17496. In the case of skilled workmen, who have been some time in your employment, do you represent that your dicipline would be injured if you could not fine those men ?—Yes; it is again the moral influence of the fine which tells. The amount may be only 1d. or 6d.—certainly not much—but it is human nature that if a man knows he may be fined he will take more care—whereas if he supposes it is absolutely indifferent whether he does his work properly or not, he is less careful.

17497. Let us consider the other side of the matter, namely, the case of a man whose delinquency or fault is noted once and again, and possibly a third time, with the possible consequence of dismissal. Would the moral effect of that not be more severe ?—I am also considering the effect on the factory. We don't want to dismiss our people; and if men can be kept right by holding over their heads the threat of a fine, which is seldom imposed, it is all the better for both parties—because workmen do not, as a rule, look out for opportunities of injuring the firm by whom they are employed.

17498. So that really it is more the threat of his being fined than the actual amount ?—Exactly.

17499. Would not the threat of being dismissed have a much severer moral restraint ?—No, it would not, because the men are as well aware as I am that the employer would not send them away except from the direst necessity, because as I have explained to you just now the men are practically becoming specialists in each factory and if you dismiss a specialist and take on a novice you lose much time in bad work, and you also risk the work being done badly.

17500. What occurs to my mind is this. I could understand that sort of rough and ready moral discipline by way of fine in the case of ignorant unskilled men of the casual labourer class, but when you come to have highly skilled excellent servants such as you are concerned with, does it not seem a somewhat rough instrument to employ ?—I do not know; I think they have quite as much human nature as the labourers, or as ourselves.

17501. So that you really do represent it to us as a moral restraint, the threat of being subject to a 6d. fine ?—Yes.

17502. And superior to the moral restraint of having their conduct noted with a view to possible contingencies in the way of dismissal ?—Yes, certainly.

17503. You have never adopted the black list system, have you ?—What is that ?

17504. Noting their delinquencies ?—No, not that I know of. I do not think that is done very much.

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* The witness has since informed the Secretary that he finds that the fines during the year 1907 amounted to £15 5s. 10d.

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17505. Would not a record against a man be a terrible thing, and be very effective ?—I think it would give a great deal more trouble than it is worth.

17506. But for the purpose of discipline ?—If your only remedy is to send the man away it is a remedy which is far rougher than a fine, and it does not suit us at all to send our people away.

17507. So that you are against the law being altered ?—Yes, certainly.

17508. And you are against the law being altered as to fines for negligent work ?—That is also a thing which does not happen very often. I happened to inquire this morning, to be quite sure, what had been our experience in that case and what we were doing . I was told that for years and years, I mean as far back as they can recollect, there was only one case, which was just a few weeks ago, where a man deliberately spoilt a piece of work ; and his foreman simply said to him : " You know you did that on purpose, and the value will be charged." It was only a few shillings. It was something which he had not set out properly.

17509. You do not attach so much importance to that as to the other thing we have been talking about ?—I do not know ; it would create a great difficulty if you prohibited any fine being imposed. For instance, with regard to tools, which comes really to the same thing, it would be very hard on an employer if his workmen were not made responsible for the tools he gets in his hands. It is the knowledge of the workman that he is responsible which makes him careful. The moment he knows it does not matter whether he spoils work or not he will not take care.

17510. Do you not think he would take care in view of his own reputation with his employer ?—You see, according to your proposal the only thing his employer can do is to send him away ; and in spite of what is said in newspapers and so on the employers are not at all anxious to send men away ; they much prefer to have their men stay with them.

17511. Do not talk of my proposal ; we are only fishing about, and getting valuable evidence such as yours. You do not think it is advisable to have any amendment in the law with regard to deductions for damage to or loss of tools or materials ?—No, certainly not.

17512. How are these damages assessed ?—In serious cases the workman can bring them before the court.

17513. Tell me how that is done. You say that if he considers himself aggrieved he can apply to the court ?—Yes, under the Employers and Workmen Act, 1875, Section 3.

17514. Is that ever done in your experience ?—Oh, yes.

17515. Have you had cases of that kind ?—Not our firm. As I said, this is the only case that our works remembered, and in that particular case the workman at once agreed that it was quite fair that he should be fined, and he did pay it. He is with us now, and that is just the advantage.

17516. Quite so. You go so far as to suggest that if you had not the power of making this charge there would be theft of the tools ?—Certainly. The tools which are used in the engineering trade are very special in many cases. For the making of our apparatus the men have made for themselves, out of our materials of course, special tools and special gauges and things. They are our property and of course they are made in our time ; I mean we pay the men for the time, and it works all right ; but if the workmen were called upon to supply such tools it would be a very great hardship on them, because the tools which they had specially made for our works would be of no use if they went to another works.

17517. So far as regards the tools you make no charge for supplying them ?—No. We make them responsible, so that again it is the moral value of the possibility that the men may have to pay.

17518. It was on the question, not of supplying them, but of taking them away. You make a suggestion of this kind—that theft of tools would undoubtedly occur if the right to impose a fine were removed ?—It is meant in this way, that if a man is not responsible for the tools and has not to hand them back, he will simply say " Oh, I have lost them," and will take them away—I mean there is a possibility of that

By Mrs. Tennant.

17519. I notice you say that before the passing of the Workmen's Compensation Acts the practice of keeping a medical officer for the works was more common than it is now ?—No ; I have not said that, and I do not know it.

17520. You say in your memorandum : " Prior to the passing of the Workmen's Compensation Acts works doctors were retained, whose duty it was to render medical attention to the injured workmen " ?—Oh, yes ; I beg your pardon. That is a report which was handed in from the various districts of the country.

17521. May we take it that prior to the passing of the Workmen's Compensation Acts the workmen received medical attendance but no compensation for an injury ? This medical attendance relates not to ill-health, but to injury consequent upon accident in the course of his employment ?—He does receive compensation under the Act.

17522. You say that owing to the burden of compensation placed by the Act upon employers they abandoned the practice of keeping a works doctor—Yes, that is a fact.

17523. Was that burden a new burden ? Had they not followed the practice of giving compensation before ?—No, certainly not. The Workmen's Compensation Acts extended the liability considerably.

17524. You say " Acts " ; I do not know if you include the Employers' Liability Act ?—There are two or three.

17525. Or do you only refer to the more recent Acts ?—In the beginning the employer was only liable for accidents where there was no contributory negligence ; the further Compensation Act abolished that distinction and said any accident.

17526. You have the Workmen's Compensation Act especially in your mind ?—All the Acts which are now in force.

17527. All the Acts ?—Yes, certainly.

17528. Have you a balance sheet showing the amount that is paid by the workmen for medical attendance and the amount paid to the doctor in respect of that medical attendance ? Have you any sample balance sheets to show us ?—No. What the workmen pay to a sick club has nothing to do with what is paid to the doctor. In these cases the firms pay the doctor quite independent of the workmen ; the workmen contribute nothing ; there is no balance sheet possible.

17529. You say in your memorandum : " The custom of making deductions to meet the cost of medical attendance upon a workman injured by accident in the course of his employment is a very old one. Prior to the passing of the Workmen's Compensation Acts works doctors were retained, whose duty it was to render medical attention to the injured workmen. Under the burden of compensation and the changed circumstances which the Act brought about this practice has been largely restricted. Although the custom is not now nearly so general, a number of members report that medical attendance is still provided and the workmen contribute to the cost by authorising small sums to be retained from their wages. The workmen recognise that the arrangement is greatly to their advantage, and specially request its continuance. In practically every district, contributions are made by the workmen to the funds of local infirmaries, hospitals, convalescent homes, or medical dispensary " ?—Yes, I was mixing it up. I was not quite clear whether you were speaking of my firm or of others.

17530. Have you any balance-sheets ?—I do not know what you mean by balance-sheets. Do you mean accounts ?

17531. An audit of the accounts ?—No, I do not think so. I do not see that there is any balance-sheet possible.

17532. We have had balance-sheets put in, and you realise an audited balance-sheet is required.?—Do you mean a balance-sheet of the sick clubs ?

17533. Yes, in respect of the matters for which the workmen paid these contributions ?—I daresay I can get some of these sick clubs to send in their balance-sheets. I daresay there will be no difficulty.

17534. I see that even in slack times you employ 1,500 men. I gather you have now about that number ?—Yes.

17535. And I think you said you were not busy ?—We are not busy in some departments.

17536. In busy times did you say you might have about 3,000 ?—Oh yes.

17537. Would it be something like 1d., 2d., or 3d., a week the men would contribute in a case of the kind ?—In our particular case they contribute absolutely nothing to the doctor.

17538. I think I understand that; but in the cases to which you refer in your memorandum, what would their contribution be ?—I shall have to enquire. We have no balance-sheets.

17539. At the rate of 1d. a week a firm employing 1,500 men—and many firms might employ more,—would receive £325 a year ?—Yes; it is £6 5s. a week.

17540. It would be a considerable sum, and the doctor would receive it ?—But the doctor does not receive it.

17541. It is desirable, if the men pay that sum for a doctor, that he should receive it ?—No, it is not given for the doctor. That money which is collected from the men for the sick club is paid to the men who are sick, not to the doctor.

17542. But I am anxious that you should distinguish if possible between the payment to a sick club and the payment to a doctor ?—The practice is different, but it you ask about our own practice, we pay the doctor.

17543. I understand that clearly ?—The men pay the £325 or whatever it is to the sick club, and the money of the sick club, which is invested in the name of trustees and not in the name of the firm, is paid over to the men who are sick, at certain rates.

17544. I am not seeking information about the sick club but about that portion of your memorandum which I put to you, which is headed "The supply of medicine, medical attendance, etc."—Some firms do that, and I will ask those firms to supply some figures, if you like.

By Mr. Walsh.

17545. You say that the practice of imposing fines is practically universal ?—Yes.

17546. And that each firm has its own code of rules and a list of fines which are known to the workmen ?—Yes.

17547. Are there any offences, besides those which are tabulated, for which fines are inflicted—there will be a certain list or table in each yard ?—But it would be illegal to do that.

17548. I am just asking you. Of course we are not here to inquire into the legality or illegality of it at the moment. Are there any small delinquencies, other than those which are comprised in the yard table that are punishable ?—No, certainly not. I daresay no employer has put in a fine for thieving, but that would be brought before the ordinary law. I do not suppose an employer has put in a fine for fighting or assault or anything of that sort. which would be brought before the ordinary law.

17549. I simply mean such small delinquencies which I should think were inseparable from the conduct of a big firm like yours—say the mischievous prank of a boy, and many little things like that. Is the list which you publish in the yard completely inclusive of all the fines which are inflicted ?—Yes, certainly.

17550. You say the workmen like the deduction from wages for medical attendance because it compels them to pay for it, but in your own case there is no charge for any such thing ?—The practice is different. Some people do it like that. We have been liberal. If you think we are too liberal we can alter it; I do not mind.

17551. I am not suggesting that. Do you not think that your own people like it much better that no deduction is made from their wages for these benefits ? If gratitude does exist at all it exists in your men who are receiving certain attendances of a medical character and are having no deduction made from their wages ?—My previous remark applies, that to give a thing voluntarily is a very different thing from being compelled to give it. The moment a workman can ask for something as a right he will grumble and not be grateful, and he will consider himself aggrieved if a firm does not do exactly the same as the best firm.

17552. So that you put it there has been no grievance on the part of those men from whose wages these small deductions are being made ?—No. Under the existing law nobody can make deductions except with the consent of the workman, so if a workman does not like the conditions of the firm he can leave it.

17553. Do you mean leave the firm, or abandon the condition to which he objects ?—If he prefers not to contribute to the sick fund he cannot have the benefits.

17554. I am not speaking of the sick club but of the doctor ?—I mean whatever it is.

17555. Do you not think that after all this charge for medical attendance and benefits and so on, however small it may be, does merge into the general cost of conducting the firm ?—No, I do not see that at all, because the medical attendance extends also to cases which have nothing whatever to do with the business. I mean if a man gets typhoid or anything of that kind he is attended to by the doctor, but that has nothing to do with the business. Why should an employer be made responsible for things over which he has no control whatever ?

17556. Would not that be a very isolated case ?—No, not at all.

17557. It would not be one case in a thousand, would it ?—Where the people get ill ? Not at all.

17558. Where a man contracts typhoid fever ?—Say influenza, or measles, or whatever you like.

17559. In those cases you yourself at present provide medical attendance ?—Exactly.

17560. I am putting to you, does it not as a fact, as a truism as one may say, merge into the general cost of the conduct of your firm ?—No, it does not. It has nothing to do with it. We have been very liberal in that respect because our firm was, and is even now, rather a family affair, and the founders especially were very liberal men and made very liberal provision. But why every employer should be compelled to be as liberal I do not see.

17561. We are not at all suggesting that. I am certainly not suggesting that, and I do not think any person is going to say a word about your very liberal management. In the cases of houses built for the workmen you have said that that practice obtains mainly on the north-east coast and in Manchester, I think. ?—We have had replies from those districts. That does not mean that it is not the case in other districts, but we only received replies from three districts.

17562. Is the tenancy of those houses made a condition of employment, that is to say if there is a vacant house ?—I know privately, if I may say so, that the houses belonging to the respective firms are supposed to be tenanted by their workmen, and that if a workman leaves their employ he also leaves the house.

17563. He knows that he must also determine the tenancy ?—Yes.

17564. In speaking as to the moral value of the fines you said that workmen are gradually graded on to higher and more delicate work; of course, they cannot acquire the ability all at once, and they are gradually graded on to higher and more skilled work ?—Yes.

17565. And then you went on to say that a man might spoil a piece of valuable material upon which good work was required, not out of malice, but simply because he could not do it ?—I was speaking at the time about the difficulty of taking new men on to do delicate work. There is that danger. What I was driving at was that dismissing workmen is a punishment which punishes the employer quite as much as the workman, because he cannot replace a workman who leaves him immediately by taking somebody from the street.

17566. One can quite see that there are contingencies in which an employer is placed in a position of great difficulty, but even when you are grading your workmen from a lower standard of skill, so to speak, to a higher standard, there must be times when a man has spoilt a piece of work not out of malice, and not indeed out of carelessness, but simply because he has not acquired the necessary aptitude to enable him to perform that piece of work ?—Yes, very well; then nobody says a word about it.

17567. Do you think under those circumstances it would be right to fine him ?—No; and nobody does.

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17568. Fines are not inflicted under such circumstances ?—No, certainly not.

17569. How does your foreman determine between what is carelessness and what is lack of skill ?—He has to use his commonsense. There is no hard and fast rule. He knows the men. As you said yourself just now, a man is gradually brought forward; the foreman is in contact with him every day; he sees what he is doing and speaks to him and finds out what sort of a man he is, and he can very easily judge whether it is malice or carelessness or inability.

17570. These cases of malice, even according to your own foreman's ideas, must be very few and far between if you do not exceed a £5 note on a wage bill of £130,000 ?—I can look up the exact figure.*

17571. It must be low ?—It is nothing. There are very few cases indeed.*

17572. In speaking of the deductions for bad work and injury to material you say that a workman, if he feels aggrieved, may take his employer to court, and that where the parties are at issue as to the amount of damage, this is usually done ?—I say that the Employers' and Workmen's Act, 1875, Sec. 3, provides that the Court may adjust and set off all claims on the part either of the employer or the workman arising out of the relation between them, whether such claims are for wages, damages, or otherwise.

17573. Then you say a little further on in your memorandum: "If the workman considers himself aggrieved he can apply to the court": is that usually done ?—Yes, our report says it is usually done.

17574. Could you give us a few concrete cases ? Has it been done in your own case, upon which, of course, you can speak more certainly ?—No; we have really only had one case where a man was fined, and there he accepted the position at once.

17575. I wonder whether, considering the uncertainty of employment, a workman would take a case to court. Your own firm when busy has 3,000 hands ?—Yes.

17576. That is your Woolwich firm ?—Yes.

17577. And you have 1,500 hands at the present time ?—Yes. There are different departments. The other 1,500 men would be in the Submarine Cable Department; it would not affect the others.

17578. Would it be likely that a workman would retain his employment very long if he took you to court upon a disputed point as to damage ? I am putting it in a general sense, with regard to the whole of the employers; I do not wish to be invidious ?—As a matter of fact we should never let it come to that. We should simply pay him off, give him what he wants, and say good-bye.

17579. So that when you say it is usually done it also means that when it is done the man's employment ceases ?—I beg your pardon. You must distinguish between what I told you about my own firm, and what my memorandum tells you. The memorandum is a condensed report from all the various associations. I do not say that cessation of employment would necessarily follow.

17580. I will not pursue the point any further. I was only wondering whether a workman would take his employer to court in an employment which is so uncertain. Taking your own case, which I think may be admitted to be one of the best cases, in busy times you have 3,000 hands and 1,500 in comparatively slack times, and I was wondering whether, when employment is so uncertain, it is likely that a workman would take cases of disputed damage to the court ?—You have misunderstood our case. I have told you distinctly that the 1,500 extra men whom we would employ in busy times are employed in the Submarine Cable Department, for which we have no orders just now. Therefore, whether those 1,500 men are employed or not does not affect the present departments in the least. For instance, our Land Cable Department is as full as it can be just now, and the apparatus department is fairly full, although there might be a few more hands there. That has nothing to do with it.

17581. Is not the land cable department subject to much trade uncertainty ?—Yes, but as it happens we are quite full of orders.

* See Note to Question 17483.

17582. I will not press that point any further.—But I wish to make it perfectly clear that most employers would be absolutely indifferent about the point. If a man really feels aggrieved and wants to go to court, he may, and I do not think it would have any influence upon his employment. His quality as a workman would be the important point. If he is a good workman I do not think it would make much difference.

17583. I will not press it any further. In regard to the question of tools, I understand these tools are made by the workmen in your employ ?—We buy the tools. I was speaking of special cases when tools have been made to facilitate the making of certain apparatus. I said it would be very hard lines on a man to expect him to provide these special tools which would be absolutely no use for other apparatus. It would be a hardship on the workmen if the practice of the tools being supplied by the employer was departed from. But if you do not make the workman responsible for handing the tools back the employer would be very liable to lose his tools, and therefore probably the practice of supplying tools would have to be stopped.

17584. I understood your statement to be that these tools would really be useless elsewhere ?—Yes—some of the special tools.

17585. What special inducement would there be to workmen to take away from your premises tools which are really useless elsewhere ?—I am not speaking about tools generally when I say that, but about some of the tools. Most of the tools can be used everywhere, pliers and hammers and things like that; but you must make the rule one way or the other—either the firm supplies the tools or the workman supplies them.

17586. Do you not think that efficiency of management would keep the tools intact, apart from any power of fining ?—You cannot have detectives from Scotland Yard in every works; that is impossible.

By Mr. Maddison.

17587. I gather that with respect to houses belonging to the firm you are against deductions being made for rent; you think it should be a separate payment ?—I will not say that at all. I would leave it to the workman. If he likes to have a deduction made let him have it.

17588. By arrangement with the workman ?—By arrangement. I would make it neither one way nor the other.

17589. Do you think it is a good thing that it should be made a condition of employment that a man shall live in his employer's house ?—No, I do not think it is.

17590. With respect to fines, you have given us very strong evidence that you think they are absolutely necessary to the proper discipline of an establishment ?—Yes; you must have some small punishments which are really neither here nor there.

17591. And you have also laid the greatest stress upon the moral value of fines ?—Yes, certainly; I mean the money value is nothing.

17592. Take an instance of a man who takes up a wrong time-board the first week in your employ, would he be fined ?—Certainly.

17593. After he had been there ten years would he be fined for doing the same thing ?—Yes, certainly.

17594. The same fine ?—Certainly.

17595. And you think that is a good way to assess these things morally ? Here is a man coming into your firm who might easily, by pure mistake, take out a wrong time-board, and you fine him; and you fine him exactly the same ten years after ?—Exactly, because it is a numbered brass ticket; it is in a little box which is also numbered with the same number. He cannot possibly make a mistake except by carelessness, and if it amuses him to be careless, I think, whether he is there one year or ten years, has nothing to do with it.

17596. I would suggest that after all we are all subject to little mistakes which in the ultimate result we may call carelessness, but which are happening every day of one's life to everyone. Yours is a rough-and-ready way; if the act is done you fine for it ?—Yes. The fine is there to remind a man continually that he has to be careful. It is human nature that one is not careful if one is not continually reminded.

17597. I think the Chairman asked you as to the value of cautioning as a deterrent, and of a system of record, and the threat of dismissal, and you said that the employers could not afford to dismiss men ?—Yes.

17598. Is it not in your mind that fining has rather an economic and industrial value than a moral one ?—No, because the money value of fines is really nothing if you compare it with the wages. You do not want to use a steam hammer to crack nuts. You *can* do it, although it requires some skill, but all the same it is not the usual way. If you want to crack a nut you take a pair of nutcrackers and not a steam hammer.

17599. Quite so. But here is the case of a man who has been in your employ for a long time, and has shown his faithfulness by years of service, who is fined for some little act of carelessness. There are various degrees of carelessness, but this happens to come into this category and he is fined. You say that has a good moral effect ?—Yes, certainly.

17600. Is it the moral effect on the man or the economic effect on you ?—Surely you do not mean to say that a fine of 6d. or so would make any economic difference to us ! Besides, we do not get it ; we give it to a charity.

17601. You miss my point. I am now asking you with regard to the comparative values of a system of cautions ending in dismissals and a system of continuous fines ?—You cannot compare the two at all, because you can inflict fines and there is no great hardship if they are inflicted ; they are just a moral inducement to keep straight. But you cannot use dismissal in the same way, because you hurt yourself more than you hurt the men.

17602. I rather think that that is the value you place upon fines—that they hurt you least ?—It fulfils the object of keeping the men straight. And, of course, like everybody else, like the workman himself, I take good care that I hurt myself as little as possible. That is perfectly right, and that is what the workman ought to do, too.

17603. I should hope he would. I am sure you would, and, therefore, I still think that the value of fines to you as against a system of graduated cautions ending in dismissal is that you cannot afford to dismiss these specialists ?—The specialist would suffer also, because after a man has been nine years with us, say, doing special work, if he is put into other work he cannot earn as much money as he would with us. So that is mutual, entirely.

17604. But looking over the engineering trade generally, all these men are not specialists who can only work with your firm. The ordinary fitter and turner moves about pretty well, does he not ?—I do not know.

17605. There is very little in the engineering trade that you do not know. We all know that, and I think you will admit that the ordinary fitter and turner after all does move about ?—Yes, well.

17606. Now with respect to the theft of tools do you really suggest that fines are the most effective remedy against the theft of these specially manufactured tools ? I have sufficient knowledge to know what you mean there. Do you think they are really a deterrent ?—Yes, certainly. As human nature goes it is a deterrent. It is not only the fine but the obligation of the workmen to be responsible for the tools. It is not really a question of fine at all, but of the value of the tools. If he spoils an expensive tool maliciously I should certainly try to get the money out of him.

17607. You say in your memorandum that should the workman fail to return the tools, or wilfully or negligently damage them, the Yard Rules in many cases provide that the cost is to be deducted from the wages, and you add that in this way theft of tools, which would undoubtedly occur were the right to impose the fine removed, is prevented. I ask you with respect to that paragraph whether your plan is any real deterrent to theft ?—This is the deliberate opinion of the firms who have been asked what they thought on the subject.

17608. What is your own view ?—I have already said that human nature being what it is a small fine will do a lot.

17609. But do you think a man should be fined for a theft ?—I beg your pardon. It is to prevent a theft that the fine is put there. The fine is not for thieving or for not thieving ; the fine is for not delivering up the tool.

17610. But you call it theft in your memorandum ?—No, I beg your pardon. I say the theft of tools is prevented, so you cannot say I call it theft. I say that theft is prevented. That is quite a different matter.

17611. You are laying down a fine for theft ?—No, we are not ; we are laying down a fine for not keeping a tool in order or for not giving it back.

17612. That is theft ?—No ; that is not theft.

17613. You describe it as such in your paragraph ?—I beg your pardon.

17614. You say : "In this way theft of tools, which would undoubtedly occur were the right to impose the fine removed, is prevented." ?—Yes, but the fine is not put on for theft of tools, but in case a workman fails to return them, as I say in my memorandum, or wilfully or negligently damages them, I say : "The Yard Rules in many cases provide that the cost is to be deducted from the wages." It is not a fine ; it is a deduction of the value of the tool.

17615. If he does not give it up ?—Yes. I do not know what he does with it. Theft is prevented. We do not fine for a theft.

17616. Will you admit that you have a fine for the prevention of theft ?—No. The cost of any tool which is not returned to the store is deducted from the wages.

17617. I do not want to pursue it further ?—But I am very anxious that you shall be perfectly clear that we have nothing to do with theft. I do not say anything about theft, and I do not want you to turn round afterwards and say that we want to compound a felony. We do not do that.

17618. I do not wish to press it at all. The only point is that you speak of the prevention of the theft of tools ?—Yes, certainly.

17619. I ask you whether you think that any provision in the way of deduction or anything else, is a good thing for the prevention of theft ?—You are twisting about a very simple thing. A man gets a hammer, the value of which is 3s. Next Saturday he is expected to give that hammer back or pay 3s. In that case he buys it ; it is no theft.

17620. Then I have been misled by your use of this expression : "theft of tools" ?—No you have not, because if the right was taken away a man would simply take a hammer away and say : "Oh, I lost it," and you would have no remedy whatever. It is the possibility of theft which is prevented.

17621. You try to prevent by rules the possibility of theft ?—Yes.

17622. And you think that is a good thing ?—Yes.

17623. I should have thought a man ought to be punished if he stole a thing ?—Yes, if he steals. But he is prevented. I do not want to compound a felony, I want to prevent a felony.

17624. We are getting into metaphysics now. With respect to the deduction for bad work, do you not think that the question of bad work should not be a money matter at all but of the care or skill of the workmen ?—If you have ideal workmen I daresay you would be perfectly right, but as long as you have human beings you must every now and then have a hedge, or whatever you like to call it, to keep them in the right path, and the prospect of having to pay for mistakes like that is quite sufficient to make most people careful.

17625. How far would you carry that principle of payment ? A man we will say gets £2 a week in your employ and destroys a thing worth £50, you would not attempt to make him pay the lot ?—I do not know that I should not. It depends entirely on the circumstances. If a man sets himself deliberately to smash up a machine tool, for instance—I take an extreme case which I do not think would happen in order to illustrate the thing—if a man deliberately put a chisel into the wheels of a machine to destroy it, I should certainly prosecute him.

17626. That is a different thing. I was going to ask you whether such a case was not one for prosecution

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and not deduction ?—It comes to the same thing. You see, you always carefully forget what has been said before. The Employers' and Workmen's Act of 1875, provides for these cases and we want to act according to the law.

17627. I am now talking about deductions ?—Yes that is a deduction.

17628. Your answer is what I should expect from you, viz., that the extreme case you give is one for prosecution ?—No. I have said in my memorandum that the court may adjust and set off all claims.

17629. I refer to the answer you have just given, and it seeme to me it was the obvious answer. I only ask for information ?—That is the only thing which has always been done, and which nobody wants to vary. We do not want to have the power of prosecuting taken away from us. That is precisely the point.

17630. I am not suggesting that you should have. My question has no relation to any such suggestion. I was only trying to get to know your mind about making heavy deductions from men whose wages would appear to some people not to be high enough to warrant any such course. That was my question, and you at once give me an extreme case and say you would prosecute ?—Under this Act. Even for five shillings-worth of damages we would prosecute under the Act.

17631. In reply to Mr. Walsh I understood you to say that if one of your workmen was not willing to accept an assessment of a deduction which you made and took you into court you would say good-bye to him ?—Take your own case, where a man does £50 worth of damage, what is the use of keeping him ?—

17632. Granted. But take another case, where there was no malice—because I cannot conceive any punishment too severe for malice—but carelessness, if you like ?—I do not think anybody would take any notice of it. I am only speaking of malice.

17633. Then I will not pursue it.

By Mr. Delevingne.

17634. I have only one or two questions to ask. In your memorandum you say that in the majority of cases the rent of a house is only deducted from wages at the express desire of a workman ?—Yes.

17635. Can you give us any further particulars ?—I am afraid I have only a list of the firms which have houses.

17636. I take it the purport of your evidence is that the workmen very often do desire it to be deducted ?—Yes ; it is a convenient way you know.

17637. To the workmen ?—Yes.

17638. That is the evidence of your federation ?—Yes. It is the evidence of our federation that the workmen like it because they are compelled. There are people in this world who, whenever they get money in their hands, let it slip through their fingers ; they know it themselves and are very glad if they are saved from themselves, so to speak, by this sort of deduction.

By Mr. Yarrow.

17639. Suppose fines were done away with by law do you think that would necessarily involve a greater number of dismissals because there would be no means of punishing men for small offences ?—It would certainly compel employers to dismiss more, but the principal difficulty is that you have not a hold on the men through the moral value of fines. The simple knowledge that they can be fined if they do such and such a thing, quite apart from the amount of the fine, is sufficient to keep a good many people straight who would not otherwise be so. One would have to be a great deal more careful in the selection of one's workmen otherwise, and it would add a lot to one's troubles.

17640. In reality if fines were done away with it might prove a hardship to the men—a hardship which they would not have to encounter if fines continued to exist ?—That also.

17641. Because they would be dismissed in some cases instead of being fined ?—Yes.

By Mr. Walsh.

17642. With regard to the collection of rents by the house agent, has the house agent experienced any difficulty ? Has he been unable to get in his rents ?—I do not know. I think in one or two cases a house agent has had some difficulty, like any ordinary houseowner.

17643. As a general business transaction has he experienced more than the usual difficulty ?—Good gracious, no.

Mr. JOHN WARD, called ; and Examined.

By Mr. Yarrow.

Mr. John Ward.

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17644. You are a partner and manager of the firm of William Denny and Brothers, of Leven Ship Yard, Dumbarton ?—Yes.

17645. How long have you been the manager?—I have been manager for the last thirty years. I am also interested as a partner in the firm of Messrs. Denny and Co. Marine Engineers, Dumbarton. These two firms have practically the same partners, but the management is separate and distinct. I have principally to do with the ship building firm. I joined the firm as chief draughtsman in the year 1872. In 1877 I was promoted to be manager, and in the year 1885 I became a partner.

17646. Can you tell me how many men you employ on the average ?—Over 2,000. I think 2,200 has been averaged for a good many years past. That includes men and women, of which latter we employ eighty as polishers upholstresses and tracers. In the engine works the number of employees is about 1,100.

17647. It is your practice to fine your employees ?—Yes. Since the year 1877, when I was appointed manager, I have been in close and constant touch with the workmen, and my firm has a reputation for being on excellent terms with their men, and for freedom from disputes.

17648. Will you tell us for what offences you fine ?—Yes. I will put in a copy of our Rules. (*The same was handed to Mr. Yarrow.*) I call attention to the Rules framed to prevent accidents. They are as follows :—"(43) Any workman oiling or cleaning machinery while in motion shall be fined 6d. for the first offence, and 1s. for each offence thereafter. (44) Any workman leaving staging, ladders, or gangways in an unsafe condition for those coming after him, shall be fined 1s. for the first offence, and 2s. for each offence thereafter. (45) In the event of any workman finding any ladder, stage, gangway, or tackle defective from wear and tear or any other cause, he is required at once to communicate the fact to his foreman. (46) Any workman removing the safety covering on a coal shoot, or other opening in ships' decks, and not replacing the same in a safe manner, shall be fined 2s. (47) The special squad appointed to look after the safety of staging, uprights, and ladders to be under the charge of the iron carpenters' foreman. (48) Any workman bringing intoxicating liquors into the Yard shall be fined 2s. (49) Any workman appearing in the Yard in a state of intoxication shall be fined 2s. 6d. (50) Any workman leaving a wood working machine in motion after using it, shall be fined 2s. (51) Any person using naked lights for the examination of joiners' or carpenters' wood-working machinery shall be fined 2s. (52) Smoking is at all times strictly prohibited in the joiners' shop, spar and boat sheds. moulding and rigging lofts, upholstery shop, block shop, sawmill, and stores ; and on board ships on which wood-work has been commenced, or in any proximity to inflammable materials. Offenders shall be fined 2s. 6d. for the first offence, and be instantly dismissed for the second. (53) Any person leaving candles or lamps burning during meal hours will be fined 2s." The next portion of the Rules is against dishonesty. You have a copy of all the Rules. The Rules were made in conference with our men, and I put in a copy of the Address made to the men by my late partner, Mr. William Denny, on the completion of the Rules. (*The same was handed to Mr. Yarrow.*) From the papers I have put in, it will be observed that the fines are graded, being smallest for offences against the firm, and largest for offences which involve dishonesty. We consider that it is absolutely essential we should have the power to

impose such fines, as if this power did not exist, we would only have the other alternative of dismissal, which would be far too severe a punishment for a small offence. I believe that our workmen share our feelings in this respect. I may say that in drawing up the Rules and arranging for these fines we found the men were far more ready to call for fines than we were, and we had to restrain them to keep the fines moderate. We have a scheme whereby we have contracted out of the 1906 Compensation Act. This scheme involves two funds, to the first of which the workmen and ourselves contribute an equal amount, called Fund No. 1. This fund is used exclusively for compensation, or, as we put it, solacing men who lose fingers, thumbs, or toes, or small parts of the body, which do not permanently partially incapacitate them from their work; that is to say, which do not decrease their earning capacity, while at the same time solacing them for the loss of such parts of the body. No. 2 Fund is subscribed to by the firm alone and is used for all compensation covered by the Act, such as temporary incapacity due to accident, permanent partial incapacity, permanent total incapacity, or death. The fines beforementioned are carried to the credit of No. 1 Fund, and the firm subscribe an equal amount to these fines, so that the firm have the minimum of temptation to fine arbitrarily, as in fining a man they also fine themselves. This was insisted upon by my late partner, Mr. William Denny, and I may say that while his partners agreed to it, and understood the reason why he desired it, they thought it quixotic. Mr. Denny died in the year 1887—twenty one years ago—but the practice of the firm has not since changed. In regard to Messrs. Denny and Company, not being actively engaged in the management of that firm I am not able to speak so definitely, but the same good feeling exists between that firm and their workmen as exists in Messrs. Denny and Brothers. They do not, however, carry out the system of fining themselves along with the workmen, but the fines are added to their infirmary fund each year. The average amount of fines imposed for the last twenty years in the case of Messrs. William Denny and Brothers is £1 18s. 10d. per annum, in the case of Messrs. Denny and Company the average per annum for a period of nine years is £2 1s. 9d.

17649. As I understand you, the fines go to the fund of the Accident Society?—Yes, and we fine ourselves an equal amount to the fines imposed on the men. They all go towards benefiting the men.

17650. It is a clear gain to the men?—Yes, it is in their interests.

17651. And do the men themselves like these fines?—As I have said, our rules were drawn up in conference with the men. We had delegates from every department in the Yard.

17652. Are these fines strictly enforced or only looked upon as a threat?—They are strictly enforced. We uphold discipline most thoroughly.

17653. I understand your total amount of fines on an average for the last twenty years is only £1 18s. 10d. per annum?—That is all.

17654. That is really a bagatelle?—Yes. The first thing we have to do is to maintain discipline. If the rules are broken the fines are exacted. I am pleased to say that during twenty years our rules have not only been recognised but upheld by our men.

17655. It is a very small amount. You must have a very good lot of men?—We are in an isolated position and our men have grown up with us. Our apprentices are the sons of our own workmen, and our being in an isolated place has been a source of strength to us, and constant work has kept a very fine type of man about us.

17656. Do you think you would get equally good men if there were no fines? Do you look upon fines as essential to the discipline of the Yard?—Oh, yes. I say you must have inside the gates something less than the alternative of dismissal. Dismissal is the only alternative to fines.

17657. Would you be of opinion that if fines were altogether done away with by law there would be a greater number of dismissals?—Sure. I think that would be hurtful in the extreme.

17658. You think that doing away with fines would be injurious to the men?—I am certain of it. Seeing that discipline must be kept, you would have no option but to dismiss if you could not fine. I was for a good many years the Chairman of our School Board. If a member of the School Board was absent for six consecutive meetings he had to resign. If you take a book out of a Public Library and keep it longer than a week, or whatever the specified time, you are fined. If you do not attend a summons meeting of a Friendly Society you are fined. Indeed, the more we are hedged round with penalties the greater is our freedom.

Mr. John Ward.

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17659. Have you found that any of your men make any objection to these fines?—No. As a matter of fact our men were much more severe; they wanted greater fines than we agreed to at our conferences.

17660. Do you make any deductions for medicine and doctors?—No, nothing. We provide a doctor.

17661. You provide a doctor and pay him?—Yes; we pay him out of our own pocket.

17662. Do any of your men rent houses from you?—No, none. A good many years ago our senior partner, the late Dr. Denny, built one or two streets of houses and offered them to our workmen, they to pay him sixteen years' rent. It was done in the form of a Building Society. He lent the Society the money to build the houses, and the rent, plus 2½ per cent. interest, cleared the houses in sixteen years. Then our Building Societies commenced. The outcome of that has not only been to inculcate thrift among our men but to leave us to-day with several hundred of our men the proprietors of their own houses.

17663. At the present time you have no houses?—No; we have no houses in which our men live.

17664. Have you provided any means for the men cooking their dinner, for which you make a charge?—No, none. Most of our men can go home. Those who do not go home have their food brought, but that is a very, very small proportion.

17665. There is no room provided for them to take their meals in?—No; there is no need.

17666. With the exception of fines you make no deductions?—None, whatever, and as I say the fines go to the benefit of the men themselves and we give an equal amount to the fines.

17667. Your opinion is that if fines were done away with it would be very injurious to the discipline of the works, and in reality be injurious to the men because there would be a great number of them discharged?—I am quite certain of it.

By Mr. Maddison.

17668. You think that it would not be possible to have an alternative in the way of cautions, leading ultimately, as even your fining system must do, to dismissal?—I do not think so. There are some people with whom cautioning would be no earthly good whatever.

17669. You think that really the men respect your Rules on account of the fines rather than on account of a proper spirit?—As the Rules were drawn up in conference with our men, I think that the spirit of the men is the same to-day as it was when with their approval the present system of fining was inaugurated.

By Mr. Delevingne.

17670. Who imposes the fines in your works?—Whoever it may be. Supposing I met a man smoking I should say, "Give me your ticket." The ticket would give me not only his trade but his name. That ticket would be given in to the office, and the fine would be deducted from his pay.

17671. I mean, who has authority to impose the fines?—The head of each department, or our manager, or myself.

17672. The power is not given to the man's immediate foreman?—Oh, yes. If a foreman saw a man breaking our Rules he is expected to safeguard them. Supposing a foreman went down and saw a man smoking he would say, "Give me your ticket," and he would put the fine against it. The foreman does nothing but pass the ticket on to the time office where the record of time is kept, and from which the men's wages are made up. Then the fine would be taken off the man's wages and he would know what it was for.

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17673. The fines are not supervised by yourself ?—No. I do not pretend to supervise 2,200 men. How do you mean, "supervise ?"

17674. I mean supervise the imposition of a fine ?—The men admit the justice of the fines. No one questions the reasonableness or the right of them because every man who comes into the yard gets a copy of our Rules.

By Mr. Maddison.

17675. Is there an appeal with regard to the imposition of a fine from the foreman to yourself ?—Oh, yes. I am open to see any body.

By Mr. Yarrow.

17676. Before the men get employment are they made acquainted with the rules and regulations of your establishment ?—Yes. Each man gets a copy of these Rules when he comes in.

17677. He cannot say he does not know them ?—No.

MR. JAMES KIRKLAND GALLOWAY, called; and Examined.

By the Chairman.

Mr. James Kirkland Galloway.

26 Feb. 1908.

17678. You are the Procurator-Fiscal of Shetland, stationed at Lerwick ?—Yes. There are three fiscalships in the Sheriffdom, Caithness, Orkney, and Shetland.

17679. And it is your duty to attend as Public Prosecutor to the prosecutions for all crimes and offences in Shetland ?—Yes.

17680. As is usual under the law of Scotland, people are not prosecuted for crimes and offences by private individuals ?—Not to my knowledge.

17681. But they are prosecuted in the interests of the State by the Procurator-Fiscal ?—Yes, or the Lord Advocate.

17682. The Procurator-Fiscal acts under the Lord Advocate for the time being ?—Yes.

17683. You have been good enough to prepare a Statement for us ?—Yes. It is as follows :—It may be stated that the female population of Shetland generally contribute to the hosiery industry, which is a large one. Those living on crofts in the country districts have their own sheep and spin their own yarns from which they manufacture their hosiery, while many cottars, as well as residenters in the towns of Lerwick and Scalloway, are engaged in the industry who have no sheep and have to buy their yarns. The manufactured article, whether hosiery or yarns, is then sold, or rather bartered, to the merchants. If the trade at the time be very brisk, a fraction of the value may be given in cash, in which case discount at the rate of 20 to 30 per cent. is deducted. If, on the other hand, trade is dull, the seller must either take the whole value in goods or take the hosiery away. The trade is a fluctuating one, and only at certain seasons of the year is there a brisk demand; and when trade is dull and knitters unable to dispose of their goods they may be seen trying to sell their work to tourists in the street, or to private families. Nearly every merchant in Shetland is a purchaser of hosiery; and many of them could not purchase for cash. They would require a capital which they do not possess, and they would be unable to obtain credit for an overdraft at the bank, whereas they can get credit for goods with which to barter from wholesale houses, and thus are enabled to carry on their trade. I have known the system for forty years, and the passing of the Act 50 & 51 Vict., c. 46, has made no difference on it. The Act is notoriously contravened, and the merchants make no secret of it. The female members of every crofting family does something in the manufacture of hosiery. It is often done in winter as an amusement, and with the view of renewing their wardrobe or obtaining some luxury or delicacy not produced on the croft. They are quite independent, and at any time could have put the Act into operation by reporting contraventions to the authorities, but do not, and it appears there is no burning desire among them to have the Act enforced. On the other hand, knitters who depend on their work for their living and are wholly dependent on the merchants do not require the goods they have to take in exchange for their truck, and to get cash they have to sell them for what they will bring, and they are afraid to report contraventions. It is, undoubtedly, a hardship on those who depend solely upon their knitting, and who are afraid to report contraventions, that they must take goods instead of cash; and they are afraid of the merchants. On more than one occasion when the Sheriff was trying a charge of contravention of the Truck Act the accused pled as a defence that he had been asked to give barter instead of cash. In Lerwick there are several large buyers whose only mode of barter is with tea and draperies, whereas in other establishments knitters can get groceries as well as drapery goods. It has been reported to me that the goods given in exchange for hosiery are charged at a higher rate than when sold for cash; and a case was mentioned to me the other day that a lady sent a messenger to a hosiery dealer with a shawl for sale. A sum was stated as for barter and two-thirds of the amount for cash. As the owner required some flannel, she elected to take goods and wanted flannel of a good quality, of which she knew the price; but this flannel was refused and various kinds of flannelette tendered. On August 8th, 1906, I wrote to the county superintendent of police, Superintendent Gray, and also to Chief Constable Emslie, of the Lerwick Burgh Police, the following letter :—

Procurator-Fiscal's Office, Lerwick.
August 8th, 1906.

TRUCK PRACTICES IN SHETLAND.

SIR,—Referring to this Act, I have to inform you that the Lord Advocate is of opinion that the state of matters in Shetland is of a grave nature. He considers it most expedient that if the requirements of the statute have not so far as necessary been complied with in the prosecution of offences that they should now be proceeded with without further delay. There should be no difficulty in securing suitable test-cases, and I will thank you to keep the matter in view, and to instruct the officers under your charge to take such steps as may be necessary to obtain information of any contravention of the Act.—I am, Sir,

Your obedient servant,
(*Signed*) J. KIRKLAND GALLOWAY,
Procurator-Fiscal.

I called the attention of Sheriff M'Lennan to the matter on his visit to the county last spring, and showed him these letters. The opinion was expressed to the Sheriff that detection is virtually impossible. I hold a different view. It is difficult to detect offences against licensed grocers; but they are obtained, and contravention of 50 & 51 Vict., c. 46, should be less difficult to prove. When knitters enter a shop with burdens of hosiery and come out relieved of them they could be asked to explain their bargain. Although the knitter will not voluntarily give information of a contravention of the law, yet if these steps were taken I am of opinion they would secretly welcome the police interference. They are so much influenced by their employers that on more than one occasion witnesses were examined by the accused to prove that the contravention was made at their request. As to the charge against Mr. Pole, a copy of the complaint and conviction is sent herewith. Information of this case was given by Mr. Newlands. He stated that on the date libelled he entered the shop of Mr. Pole and saw hosiery bartered for goods. The shopman supplied to the knitter in exchange for hosiery valued at 16s. 2d. goods to the value of 14s. 10½d., leaving a balance of 1s. 3½d., but in respect of that balance she only got 1s. 1½d. The whole cases brought in Shetland since the passing of the aforesaid Act are :—

On December 10th, 1887.	Gilbert Irvine,	fined £2 2s.
„ „ „	Robert Fraser,	„ £2 2s.
„ „ „	Thos. Anderson,	„ £2 2s.
„ January 30th, 1888.	Peter Linklater,	„ £2 2s.
„ May 2nd, 1892.	John Spence,	„ £2 10s.
„ „ „	Daniel Fraser,	„ £1 10s.
„ February 1st, 1899.	C. McLaughlin,	„ £2 2s.
„ August 28th, 1902.	William Pole,	„ £1.

I think the whole of these were reported to me by private individuals. Since the whaling agitation became a subject of discussion in Shetland I had a conversation with Mr. Pole, who, having in view the prosecution against

him for contravening the Truck Act, expressed very forcibly the opinion that the Truck Act had a much greater prejudicial effect on the industry of Shetland than the whaling ever had or could have. I have heard merchants declare that the Act was a dead-letter, and so it is; and boasting that they could evade the Act by placing the money on the counter and getting the knitters to hand it back without taking it from the counter, and having it placed to their credit for goods. Often before the date of the letter to Superintendent Gray before referred to I called his attention to the contravention of the Act; but he seemed to think that it was not within his duty to see to its detection, but only to inquire as to cases reported to him. These remarks refer to the generality of knitters; but there are a few knitters whose work cannot be equalled who can demand the price in cash when employed to knit a special piece of work. That the trade could be conducted on cash principles I have no doubt. There is at least one dealer who is reported to deal in cash and does an extensive business. To conduct the business on a cash instead of a barter system would require a greater capital.

17684. There are various questions which we now desire to ask you with regard to what you have stated?—There is perhaps something which I may suggest. I may mention that the notice which I got was so very short before I came away that I had not the time that I would have liked to prepare that Statement. Since then I have made a search among all the papers in my possession, knowing that you, as Lord Advocate, were entitled to get them. I have looked up all the complaints and precognitions; I have looked up the informations, and I find only in one case did I receive information from the police.

17685. What was the date of that?—I have brought all the cases here. That case was in 1892, against one Daniel Fraser, in Unst. The cases have been principally reported by Mary Johnson, a knitter. I have all the informations here. One case was reported by Mrs. Trail to Sheriff Thoms, who sent it to me. That was a case in Unst against one John Spence. That was handed to the police, and when they were making inquiries into that they ascertained that another man, Daniel Fraser, also in Unst, had contravened the Act. That was the only case which was reported by the police. I looked up the precognitions in those two cases.

17686. Do you produce them?—It is for you to say. I am just telling you. In the other cases the informations were lodged by Mary Johnson, a knitter, who lives by knitting alone. I had the informations addressed to me in each case. Convictions were got in all those cases. Then when Sheriff M'Lennan was in Shetland last I spoke to him on this subject.

17687. He was appointed rather more than two years ago, I think?—Yes. I told him I had had a communication from the Crown Office about truck. I told him that I had reported to the police and asked the police time after time to find cases of contravention of the Truck Act, because it is notorious that the Act is a dead-letter.

17688. Is it according to your knowledge and information that merchants in Lerwick and other towns give out stuff to be manufactured?—Occasionally, when any special article is required, but only then. As a rule the work is performed by the knitters and given for sale. But a man may have an order for a specially fine article, and then he has to employ labour, and I believe in those cases he pays cash because the manufacturers of those articles can command their own price.

17689. What I cannot quite follow is this. In those cases where the material is the worker's own material, and is wrought up by the worker, then the manufactured article is simply sold?—Yes, or bartered.

17690. Is there any law against that?—Yes; there is an Act of Parliament against it.

17691. You are referring to 50 & 51 Vict., c. 46?—Yes.

17692. Since the year 1887, when that Act was passed, has there been any change in the practice in Shetland?—I do not think so. I think that the Act has been a dead-letter.

17693. Are you aware of your own knowledge, or has it come to you officially, that when cash instead of goods is given a large percentage is taken off?—I have been informed so by knitters.

17694. And you believe that that practice does exist?—Yes, it does exist. There is no question about it, because I have been told both by merchants and knitters.

17695. As Procurator-Fiscal you necessarily are against this truck?—I am, most undoubtedly.

17696. Now, speaking not as Procurator-Fiscal, but in your ordinary capacity as a citizen of Shetland, do you think the practice is favourable or fair to the workers?—I think it is a bad system.

17697. Would you give your reasons for that?—My reason is that if there is a demand for the goods the merchant must buy them; if there is no demand for the goods the trade is rotten. But the trade is not rotten.

17698. How long have you been in Shetland?—Thirty-nine years.

17699. You are able to testify that there is a steady trade?—Yes, there is a steady trade.

17700. Being for a particular article of very considerable value?—Yes. It is a very considerable item in the economy of Sheltand.

17701. I presume those traders who are thus supplied furnish the markets in the south?—Yes, they furnish the markets wholesale, and also private customers.

17702. You have told us now about the buying, and I am rather anxious to know if you can give us both the heads. Is there in point of fact any contravention of the Truck Act in the ordinary case of the material which is supplied by the merchant being returned wrought up and then paid for in goods?—I know at one time—but that is a long time ago—there was a merchant in North Mainland who got Shetland wool spun in the south and gave it out to weavers, and there was truck then, but that business has ceased to exist. It was only in the tweed and not the hosiery that that existed.

17703. The great Shetland trade is the shawl and hosiery trade of knitted work?—Yes; the tweed trade is not a very big one.

17704. Before we leave the Act of Parliament I wish to ask you this: under the Section which you have referred to of 50 & 51 Vict., c. 46, you are aware that an Order can be made?—I am aware of that.

17705. Suspending the operation in any county or place?—I am aware of that.

17706. By an Order in Council?—Yes. On one occasion or more when the merchants had a defence they said that the knitters wanted the goods and that the Act was prejudicial to the interests of the county, and the sheriff pointed out that section and said that by making an application which satisfied the Secretary of State for Scotland it could be suspended.

17707. It is the Privy Council?—At any rate, he pointed out that if it was a hardship and that could be proved it could be suspended.

17708. Were any steps taken to approach the Privy Council or other authority?—No, not to my knowledge, although that fact was pointed out from the bench.

17709. Broadly speaking you are in this position, that within your jurisdiction the law is not carried into effect but is deliberately and systematically evaded?—Yes.

17710. In your judgment to the injury of the population?—Yes, in my judgment it is.

17711. You are aware that the opinion has been expressed that detection is virtually impossible?—Yes, I am aware of that.

17712. Do you agree with that?—No, I do not.

17713. That is where we as a Committee would like the advantage of any suggestion from you. If in your judgment if is not impossible to detect it, what do you suggest should now be done?—I do not think it is beyond the power of the ordinary police to do it. I have no doubt the whole of you gentlemen are perfectly aware that contraventions of grocers' licences take place regularly and they are discovered by police in uniform. The detection of the contravention of this Act is as easy. Women go in with a bundle of hosiery under their arm and come out without it; what is to hinder the police asking them if they got cash or goods? I do not see what is to hinder it.

Mr. James Kirkland Galloway.

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17714. Have you taken any steps to get that apparently simple method put into effect ?—I have spoken to the police about it. I cannot do any more.

17715. How long has the present chief constable been in office ?—A long time—probably fifteen years. I could not tell you exactly, but it is a long time.

17716. Have you reported your opinion to the Sheriff ?—I do not know that I ever mentioned it to the Sheriff Principal ; I may have discussed the matter with the Sheriff Substitutes ; I cannot recall whether I have or not. But I know I have always had a strong opinion upon it. I know my opinion is not the general opinion of Shetland. Perhaps I stand nearly alone.

17717. At all events, your opinion appears to square with the policy of the Legislature ?—It does. When the Act passed it was called Sheriff Thoms' Act. I often discussed the matter with him, and he and I were at one on the subject.

17718. Was he the predecessor of Sheriff M'Lennan ?—No, there have been two or three between—Sheriff Johnson, Sheriff Wilson, and Sheriff Cooper. I think one of them never sat, another sat once, and another twice. Sheriff Thoms was virtually Sheriff for thirty years during my tenure in office.

17719. Has there been any request made for greater efforts of detection ?—This woman Johnson says she did make representations to the police, and the police refused to take any steps. That is only her statement. I may mention to you that I have made further enquiries, especially about this woman Johnson who reported so many cases to me. She was out of Shetland for some time, and the day I came away I did not know where she was. I ascertained, however, that she was in a village some short distance from Lerwick, and I left my deputy to see her and ask her if she was able now to sell her hosiery in Shetland. He wired me that she was not. Then I told him to take her precognition and send it to me. This was done, and I have got it here.

17720. What does she say ?—She says she cannot sell either for goods or money.

17721. For what reason ?—Because she had reported so many cases.

17722. So that really she is boycotted ?—That is my information. That is her statement. I may mention that she is rather peculiar. She is a highly-nervous woman. If a stranger was speaking to her he would probably not get very distinct answers. She would be wanting to tell so much herself.

17723. We are glad to have you instead. Suppose the Act were firmly enforced, do you think it would be in any way prejudicial to the trade ?—No, I do not think it would, because it comes this way, that the sellers will get the value of the goods.

17724. I was rather pointing to a passage in your evidence where you say that a merchant dealing at present largely by barter would require greater capital if he had to conduct his business on a cash system ?—So he would ; there is no doubt of that.

17725. There is not so much in that if you consider that the people who would be paid in money would have to spend that money somewhere for goods ?—That is so.

17726. So that it would only be a question of capital for the temporary turnover, would it not ?—They would only buy when they had orders then.

17727. I see your point. Would you allow me to explain that it is a long way to have brought you, but your evidence is amazing—I mean on its merits—and it was necessary that we, as a Departmental Committee, should have first-hand evidence of such a character. It practically means that the law has failed in your jurisdiction ?—There is no question about it.

17728. Does the system you have described prevail in Orkney ?—No ; there is no such thing in Orkney so far as I am aware.

MR. GIFFORD GRAY, called ; and Examined.

By the Chairman.

Mr. Gifford Gray.

26 Feb. 1908.

17729. You are Superintendent of the Shetland County Police, stationed at Lerwick ?—Yes.

17730. How long have you been so ?—I was appointed on December 3rd, 1889.

17731. What were you before that ?—A constable.

17732. In Shetland ?—I was in the Liverpool Police Force, and then came North to Shetland. I was in bad health and an opening occurred there, and I got the appointment which I held until the death of my predecessor, Mr. Harcourt.

17733. You have written out a long precognition ?—Yes.

17734. Is that in all points correct ?—Yes. It is as follows :—I am forty-eight years of age, and was appointed to my present office on December 3rd, 1889. Since that time I have given careful attention to the detection of offences against the Truck Acts ; but as I shall endeavour to explain, this has been a very difficult duty. The constables of the county including myself, are required to wear uniform every day, and consequently are easily detected on approaching any shop, with the result that when any of the constables enter a shop, any business of the nature of trucking would, of course, not be transacted. In February, 1892, in consequence of a letter addressed to the late sheriff Thoms, by Mrs. Trail, intimating that John Spence, merchant, Voeside, Urst, had written a letter to her offering hosiery for sale cheap, as he had paid for them with goods, I at once instructed the then constable of the district to investigate and report the case ; but although residing in the district, he failed to get sufficient evidence, consequently I went to Unst, and with great difficulty succeeded in obtaining evidence against Spence and also against another merchant named Daniel Fraser. Both of these merchants were tried in the Sheriff Court, Lerwick, for contraventions of the Truck Acts. Spence was fined £2 10s., and Fraser, £1 10s. From that time until November, 1898, no detections were made, and no complaints or information of any contraventions of the Truck Acts were received by the police. In November, 1898, a complaint was made by Miss Mary Johnson, Victoria Wharf, Lerwick, that while she was in the shop of the late Christopher McLaughlin, draper, Lerwick, she saw his wife buy hosiery from some women unknown to her, and not pay for it in cash. I at once made personal inquiries and succeeded in tracing the women referred to, and they reluctantly gave information of their transactions with Mrs. McLaughlin, with the result that her husband was on February, 1st, 1899, convicted of a contravention of the Truck Acts, and fined £2 2s. or fourteen days imprisonment. In January, 1899, another information was received from Miss Johnson, that she suspected a person who was then buying hosiery in Lerwick, of contravening the Truck Acts. I also made personal inquiries into this complaint, and examined as witnesses certain women residing in Lerwick. All these women stated that they had sold hosiery to this person who had paid them what they asked either in cash or goods, but they refused to give any definite particulars. This case was reported, but probably owing to the defective evidence it was not proceeded with. The foregoing are the only cases in which any complaint or information was received by the police. I am inspector of food and drugs, also of explosives for the county, and as such have to visit the shops in the county frequently. On all of these visits I have lost no opportunity of making inquiries and watching for contraventions of the Truck Acts ; but I found that people who were always willing to give me information in any other case, were quite the opposite when questioned regarding contraventions of the Truck Act, and so far as I could learn, the knitters in the county are afraid to give any information, as they would thereby run the risk of losing a market for their hosiery, and as it is evident that the supply of hosiery is greater than the demand, their giving information would cause loss to themselves instead of to the merchants. A large quantity of the hosiery knitted in the country districts is brought to Lerwick for sale, and although the sheriff's jurisdiction extends over the Police Burgh of Lerwick it has its own police and is left to look after its own affairs as far as possible.

17735. Do you really seriously represent that crime, in the sense of offences against the Truck Act, is going on steadily as a practice in Shetland ?—I cannot say that. It is not going on steadily all through Shetland.

17736. In various portions ?—In portions I understand it does, but I never saw it.

17737. You represent that that system is going on ?—Yes ; I am so informed.

17738. You further represent that you are unable to detect it ?—Yes.

17739. Can you give the committee any reasonable explanation of that ?—During the summer months, May, June, July, August, September, and part of October, we have an influx in Shetland of over 20,000 strangers, fishermen from all parts of the United Kingdom, and also from Germany, France, Sweden, Holland, and other foreign countries. There are 3,836 men and women from various countries engaged on shore. The normal population outside of those months is 24,430, excluding the Burgh of Lerwick. To keep order among that crowd of people I have four permanent constables, and myself. I am allowed four specials during those months that I have referred to, but to keep order even with that addition amongst such a mixed crowd is a difficult task, and taxes the resources of the police to its utmost capacity. It leaves absolutely no time for attention to local matters during the fishing period, unless complaints are received. The 20,000 strangers are employed in connection with the herring fishing at the various fishing centres, but chiefly at Baltasound and the Lerwick district.

17740. Your representation is that you are understaffed during the summer months ?—Yes.

17741. Have you made any representation to that effect to your superiors ?—It is quite well-known to them.

17742. That is not the question. Have you made any representation to that effect to your superiors ?—No. I was able to cope with any disturbance, and I did not make any representation.

17743. In the case of actual understaffing, what is the course pursued ? It is usual to communicate with the Sheriff, is it not ?—Yes.

17744. Have you made any representation to any of the sheriffs that you are understaffed during those months ?—No, not in respect of the detection of offences against the Truck Acts, because if I did I would get men in uniform, and I have found that that is no good for the detection of those offences.

17745. You have made no representation to anybody about it ? This is the first time you have represented it to any person having authority ?—Yes, I believe so. I was never asked about it.

17746. Now come to the other portions of the year when you have not an influx of population ; do you represent you are understaffed then ?—It is well-known that in our country there are no railways, cars, busses, or any other public means of conveyance at all. Consequently travelling in Shetland, other than on foot, must be done by hiring a conveyance at the rate of 1s. per mile. That is beyond the means of the police, unless under special instructions. We have no allowance made except it is for express business, and I find that I cannot get through the country. During stormy weather and the long dark nights in winter travelling on foot in Shetland is both difficult and trying. Consequently this, along with the attention which has to be given to special complaints, and assistance to the Procurator Fiscal, renders special visits to all shops throughout the county impossible with the present staff at my disposal. I may say that I have no clerk, and have personally to attend to all communications and correspondence from all the different police forces of the United Kingdom. This occupies a considerable portion of my time. For these reasons it was and is impossible for me to give any better attention to the truck system than I have done. If such is required in future, an officer in plain clothes will be necessary for that purpose.

17747. A good deal of this contravention of the Truck Act must take place in towns, must it not—places like Lerwick ?—It is in the towns where it takes place.

17748. So that all this about travelling costing 1s. a mile does not apply to those places ?—No. I have nothing to do with the burgh of Lerwick ; it has a separate police force.

17749. Then you are able to give us independent testimony—outside testimony—with regard to that ?—Yes.

17750. Have you any reason to doubt that if the police were up to their business they could detect it in the town of Lerwick ?—I think they could.

17751. What are the places outside of Lerwick where this business is carried on in contravention of the law ?—I should say but very few.

17752. Tell us them.—In fact personally I should say none—it is only from hearsay.

17753. You are here all the way from Shetland, and you must help us. Where does it go on, in your opinion ?—I think Mossbank is the worst.

17754. How far is that from Lerwick ?—28½ miles.

17755. Anywhere else ?—I am told in Aithsting.

17756. Anywhere else ?—No.

17757. Have you set any watch upon these two places ?—No ; I had nobody to set to watch. I could not afford the men. It would want men in plain clothes.

17758. Have you made any representation during all the time you have been there that the law is being evaded and that you would require detective assistance ?—No.

17759. Do you not think you had better start now ?—I shall do so. It never occurred to me to do so. Of course I tried to keep down complaints from the police point of view.

17760. I suppose you are conscious that the feeling of the locality is rather in favour of keeping up the bad system ?—That is the case.

17761. Personally you have no difficulty in saying that if the system were abolished it would be better for all concerned ?—I think so.

17762. Do you think these people do not get full value in goods sometimes ?—Yes. In my opinion the supply of goods is far beyond the demand, and that is the reason of the whole difficulty. The merchants are not able to buy the quantities which are offered them ; they have not the cash. I speak for the country districts and not for Lerwick, because there are places in Lerwick where I believe it can be carried on better. There is one shop in particular there which deals for cash, but the system is such that it is little better than the other. The parties who sell the hosiery have to wait for six or eight weeks before they get their money ; they wait until the hosiery is sent south and a market found for it.

17763. Suppose you had the staff that you wanted and which you thought sufficient do you not think you could detect and put an end to this system ?—I think if I had a man going about in plain clothes who could drop in at any time I could put an end to it.

17764. We shall not as a committee report for some time, and we shall be very glad if you will favour us by sending us a copy of the communication you make to the Sheriff consequent upon your appearance here and your request.—That is applying for a man ?

17765. Applying for a man, and informing him that the law is not obeyed and applying for such assistance as will enable you to put it into operation ?—Yes.

17766. You will send a copy of that communication to us ?—Yes, and I will do it at once when I get home.

17767. I hope we shall be able to assist you in some way, but we must know what you want yourself in writing.—Yes ; I will do that as soon as I get home.

SIXTY-THIRD DAY.

Wednesday, 4th March, 1908.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

MR. ALFRED ERNEST DERRY, called; and Examined.

Mr. Alfred Ernest Derry.

4 Mar. 1908.

By the Chairman.

17768. What is your business?—Drapery.

17769. Are you the head of the firm of Derry and Toms?—I am one of the partners.

17770. How long have you had experience in managing such a business?—For over twenty years.

17771. Have you been in business on your own account for all that time?—For over twenty years.

17772. What is your experience in regard to the question of "living-in," about which you have been good enough to offer evidence?—All our assistants lived in until recently; but about six months ago we arranged for the men to live out.

17773. How many assistants does your firm employ in the business?—I have not brought the exact figures with me.

17774. Perhaps you can give us a general idea?—We employ a few hundreds.

17775. How many males, and what proportion of females?—About one-third of them are males.

17776. Would there be something like seventy males, and perhaps twice that number of females?—Yes; I think that is rather an under-estimate.

17777. Where is your business carried on, in what part of the country?—In London.

17778. Where is your place of business?—Kensington High Street.

17779. Where is the living-in establishment located? Mostly there. We have also three houses near, in fact, within five minutes walk.

17780. Do any of your employees actually live on the premises where the business is conducted?—Yes.

17781. How many?—There were some flats over the business premises, and these flats are now used for our assistants; but there is other bedroom accommodation over the business premises.

17782. Under the same roof, so to speak?—Yes.

17783. And the other accommodation is within five minutes walk?—Yes; indeed, part of it is within two or three minutes walk.

17784. Hitherto, your evidence has had reference to sleeping accommodation, and now with regard to the feeding of these assistants, what is your arrangement?—They all feed on the premises.

17785. Are meals still supplied on your business premises to those assistants who, since the alteration six months ago, no longer "live-in"?—Yes.

17786. Might I take it from you that you regard the matter of living-in, so far as lodgings are concerned, as quite distinct from living-in so far as feeding is concerned?—Yes; I see great difficulty in the assistants feeding out during the day.

17787. This is quite a convenient point to give us your evidence about that. What are the difficulties?—They are these. Business is going on all through the day more or less, and if the assistants were allowed a stated time for dinner, we should have to allow them to leave the premises for an hour; and if there was an extra pressure of business during the dinner hour, we would be incapable of coping with it.

17788. I suppose that unfortunately customers do not pay much regard to the dinner hour?—I am afraid they do not.

17789. They come at all hours, including the meal times?—Yes. It is usually quieter about the dinner hour, but sometimes the pressure of business runs well into the dinner hour—and then perhaps we have to postpone the interval for a quarter of an hour or so.

17790. Will you please give us, as nearly as possible, the programme of a day in the experience of one of your assistants, apart from the question of sleeping out?—They enter the premises at 8.30 a.m. for business. The interval between 10.30 a.m. and 11 a.m. is divided into two parts, and the assistants in batches go to lunch. They go to the refreshment counters provided for them, and can buy at cost price whatever they want. At one o'clock the first party go to dinner, for three quarters of an hour.

17791. Do they go in relays?—Yes. The second party go to dine at a quarter to 2 o'clock.

17792. Is the dinner a cooked meal?—Yes.

17793. I suppose what they get from 10.30 a.m. to 11 o'clock is just a snack?—They can have coffee or tea, or bovril, or lemonade, and buns or cake, or bread and butter, or sandwiches.

17794. During the three-quarters of an hour for dinner, what sort of a dinner do they get? Is it a dinner of two or three courses?—Yes. Every other day they get soup, and there is meat and pudding, as well as cheese and butter, always *ad libitum*. We do not supply any intoxicants, but they can have milk or lemonade.

17795. What does that meal cost the assistants?—I think that outside they would not get it under 1s. 6d.—and the quantity limited—whereas with us they can get as much as they like. They can have two and three helpings, according to their appetites.

17796. With regard to those who live out, but have their meals in the premises, what are they charged for the dinner?—We do not charge them separately for it.

17797. Is the food part of their emoluments?—We came to an arrangement on the subject with those who live out. They co-operated with us in finding out what it would cost them, and we allowed them 10s. per week for their lodgings, and for their board on Saturday evening and Sunday.

17798. That is about £25, which they get in respect of their lodging, plus two meals which they get inside?—Yes—dinner and tea. They get their breakfast where they lodge.

17799. Whether they take the forenoon snack or not, that is their own affair?—Yes.

17800. What about their tea?—That is at 5 o'clock.

17801. What allowance of time is there for that?—Half an hour.

17802. When do you close the premises?—Six-thirty.

17803. When do the assistants get released—about 7 o'clock ?—No, about 6.30 p.m., they rarely wait late. I have recently had a list brought to me every night, in order that I might see why any are working late. I don't allow it, unless under exceptional circumstances, and it is not often necessary.

17804. Do you mean that the clearing up can be done quite well during the later hours of the working day ?—Yes, generally speaking.

17805. It is to the interest of the workpeople, as well as of the firm, to have this work done properly and promptly ?—Yes.

17806. You still continue the living-in system with regard to the women assistants ?—Yes.

17807. How many of them do you now employ ?—About 260 or more.

17808. They live at a distance of some two or three minutes' walk from your premises ?—Yes.

17809. Why have you continued the living-in system in their case, whilst dispensing with it in the case of the men ?—It is a question of £ s. d. One cannot afford under present conditions to dispense with the system altogether. I should like to see the girls live outside, but I fear that at present it is impossible.

17810. Please describe to us the comparative finance of the question ?—You will understand that if we were to allow them all a certain sum to live out, our premises which now afford them accommodation, would become a source of loss, as the flats could not be applied to other purposes in our business.

17811. That is quite apart from the consideration of how much you would be required to pay them to live out ?—Quite so.

17812. Would you assume that if the girls lived out they would require the same £25 allowance as the men ?—I do not see why the women should want less.

17813. If we may assume your premises to be reconstructed in such a way that you could use them all for business purposes pure and simple, would you consider yourself then free to dispense with the living-in system ?—Perhaps not entirely, as regards money matters, because some profit is made on the feeding. We can feed a large number of hands very much cheaper than they could feed themselves outside.

17814. With some profit ?—Yes, with some profit, instead of the profit going to a restaurant.

17815. But if you take the question of lodgings, apart from the feeding, and assume at the same time such a reconstruction of your premises as I assume, would you then be free to adopt the same system with the girls as with the men, namely, living-out ?—Yes, I think so, quite free.

17816. And, roughly speaking, on pretty much the same financial basis ?—Yes.

17817. If the opportunity arose of doing as has been suggested, what would be your view of such a course from the point of view of policy both in respect to the business and to the interests of the employee ?—I am not in favour of the living-in system, first, because the assistants are at the mercy of employers in regard to their board and lodging.

17818. Will you please illustrate that ?—Suppose an assistant were to apply for a situation and agreed to come, he has no means of knowing what kind of board and lodging he will get. When a man under such circumstances goes to a situation he must either put up with what there is or leave, and as to many of them leaving is almost an impossibility, they have to put up with what is given. I think that is grossly unfair. That may be to some extent the fault of the employers, but it is also the fault of the system. The next point in my objections to the living-in system is because the value of the living-in is an unknown quantity, as it differs according to the idea of the employers—which point I have already explained—and also because it necessitates bedroom companionship, which may be of an extremely undesirable character. There may be undesirable characters who are put into a bedroom with others, and if the fact is reported to the employers the employer either has to get rid of the undesirables or of those who reported the fact, which makes it almost impossible for assistants to make such reports.

17819. How many sleep in the same room overnight ?—It depends on the size of the room ; it might be four or five.

17820. Unhappily, experience shows that persons of foul language or bad habits may pollute a whole room ?—Yes, and it is often very difficult for an employer to find out which are the undesirables.

17821. What is the next reason for your disapproval of the living-in system ?—Because it takes away from the assistants compulsorily all responsibility of providing for themselves whereby they are denied experience of the value of money in home catering. Girls who live in get no experience of catering for themselves, and when they get married they know nothing about that sort of business—the tendency is for such girls to pay much more attention to dress than to anything else. They are freed from all cares of catering, and they spend their money in dress more than they do or would do if the system were altered.

17822. Let us assume, what we may hope for, that there will be better instruction in the future among all classes in the homely virtue of cooking, and that your girls came to your business well instructed in cooking, would they not be quite fit to undertake home catering ?—That all depends. If they had been instructed in their early youth in cooking, and go to business for some years and turn their attention to dress instead of keeping up their knowledge of cooking, then I should be sorry for the cooking.

17823. Even although there has been instruction in cooking you think the benefit of it might be lost under the living-in system ?—I think so.

17824. It has been suggested that if these girls and young women were left to their own resources they would practically feed on odds and ends in order to save themselves trouble and expense ?—There is a good deal of that. That bears upon what I have said as to responsibility. We are making bad citizens if we deprive young people of a proper sense of responsibility.

17825. Checking the development of character in the meantime, and also hampering future usefulness ?—Yes.

17826. What is your next reason against the living-in system ?—Because assistants are liable to be locked out of the house each Sunday and no food provided.

17827. Can you tell us any actual experience on that subject ?—I have only one case, but it is enough to enable me to form an opinion. There was a girl whom we engaged who came from another business house where she was locked out every Sunday with no opportunity of feeding at all. How often that occurs I do not know, but in that case the consequence was that she had to go to any little restaurant that she could find open either in the district or not in the district.

17828. Were all the girls in that house locked out ?—Yes, in the same way.

17829. Was that in London ?—Yes ; she happened to come on Sunday to a place in which I am interested, and we got to know of the case. She had stayed in that situation for two years and a half, but how she did it I can scarcely comprehend.

17830. She was a respectable girl ?—Oh, yes.

17831. No doubt you would agree that one of the conditions of any future arrangement would be that that sort of thing should be compulsorily stopped ?—Certainly.

17832. What is your next reason why you are not in favour of the living-in system ?—Because parents and guardians must trust to a housekeeper of unknown character, from their point of view, the care of their child. The parents or guardians may take the girl to a business house of good repute, but the girl may be put under the care of some woman of whom the parents know nothing. She may be good or bad, and there is no means for the parents or the guardians to find out. It is extremely undesirable to put a child under anyone of unknown character.

17833. Have you any experience or consciousness in your own mind that that is a real danger ?—I have not had practical experience as we are exceptionally careful with regard to the women we engage as housekeepers, but I have heard of a case in which it was extremely undesirable for any girl to go into a certain place under the care of a certain housekeeper.

Mr. Alfred Ernest Derry.

4 Mar. 1908.

17834. Was that a business in the same trade as your own ?—Yes, and in London.

17835. You regard that as one of the risks of the living-in system ?—Yes, one of the possibilities.

17836. That on the one hand, and on the other hand the risk of bad companionship ?—Yes.

17837. What is your next reason ?—Because the living-in system makes it impossible for the male assistants to marry, the consequences of which are obviously bad.

17838. That is an impairment of freedom ?—Absolutely.

17839. It may be out of curiosity, but I am tempted to ask you this : Has the result been favourable to the marriage tie during the six months that you have given your young men the freedom of living out ?—I hope they have not been indiscreet.

17840. I suppose you would treat that as a branch of the freedom and responsibility which you think they ought to have ?—Yes, but the question goes a little further than that. I think it is serious where men get married and yet live away from their wives under the living-in system. As the firms will not countenance marriage the wives have to live somewhere else, which is extremely undesirable.

17841. You have stated with great clearness your objections in principle to the living-in system. I assume these are the very objections and difficulties which, in your own practice and experience, you have been endeavouring to the best of your power to avoid ?—Yes.

17842. By means of securing good companionship, good supervision, good food and the like ?—Yes.

17843. If it be assumed that the living-in system is maintained have you or any other good employer, so far as you know, any objection to the whole of these matters being brought within the purview of the Inspectorate of the Home Office ?—No, I think it would be much better.

17844. So that there might be as it were some avenue through which complaints could be formulated and some method of detecting faults of housing, sanitation, feeding and the like ?—Yes, I am quite with you in that.

17845. Do you think that would be on the whole no injury to either employers or assistants, but probably a benefit to both ?—I think it would be a great benefit. It might be a source of expense to a number of employers, although it would be very beneficial.

17846. Would you explain that ?—I mean that in the case of a number of employers both the sleeping and feeding is now unsatisfactory. The bedroom accommodation is sometimes not what it ought to be, and in some cases the food is bad, and to bring both up to the proper standard would no doubt involve expense.

17847. Without in any respect casting any doubt upon your evidence, could you state what is your means of information upon that head ?—I am speaking from what assistants have told me who have come into our employment.

17848. Respectable assistants on whose word you could rely ?—Yes, I feel quite confident of that.

17849. Has that been over a course of years that that testimony has reached you ?—Yes.

17850. Do you think there has been an improvement, speaking generally ?—Yes, I do.

17851. But there is still a good road to travel ?—Oh, yes.

17852. Do you think it would be advisable to abolish the system altogether ?—Not at once. I do not.

17853. Now just let us develop that. Would you suggest a time limit ?—It is very difficult to do that for the reason I stated in my former evidence, that is, that the premises have been taken for the special purpose. The premises not only have been taken, but have been taken with the business, although they are not useful for the business at all. If one were starting anew it would be quite easy, but it is being hampered with these premises, having in the first place provided for the living in of these assistants ; and having provided for the living in of these assistants you can quite see how difficult it would be to cut as it were with a sharp knife clean through the whole.

17854. Of course, in London, we know pretty well that men in business are pretty firmly tied by contract relations with the ground landlord ?—Exactly.

17855. During the currency of those leases, it is for the ground landlord to see that the premises are kept up on the same scale ?—Yes.

17856. And during the currency of those leases it would be impossible without resultant loss ?—Yes, exactly ; that is my opinion.

17857. Take the case that I have figured, that a time limit would not be reasonable from that point of view, does that clear the case for inspection in the meantime ? —Yes ; I would have inspection in any case. I think it is most desirable until the whole system can be done away with. I have more faith in the Shop Assistants Union gradually overcoming this difficulty, with the employers getting more enlightened and broader-minded, so that as business goes on they can make arrangements whereby they can end this matter altogether. I am speaking from experience. We have endeavoured (we have not accomplished it unfortunately), to use the premises which the men used to live in, for business purposes ; it may be a few years, but we hope to be able to do that, and after a few years to recoup ourselves. But it is a loss during those years.

17858. But you are willing, in view of your opinion of the advantage of them having freedom to live out, to make that sacrifice in the meantime ?—Yes, quite so.

17859. Before leaving that point, may I put this to you : in the case of the men living out, do you find the discipline has slackened at all ?—Not the slightest ; in fact I think it has done them good. They have much more interest in things.

17860. You are not giving evidence specially with regard to the Truck Act, but I gather you are in favour of its being extended to all the assistants in all trades ? —Yes ; I think it will help matters, but I do not think it will do a great deal.

17861. You think the assistants would be in a fairer position as to bargaining if the Truck Act were extended ? —Yes, I do.

17862. What is your practice with regard to the system of fines—have you such a thing ?—No, we have not.

17863. Do you find discipline is well maintained without them ?—Oh, yes, perfectly.

17864. Then as to deductions for such things as spoilt materials ?—We have none.

17865. You find the same thing, that they behave well ?—Certainly, yes.

17866. It is a question of care, supervision, and kindness ?—Quite so.

By Mrs. Tennant.

17867. I think you said that the upper part of your premises was used for flats before you took it for the use of the assistants ?—Part of it.

17868. Do you think in your own case or in other cases it would be difficult to restore the premises to their original purpose ?—No ; I think if they were all flat accommodation it would not be so difficult, but in our case it was a very small portion used as flats, and the expense of putting the rest of the building into flats would be impossible from a commercial point of view.

17869. I suppose conversion into flats would depend to a certain extent upon whether you could have a separate entrance in another street ; or do you think it would be difficult, if you gave the whole upper part of the premises up to flats, to have a separate entrance in the front ?—Commercially, one has to reckon the value of the space that you would give up in front for a doorway, and then you would have to alter the upper part of your premises, which is very expensive. It would never repay you as a commercial matter. You would never get your money back.

17870. Not in a thoroughfare ?—No ; that is my opinion.

17871. You yourself would trust more to the expansion of the business using up the space that was set free than you would to such a use as that ?—Yes, until the whole place has to be re-built, as some of these places have been ; then it could be done.

17872. Do you know anything of the reasons which have induced F 9 to abandon the living in system ?—I do not know. I have only heard. What I have heard is that they wanted the room.

17873. For expansion purposes ?—Yes.

17874. I suppose this is a moment when a business of that kind is expanding in a good many districts ?—Oh, yes.

17875. So that you think a change might not press hardly where such an expansion was contemplated ?—Yes. If it were done by degrees, I do not think it need press very hardly. I think there will always be a loss to the employers, but I think it might be done by degrees, carefully, if the employers would, without much loss.

17876. Do you think a change accompanied by a time-limit might operate to stimulate the energies of employers and perhaps lead them to develop their business ?—I do not think so. I think you might leave the employers to develop their business as fast as they can already. I do not think they need stimulating in that direction. I have never thought of it before. I have never heard a time-limit suggested, but I cannot see a time-limit without great loss to the employers.

17877. The analogy in my mind is this, that in industrial undertakings employers who have thought it was impossible to do without such a thing as overtime have found that the reorganisation involved in its compulsory abandonment has led them to expand their business and develop it as they had never thought possible. They had never considered certain possibilities which they were afterwards brought to consider because of the loss feared in the abandonment of overtime ?—I do not see anything which will help forward the business at all by doing away with the living-in system. I cannot see any reason why it should from my point of view.

17878. My idea is that it might occur to an employer to open out a fresh line of business if he had to use the premises which he had formerly used for the housing of his assistants—that he might say: "Well, I must use these premises somehow," and then he might arrive at something which would really be very profitable to him ?—It would be extremely foolish of an employer, if he had not done it before. I do not say some of the employers have not done so, but I wish we could find something we might start; we would put the assistants out to-morrow; and I think most of the employers would do the same.

17879. You point out the risk that follows from the living-in system in the matter of the housekeeper who is chosen ?—Yes.

17880. It has been urged to us that so far from that being a disadvantage, the system is an advantage. What do you say on that point ?—I do not think there is any advantage in it at all. I have put it before in this way, that supposing anyone wishes their daughter or son to enter the business, I think it is very much better for them to be able to come to town and select lodgings for the daughter or the son, and for them to go to some responsible person, any religious or other institute of some sort, and ask them to keep an eye on the person. The parent or guardian has then got an opportunity of knowing into whose care he is giving his child. But the character of some employers I would not trust for their own housekeepers. I do not think drapers are worse than any other commercial men, but all commercial men are the same. For my own part, if I had a boy or a girl, I would much rather see them properly lodged with a person that I could find out all about, than I would put them into a big house of which I knew nothing.

17881. It has been put before us that it is impossible for the parents to find such a person ?—I totally disagree with that opinion. The experience I have of them (and we take a great deal of trouble with our young people), is that they are extremely well provided for, and numbers of them are living with Christian people in whom we should have every confidence to put our own children. I think there is no difficulty in finding proper apartments. Some of them have had changes, and have had queer experiences, but in the end they have settled down into comfortable respectable places. I do not agree with the view that parents cannot find such places for their children.

17882. You think there would be no difficulty in the case either of a young man or a young woman ?—No; I do not think so. *Mr. Alfred Ernest Derry.* 4 Mar. 1908.

17883. Or of all young men and young women ?—Yes. The whole thing is a matter of £. s. d. If the employers are able to pay them sufficient to get a decent lodging, there are decent lodgings to be had. I am quite out of touch with excuses which have been made by employers at conferences I have been at, with regard to the moral side of the question. I think it is sheer nonsense. Whatever system we have, we shall have black sheep as well as white ones, and I think when they get a change after their business, there is more chance for them, and they are more likely to be moral when they get freedom from what we may term drudgery.

17884. You described some houses in which the system has clearly been bad both in respect of compánionship and food and accommodation ?—Yes.

17885. It has been suggested to us that things of that kind may happen in the East End, but could not possibly happen in the West. What do you say on that point ?—I should say it is an extremely possible thing that it happens in the West End. I will put it no more strongly than that.

17886. There was one example you gave us in which the assistants who came to you had been locked out on Sundays. Was that in the East or the West End ?—It was in the centre of London.

17887. I should like to revert for a moment to the accommodation which is at present in use for shop assistants where it is not over the shop, but where the firms have taken houses in the neighbourhood. I suppose that generally happens in a populous district—I mean it is generally a big shop which has to take houses for its assistants ?—I should think so.

17888. A big shop means a populous district ?—Yes.

17889. Do you think that in those cases the firms would have difficulty in sub-letting the houses, or do you think there would be any objection on the part of a landlord to the houses being sub-let ?—No; I should not think so. I should think they would be able to sub-let the houses. I do not think there would be much difficulty in that.

17890. You think it would be an easier matter for an employer who houses his assistants to adjust his business to the new system than in the other case?—Yes. I am sure so.

17891. How do you deal with mistakes in entries of goods to customers. Do you have any difficulty in dealing with those mistakes ?—Not at all. If one treats a fellow worker properly, I think there is no difficulty whatever.

17892. You do find that a caution insures more care if a mistake has been made through carelessness ?—Yes; I think one gets better work if one does not employ such harsh and unreasonable means as fines. I have no difficulty in that way.

17893. And no difficulty in ensuring punctuality ?—I will not say that. Some years ago we had fines—we have done away with them for a long time now—when they were always being fined for unpunctuality, and now we have a considerable number who are slightly late. They are not very much late, but they are late of a morning and I think they always will be.

17894. At any rate, there is no difference; it is not worse than it was ?—Oh, no.

17895. And you are without the friction and irritation of fines ?—Exactly. I think to a few minutes the employers should look it over. I think where it comes to a lady assistant being half an hour or an hour late continuously, or even twenty minutes late continuously, there is a reason for it; but if, every now and again, a small amount of time is lost, there are so many things in life which necessitate it at times, that I do not think employers are entitled to fine.

17896. In your experience can you say whether some mistakes made in invoices are unavoidable. I mean in times of pressure, would you say there ought to be an allowance made for a number of mistakes, or not ?—Everyone is human, they are not machines; and you must treat them as such, I think. There must be mistakes, and will be. Even employers make mistakes, but they do not fine themselves.

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17897. Without assuming extreme carelessness, or even ordinary carelessness, mistakes in times of pressure are liable to occur.—Certainly.

By Mr. Walsh.

17898. I do not wish to go over very much of the ground. We have had a good deal stated here on the moral aspect of this question of living-in, and some of the evidence has been that the living-in system is one of great moral worth. Do you think that the responsibility of a housekeeper is likely to be very effective when it is diffused over the care of 120 or 130 girls?—No; I do not at all.

17899. Would it be physically possible, do you think, to keep an effective oversight, however good the housekeeper might be?—Not over 120 girls.

17900. That is about the number you have?—We have more than that, but we have four housekeepers.

17901. You have not so big a number under the care of one housekeeper?—No.

17902. But there are places within your general knowledge where there is only one housekeeper for that large number of girls?—I should think very possibly; I do not know.

17903. Still, even in the case of the smaller number at your own establishment, it would be a very big physical task for a housekeeper to keep an effective oversight over those thirty or forty girls?—I think that can be done. It all depends upon the housekeeper and upon her influence.

17904. There are many contingencies to be taken into consideration?—Yes.

17905. The character of the housekeeper herself, and even she is human?—Exactly.

17906. In the case of your men, seventy of whom are now finding their own apartments, has it been difficult for you to accommodate the buildings that they used before to the purposes of your business?—Yes.

17907. It has been somewhat difficult?—Yes.

17908. But you are getting over it, I hope?—I hope so, but we have not yet.

17909. At the same time I may take it you were so convinced that living out themselves, and taking the responsibility into their own hands, would make for the uplifting of their character, that you were prepared to bear a financial loss for the moment?—Yes; we were prepared to start it, and we hope to recoup ourselves commercially too, in time.

17910. A good deal of complaint has been made in many places as to the time allowance for obtaining food. Say there is half an hour for tea. We have heard complaints made that the assistants, having had a customer to attend to just at the moment, have found it very difficult to get away. Sometimes they have had to go to the end of a very long corridor or up many flights of steps to get their tea, and by the time they have arrived there, having to be back to the counter within a limited time, they have found it almost impossible to get their food and be back to business again; has that been your experience?—Not in our house, because we put a stop to that in so far as it is possible. I think my evidence with regard to that would be that in our own house there is no difficulty for them to get their meals in quiet and peace. But I quite understand if people do not mind about their assistants much, they could make it extremely unhappy for them during their meals.

17911. It would be impossible for assistants to turn away from a customer who might be a little finicky—say, a lady desiring something nice—it would be impossible for them to get away at once, would it not?—Yes.

17912. Even though it was meal time?—Yes, that applies to both cases, whether you feed in or feed out.

17913. That has been at least one big ground of complaint, and I was wondering as to how far it had been within your knowledge actually substantiated?—That is just where our difficulty comes in with regard to the feeding out. As I said before, it is extremely difficult to cut, like you would cut cheese and pare off exactly an hour or three-quarters of an hour for the assistants to be away.

17914. So that in your opinion even within the establishment there ought to be a little latitude allowed for these variations of circumstances?—Yes, I do.

17915. Would that mean, therefore, that you are in favour of the feeding taking place within the establishment, whatever Parliament might say in regard to the living-out?—I should think so, yet I have not quite made up my mind upon it, but I think there are many difficulties in the way of the question of feeding-out. I would like to mention this too, that it has another aspect. When such houses as ours employ a number of workers (we have an enormous number of workers) and those workers receive none too much wages, it is the custom for those workers to bring their dinners with them and warm them up on the stove, and the dinners they bring are quite inadequate. Taking an interest in these workers, it means this; if we are feeding the assistants in, we have means whereby we can supply these workers with a dinner at cost price for a penny or three halfpence, which we could not do otherwise, and which they could never get outside. It has been the greatest boon to these workers, and not only to the workers, but to the porters and stablemen, that they can get this cheap dinner.

17916. The term "workers" does not include your general assistants?—No, the workers. This is a side outcome of the feeding-in—only the feeding-in, not the living-in.

By Mr. Delevingne.

17917. You mean workshop hands?—Yes, the workers, who make the hats and dresses, who do not get a proper dinner in the ordinary way. We supply a dinner for 4d., and we supply soup and bread for 1½d., which is a great advantage, and which we could not do if all the assistants boarded-out.

By Mr. Walsh.

17918. The only reason I put that question was not so much on the lines of arguing against you as directing attention to No. 4 in your *précis*, where you say: "They are denied experience of the value of money in home catering"?—My point is this. If they live out they have to provide themselves with a breakfast and supper, and have to look after their Sunday meals.

17919. Do you think the end desired here in Paragraph 4 would be obtained by these means?—Yes, I do. It only means the midday meal and tea, which they would go out for, and they would not cook that.

By Mr. Maddison.

17920. Is it compulsory on your assistants to feed in?—Yes.

17921. That is to say, if a man thought he would prefer to go out, he would not be allowed?—We have never had the question raised. I think we should ask him why he wanted to go out first. I do not say we would deny him.

17922. You say that you allowed the men, when they lived out, 10s. per week?—Yes.

17923. And that means bed, breakfast, and supper and Sunday's food?—Yes, and Saturday's tea.

17924. Does not that seem rather a small amount; they cannot do it for that, can they?—Yes, I think they do.

17925. Whereabouts will they live?—They live at Shepherds Bush and all round about—different places.

17926. Do you know whether these men live two or three together?—Yes, some of them do, and some do not. We went into the whole question of the living—what it would cost them. We had three conferences with the men themselves before they went out, and they advertised in the papers to see what they could be taken in for, and I think some of them are spending more than that. Of course it all depends on what a man wants. Some are spending more than that, but it can be done for that amount. They were willing to sacrifice a small amount if we were willing to make a sacrifice on our part, which we did.

17927. What I want to get at is this. It has been put to us that it is almost impossible for them to get accommodation and if they do get accommodation, it will be of a poor kind or it may not be of a respectable kind, but it

certainly will be of a kind where the food will be very much interior, and the accommodation even worse than they had before. Is that the experience of your men ?—No.

17928. Ten shillings does not seem a big amount, and it has to include a good many meals, but still you do think your men do it for that ?—I think there are a number of men who would go out for 5s. a week in many places. As it is they have to spend money after business on food. They would save that in that case, and they would be better off if they received only 5s. from some firms.

17929. That would be in a place where the living-in is very bad ?—That is so.

17930. Have you separate beds ?—Yes, all.

17931. You are very much against double beds ?—Yes.

17932. With respect to the marriage of the men, when the men lived in should you have discharged a man who got married ?—No ; a lot of them got married.

17933. I mean married in a proper way, and live with their wives ?—Yes. A lot of them are very fearful of letting us know they are getting married. They do not like us to know. Rather recently there was a man we had no idea was married. We are only too glad if they will. We put no hindrance in their way, but it shows the feeling in the trade.

17934. You have given your evidence plainly and clearly and you have shown us that you are against the living-in system because, as I understand you, it does not cultivate what I will call the human element enough ?—That is so.

17935. You have also told us about the difficulty of what is called a time-limit, which is just now in all our minds and also in yours. What should you say to making it illegal as a condition of employment that assistants should live in ?—That is practically the Truck Act. I do not think that will hurt a bit, but I do not think it is going to do much good.

17936. I take it what you mean by saying it is under the Truck Act is that you treat it as a deduction ?—That is what I thought you meant.

17937. Would you be in favour of making it illegal to deduct it from wages ? I was going to say that, but it is not really a deduction from wages because you pay the man or the woman so much, and he or she is living-in. Would you be in favour of making it illegal to make it a condition of employment that they should have to live in ?—Do you think that is possible ? I do not object to it, but I do not think you are going to make it possible. What is the effect of that ? An assistant applies to me for a situation, and I say, "Here are your wages ; we expect you to live in." He says, "Then I will not." I say, "Very well ; then you are not engaged."

17938. That would make it a condition of employment ?—Would it ? We do not say so. If she wishes to live in, she can. If she does not, well, she will not come here.

By Mr. Walsh.

17939–40. She is not employed. It is a condition of *non*-employment ?—Yes. I do not see what good you are going to do with that. I have thought that out.

By Mr. Maddison.

17941. You mean it would result as you have described it ?—Yes. You will do no good.

By Mr. Delevingne.

17942. You say that your men assistants found no difficulty in securing lodgings and that they went out to places like Shepherds Bush. Perhaps Kensington in that respect rather differs from more central places like Oxford Street. Assistants in the big Oxford Street shops would find much more difficulty in obtaining accommodation conveniently near their places of business ?—Yes, that may be so. I have not had experience of Oxford Street, but taking that as it stands—it is another penny I think by omnibus further than we are—that is all that it means. Or they can go by tube.

17943. A little more in time ?—Yes, but I think they would get the advantage by living-out. I would not mind another five or ten minutes myself.

17944. Do you expect your assistants to live within a certain radius of your shop ?—No, they can live at Land's End if they can get there in time.

17945. They have to get there by 8.30 in the morning ? —Yes.

17946. They have not very much time ?—No, they have not.

17947. What sort of accommodation do they get. What sort of arrangements are made. Do they provide their meals—their own supper and breakfast—or is it provided for them ?—They board and lodge at a certain figure per week.

17948. At a certain fixed sum ?—Yes.

17949. They have nothing to do themselves in the way of catering ?—No, some of them do not, but it is to be done cheaply. I was talking to one of our men whose brother has something to do with the meat market (I do not quite know what) and he brings home the beef every week, and so they have a joint which they cut off for themselves. That saves them a good deal. And that is how they can arrange it.

17950. They do not cater for themselves independently ?—No, these men do not.

17951. This accommodation which they get for 10s. includes everything, and the food is found them by the lodging-house keeper.—Yes.

17952. It might cost them more if they had to cater for themselves.—Yes.

17953. In the case of female assistants they would not have the experience which you consider valuable of doing housekeeping on their own account ?—That is where they come in differently. Some of our girls do live out, and they live together, two or three of them, and they provide their own meals. They cook their own meals.

17954. What allowance do you make to the girls who live out ?—No allowance really ; they really come in on their own wages for living out.

17955. What is the difference in wages ?—It is almost impossible to get at it, for the different situations vary. I was looking at it the other day and it is almost impossible to get at it. For instance, if a girl applies to us for a situation, I immediately say, "Do you wish to live in or out ?" and she says, "Live out."

17956. You must have some fixed scales in your mind according to whether a girl lives in or out ?—They put their own value on living-in and living-out, and they put it differently. If we think them worth the salary which they name for the position, we do not know what they have reckoned for living out.

17957. You let them fix the salary ?—Yes, if we think it is too much we say, "We cannot pay that ; the position is worth so much." And they may accept or not.

17958. You can give the Committee no information upon that ?—No, I do not know what they do reckon. If we gave a woman any amount to live out, it would be the same as a man.

17959. Which would be 10s. a week ?—Yes,

17960. A suggestion has been made that fixed meal-times, or at any rate a certain fixed interval for meal-times—not necessarily a definite time of day—should be required by law. I gather from your evidence that you see some difficulty in providing for that ?—Yes, there is difficulty. I would like to experiment with it and see if it is possible, but I see difficulties in the way. A distributive trade is very different to a manufacturing business. We could easily manage it in our factories. It is quite simple. But it is very difficult to do it with the assistants. We ourselves do not get a stated time for meals.

17961. One question about your workshop hands. They live out, of course ?—Yes.

17962. Are they much the same class as the girls who live in ?—No, they are not quite so good a class. Some of them are, of course—learning the work and so forth, but on the whole they are not.

17693. Would their wages be about the same ?—No, their wages are less than the assistants.

Mr. Alfred Ernest Derry.

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By the Chairman.

17964. Do you know a paper called the *Drapery Record* ?—Yes, I do know it. I rarely read it.

17965. I observe in the issue of the February 8th—that is just a month ago—that it has a short article dealing with living-in. In the course of that article it says : "If living-in is to go, and living-out to come, the end must be attained by some compulsory measure which will force the change on the whole trade without distinction, and th s keep this so-called reform outside the rules of competition." Do you agree with that ? Before you answer, let me give you a further expression of this writer's views. He says : "Compulsion can come either from the Legislature or from the Shop Assistants' Union. The latter is not yet strong enough to wield compulsion. There is too much hard work before it to persuade assistants." All that, and what follows is subject certainly to the evidence you have given as to the well-nigh impossible situation that business people would be put into on account of the state of their premises in the meantime ?—Yes.

17966. But apart from that if there were not the constructional difficulties which you have mentioned, would you be inclined to agree on the whole with this that it would put all employers on an equality ?—Yes, there would be no difference in that case between employers.

17967. The difficulty which is put in this article is this, that men who are not only enlightened, but who are at the top of their profession, are able to afford to dispense with the living-in, whereas the man who suffers keenly from competition and is in a humbler way of business cannot afford it. The view of this article is, that if there were a compulsory law they would be all put on the same footing ?—I do not see that at all. If a man now is suffering from competition and is working his business very closely, and this living-in was taken away from him immediately, he would suffer from the loss of the profits that he is now making over his living-in system. He must do so whether it is compulsory or otherwise. That is the difficulty I see in the way of doing it immediately.

17968. I thought it was right to show you this view ?—Yes, it can be done compulsorily, but I think there would be a good deal of suffering about it. I cannot help thinking so, especially with the smaller shopkeepers.

17969. There is just another point I was wanting to ask you about, and it is this : it has been represented to us, as a Committee, that there would be a great moral danger in allowing these large numbers of young women to come to London, having to look out for lodgings, and that along with the comparative freedom of such a system there would be much moral danger as compared with the living-in system. What do you say to that ?—I have no sympathy with that view at all.

17970. You do not believe that the danger would be increased ?—I do not think so at all, because there are numbers of young women living-out now ; and I do not see that they are so dreadfully immoral myself. The assistants who live in are just about as mixed as the ones that live out. I do not think they are any more moral than the ones who live out.

17971. The other point is this, that it has been represented to us that there are some large houses where there is a system of giving instant notice to quit ?—Yes.

17972. And that is followed in the case of living-in assistants with the instant vacating of their rooms ?—Yes

17973. Do you think there are dangers accompanying such a system ?—Yes, I agree to that.

17974. And there might be very serious danger ?—Yes.

17975. One case was put before us of as many as 200 at the end of the season being dismissed, and being thus thrown upon society, as it were ?—Yes.

17976. Do you think that is a danger ?—I do.

By Mr. Maddison.

17977. What should you say would be the effect if employers were compelled to state the wage in full and to pay it in full, and the assistants when they did live in should pay for the living-in ; what would be the effect of that on the trade generally ?—I do not think that will hurt.

17978. Would hurt whom ?—Anyone.

17979. Would it be any advantage ?—I do not see a great deal of advantage in it for the reason I gave before. That is where I think the Truck Act will help a little bit, but not much. For instance, my custom is this. When an assistant comes to me for a situation, I say to her : "Well now, look here ; how much do you want ? " and she says so much. I say : "Very well, that is all right ; you will live in here, will you not, and the charge is so much." What is she likely to say, in order to get her situation ?

17980. You do not think it will make much difference ?—No, I think it would be on the right side, but that is all.

By the Chairman.

17981. I would like to say to you on behalf of the Committee that we are very much obliged to you.

Mr. EDWIN JONES, called ; and Examined.

Mr. Edwin Jones

4 Mar. 1908.

By the Chairman.

17982. What is the name of your firm ?—I am the chairman of two firms, the Bon Marché Limited, Brixton, and Jones and Higgins, Peckham.

17983. Do those firms have what is known as the living-in system ?—Yes, both.

17984. How many has the Bon Marché living-in ?—I have not taken the figures ; it would be guess work. I should think it would be about 280 to 300.

17985. And Jones & Higgins ?—A little more.

17986. Are these people who live in, under the same roof as the business premises ?—No, we have about eight houses apart from the business premises.

17987. Are you in favour of the system of living-in ?—I am in favour of it for young ladies and also for junior young men.

17988. Is it compulsory in your place of business ?—Certainly not. If a young man makes an application for a situation we ask him whether he is single or married. Of course, if he was married, we take it for granted that he will live out. We will know by his experience and his age. If a man is over thirty or thirty-five, I should ask him whether he wishes to live in or live out. But if he is a junior, say about twenty or so, we assume he will live in.

17989. What is your reason for preferring it in the case of these younger men and the ladies ?—The thing works very well. I am not convinced that there is, as reported, such a strong feeling amongst assistants for the change. I may say that a few months ago I sent a letter to these firms in different parts of London (I am sorry I have not a copy of the letter with me) who did a medium class trade, asking their opinion about the living-in and also what their experience was. Out of that number they all stated that their assistants were satisfied—they knew nothing against it, and had very few applications to live out.

17990. What was the number ?—Fifteen. Those are the firms (*handing list to the Chairman*). In order to satisfy myself, I sent an advertisement to the paper for assistants, and in that advertisement it was to be stated whether they wished to live in or out. For living-out there were nineteen ; married, four ; that is twenty-three altogether. For living-in, eight ; indifferent whether they lived in or out, fourteen. Not stated, two. Twenty-three in favour of living-out and twenty-four against.

17991. That was an advertisement addressed to whom ?—An advertisement I inserted in the "*Telegraph*."

17992. You just had about half and half ?—Yes.

17993. Do you think that is a fair representation of feeling ?—I should think that would be.

17994. Have you ever tried such an advertisement with regard to young women ?—I take it for granted that so far as young women are concerned, it is far better that they should be under the control of the employer. I can give you a case in point. We had a young man living with us at the Bon Marché who lived out. He kept company with a girl in Stockwell. He shot her and murdered her in a fit of jealousy. In that place there were two sisters, two respectable girls from the country. They had one room in Stockwell. That room was used as a bedroom and sitting-room combined. They went out in the evening and came across two young men at a music-hall. I believe that represents some hundreds, if not thousands, of similar instances in London, where they live under similar conditions to those which I have referred to. There is a strong element of danger.

17995. Suppose they wished under the living-in system to go to a music-hall—could they not do it ?—We have (and I think it is the custom in other places of business) one twelve o'clock night. If they have friends to take them to a place of amusement on any other night, they can have permission by making an application.

17996. Does not it come to just what I was saying that they can go to places of amusement—of course you cannot control where they go to ?—No. We cannot.

17997. They can go equally whether living-in or living-out to places of amusement, according to their taste ?—Yes, they must be in by eleven o'clock, except one night a week, which is twelve o'clock.

17998. Supposing they are not in by eleven o'clock, what happens ?—If it is ten minutes or a quarter past eleven no notice would be taken. If it should be an hour then the person in charge of the house would report.

17999. You never heard of cases of excluding them all night ?—Oh, no, certainly not.

18000. I do not want to press you about it, but I want to ask you—you referred to the Stockwell case ?—Yes.

18001. Does that just illustrate the general principle, that whether living in or living out, people's amusements are according to their habits, and character, and training ?—I think they want some amusement at their own place. I brought this to show you. This is what they have to interest themselves at the Bon Marché, and every line there you can rely upon. (*Handing paper to the Chairman.*)

18002. Is that the sort of programme ?—Yes, of what goes on in the evenings.

18003. For the recreation and comfort of the assistants ?—Yes.

18004. I see there is the library and a sitting-room in each lodging in which the young men sleep, and there is a Dorcas society for the young women ; a Bible class on the Friday evening ; prayer meeting and Bible class ; and during the winter there are concerts, dances and whist drives ?—Yes.

18005. And then you have provision also for outdoor recreation ?—Yes.

18006. What I want to ask you is this. Of course you must be aware that there are many employers whose establishments are on a much humbler footing than your own ?—Yes.

18007. And cannot, of course, have these excellent provisions for the comfort and recreation of the employees ?—Yes.

18008. Now have you any objection to having the whole of this system, if it were continued by Parliament, under inspection ?—I do not like inspectors at all personally, I can only give my personal reason.

18009. I will take it to begin with that so far as inspection is concerned in places like your own it would not matter a brass farthing ?—I do not think it would do us any harm, but it is somewhat irritating. I think you have seen how we feed our staff.

18010. We will take it from you that it is an excellent cuisine ?—It would be very irritating for an inspector to come smelling and tasting the food, perhaps in the presence of some of the members of the staff. I think it places an employer in a very humble position, and I think the less of that inquisitorial thing the better.

18011. You have experience of the world enough to know that that is just the kind of trouble that good people are put to on account of there being bad ones in the world. A good factory has to be inspected equally with the bad. But so far as any interference with your work is concerned it would substantially amount to nothing ?—I do not know why they should not inspect all the eating houses, and the clubs, and the restaurants, and the hospitals. Some very objectionable food has been placed before me from time to time, I do not know why they should not be inspected.

18012. May I take it that you know places where there is nothing like the elaborate arrangements which you have ?—Yes, I have lived in those places as an assistant.

18013. Would not those places be the better for being looked after ?—Well, I do not know that you can do much better, and I do not know that an Act of Parliament would have that effect. I have lived in a place where they had only a large kitchen as a sitting-room, and the old gentleman, the father of the proprietor, had his long pipe there, and if we wanted to sit there we could not utter a word ; consequently it drove us to the public-house, if it was a wet evening especially. Then on Sundays we were not expected to remain at home—we were in the way.

18014. Notwithstanding the annoyance which you have referred to, you would rather let such a case continue ?—It is rather of a private nature. May I ask the gentlemen of this Committee if they would like an inspector to go and sniff about in their larder, and take the food and knock it about ? Inspectors are not the most discreet class of men.

18015. You think if it were done it would have to be done certainly with good feeling and discretion, anyhow ?—Yes.

18016. Have you any other objection to inspection than that ?—No, I am not aware that I have.

18017. Then I want to ask you to consider the question about the living-in system being abolished. What do you say with regard to that proposal ?—I have told you before with regard to the young ladies, I think it would be a great mistake and also the junior young men—they would not be as well off as they are now.

18018. Can you give us any light upon that ? Suppose your young men were to be boarded-out, what would they require, in your judgment, as an equivalent in money, on the assumption that they fed in ? Assume that they have to lodge out every night, and on Sundays board out, but that during the business week they lived in : have you made calculations as to what would be the equivalent that you would have to pay them ?—No. I have brought you a large book here. I read the evidence of Mr. B. B. Evans, but I do not agree with what he said with regard to the cost. I suppose bringing in dinner and supper and tea and so on would cost 2d., 3d and so forth. I have the actual cost in this book. You can see for yourselves. I bring this out that the cost in twelve months amounts to 6s. 1¼d. each assistant per week.

18019. For what : what is included in that ?—All the food that is consumed and the drinkables as well.

18020. It is the other side of the account I am wanting : would you mind excluding that. Assuming that you have to supply the food as per that book when they have to live in, have you any opinion with regard to the equivalent that would be required to induce them to live out ?—I could get it at that—that is lodging out.

18021. Yes ?—That is rather a broad question. For instance, if two or three young men sleep in a room they get it very much cheaper than a man who wants a room to himself.

18022. It is necessarily a rough average ?—You get in the Peabody and the London County Council dwellings a single room for about 2s. I think that is the lowest price. I do not say that our young men would go into such a place as that.

18023. I was looking at the class of young men that a firm like yours would employ. They would require something of a better class ?—Yes. I should say the cost to a young man would be from 2s. 6d. to 3s. 6d. a week. He would get a bedroom for that price in the suburbs.

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18024. Then he has his board on Sunday?—That is an addition. Then he has his breakfast and probably his supper at his lodging place.

18025. All that he gets is his dinner and tea in the place of business?—That is all.

18026. Now add it all up and try to give us the best of your judgment on that?—With his lodging and part board—that is all you want to know?

18027. Yes?—Perhaps 8s. a week.

18028. It has been represented to us by one witness of high standing that 10s. a week is considered, as between master and man, a fair equivalent?—Would not that depend largely upon what part of London it was?

18029. This was the West End?—They pay a great deal more for rooms there.

18030. And your 8s. would apply to the other districts?—That is only approximate.

18031. But for the districts with which you are acquainted in business, your figure would be 8s. a week; we might make it up to 10s. roughly?—Yes.

18032. Now that is with regard to cost. Now the next thing is as regards the morale of the young people. I am rather anxious about your evidence with regard to that. You do not represent that if these people, had this equivalent of 10s. a week in money, it would be practically impossible for them to get accommodation?—If they had this money in lieu of sleeping-in?

18033. Yes?—I should not think it would be impossible. The accommodation would spring up, probably.

18034. You mean under the law of supply and demand?—Yes, but it would be very difficult in many suburban places. If we sent our staff of 370 or 380 out, it would be very difficult for them to get proper food.

18035. On the moral question: assume they have the money, and they have the accommodation, I gather you are rather anxious on the moral question?—Yes.

18036. That very largely depends upon habits of training, does it not?—Yes.

18037. There has been evidence laid before us as to certain parts of the country where there is no such thing known as living-in—that there are large towns—I will take Glasgow—where there is no such thing known, and where there are very respectable people, people who come up to London and always do well. What do you say to cases like that?—I do not know that I can say. I remember I was in Manchester. You know they are all warehouses there. There are no private residences there in the middle of the place. I was asking a large man there how they managed. He said they engaged people whose homes were near there. I said: "Do you get all you require on those lines?" "Oh, yes," he said "we get all we require." Many of them go to their own homes to meals, and they do not board or lodge a single person on their premises.

18038. I think we have got to the third step. The first step was the question of cost; the next step was the question of accommodation which we agreed that supply and demand would ultimately rectify; and the last step is the important one, that is the moral question. Do not you think that if the system were either abandoned or abolished it could be done without producing any morally bad effects?—I can tell you this—I dare say you know it a great deal better than I—the post office advertised for sorters, and it was a condition that they must live with their parents or with some responsible persons approved by the authorities of the post office. They evidently saw there was a danger there—I think it was with regard to persons from eighteen to twenty. In a town like London I think there is danger. I cannot answer for Edinburgh and Glasgow. I know the practice there. Again, to come to K 11, that is the system there but the majority of their hands, so far as I have been able to see, are persons in years; I mean over twenty-five—there are very few youths unless it is those at the desk. I have not been there very often, but that is what struck me.

18039. Have you any doubt that if a father and mother brought up a couple of their daughters to go into places in London, they could get good enough lodgings for them if the system of living-in were abandoned?—I think it throws a great amount of responsibility on employers to have to take young people into their places and see they are in at certain hours and know all about them, and I am sure that parents would not send their sons or their daughters to these great populous places without some guarantee that they were going to be protected and looked after. I cannot see how they could do that.

18040. You think it is better done under a large system than under the selected household?—I think the young people are much safer. You know what the temptations of London life are.

18041. In the smaller system we are agreed there is more opportunity for the development of what you call the family side of the character?—Yes.

18042. Including the care and responsibility of the older portion of the household over the younger?—Yes.

18043. But notwithstanding that, you still prefer the larger?—We get a great many from Scotland and Wales especially, and some from Ireland. I do not think parents would care about sending a young woman of eighteen or twenty on her own responsibility into London, if they did not know who was going to take care of her.

By Mr. Walsh.

18044. In the letter which you sent to the houses, were the answers received from the heads of those houses?—Yes, certainly. They were addressed to them.

18045. They were addressed only to the heads of the houses?—Yes, asking their experience on that point.

18046. You did not receive any answers from the assistants themselves, but simply from the heads of houses?—That is so.

18047. In the advertisement which you put in the *Telegraph*, did the advertisement state as to where answers should be sent?—The advertisement was as follows:—"Draper. Wanted in a good suburban house, a young man for the dresses, also one for the drapery. Apply by letter only, stating experience, salary required, etc., whether to live in or out. Box 1308, James Willing, Junior, Limited, 125 Strand."

18048. The people who answered did not know what particular establishment it was for which they were applying?—No, they did not.

18049. Therefore, it could not be by any pre-knowledge on the part of the applicants that the figures came out as they did, twenty-three of them in favour of living out and twenty-four otherwise?—That is so.

18050. And a few of the latter indifferent?—Yes.

18051. You spoke of a place in which you yourself found along with your colleagues much difficulty in partaking of the kitchen comfort, because of the old man with his long pipe?—Yes.

18052. That might be a discomfort, although it was not in a sense a serious discomfort. Do you know whether any of those places exist yet?—Nothing like the proportion there used to be, then.

18053. I suppose your actual experience as a business man—not as an assistant but as head of a big house—is probably confined to a very good house, such as the Bon Marché at Brixton, or a big establishment?—Oh, no. I may say I almost know every house in London, and know employers small and large.

18054. Can you give us any of the conditions which obtain in the East End?—Yes, in the Commercial Road East. I think they are well looked after there, boarded and lodged well there and treated just as well. I cannot say anything about Whitechapel—I think they do just as well there.

18055. Do they lodge them upon the business premises, or away from the premises?—A portion away, I think.

18056. From your knowledge of what takes place in the East End, would you gather they are much inferior in general accommodation or comfort to what obtains elsewhere?—No, certainly not. I think they are as well looked after there as they are in other places.

18057. You gave us a rather frightful example in that case at Stockwell. Are not such things as took place in that case possible even under the system of living-in?—No, not when you have rules and regulations that they are to be in by eleven o'clock. They have plenty of

amusements going on in the house, they have companions and so on. When they are left alone like these two young girls, what are they going to do with themselves evening after evening; they must go to some place of amusement.

18058. Apart from the fact that your own amusements and recreations may be very comprehensive, is it not a fact that most of the assistants will prefer to go out into the open air and to see the attractions of this great Babylon, even when recreations and amusements are to be obtained in the house?—Yes, to see more of life, you mean?

18059. Yes, I suppose that will be the case?—Well, of course, the temptations and the dangers are numerous.

18060. You close, I know, in fairly good time, because I have seen your house. It is about six o'clock, is it not, on ordinary days?—Only on Saturdays. Seven o'clock is the earliest on the days in the week, and four o'clock on Saturdays.

18061. Is there a half-holiday?—No, except Saturdays.

18062. I thought you had a half-holiday on Thursday?—No.

18063. From seven to eleven, or a quarter past, even under your existing system, leaves a considerable latitude for these young people to go to music-halls and so on?—They can go there. Now, of course, there are music-halls and theatres in the suburban districts.

18064. You have good ones?—Yes, but they are generally not over till after eleven. They can go there.

18065. They are not over till after eleven?—No.

18066. Take that case. In the case of your own assistants, they can go to the Empress?—Yes.

18067. And they can stop till eleven, and be at home in five minutes?—Oh yes, they can do that.

18068. So that, really, it has no lessening effect, if the girls are inclined that way, upon their opportunity for this kind of enjoyment?—Probably not, but I do not think the temptation is so great where they have companions. They have singing classes, and sewing classes, and Bible classes, and all those things. When I lodged out the place was frightful; it was as dead as a cemetery of a night. I used to get tired of myself, and even the cats making a noise in the back yard was music to my ears. I was not fond of running about to places of entertainment and amusement, but I had six months of that, and I got fairly sick of it. If they are thrown on their own resources, of course, people are different in their tastes and so on according to their temperaments; but in a place of business there is no temptation, if they have all these amusements at home, to go to other places.

18069. I should be the last in the world to say one word against the real usefulness and high value of these recreations, for instance, the Dorcas meeting, is that very well attended?—They made last Christmas 800 garments, which were distributed among the various charities all over London.

18070. That is just about the time when peace and goodwill and all kinds of Christian feeling are very predominant?—Yes. They buy the material, pay for it themselves and work it up.

18071. In the general course of the year do they do that sewing?—Not that I am aware of.

18072. May I take it that it is only when the generous feelings of human nature are very predominant that this work is done?—They have to start a little earlier when that charitable impulse comes on; they have to start in August or September.

18073. The only thing I was rather desiring to obtain your opinion upon was as to whether the Bible classes and the Dorcas meetings and the two or three other things—which I am certain are very desirable—could be called of a recreative character?—Would you call dancing of a recreative character.

18074. Yes?—Well they do a bit of that. At the Battersea Town Hall I had over 300 of them last Friday.

18075. Do any of your girls live out?—Those who have homes near. I will tell you a case. There was a girl living in Stockwell. She lived at home, and she applied to the manager to live in. He said: "I am rather surprised; why do you object to your own home?" "Well," she said, "I have got to assist my mother in her domestic duties after I go home. Your young ladies are free to enjoy themselves, and I should like that freedom." That may be an exceptional case.

18076. Have you many that do live out?—If they have homes anywhere within half a mile or so, we prefer that they should live with their parents.

18077. Can you give us what proportion?—No, I cannot.

By Mr. Maddison.

18078. It is your evidence that there is more moral control over these young women, especially, if they live in in your large establishments than if they live out?—I am of that opinion.

18079. What is the actual control. To begin with, you are not able to do anything?—No, not personally. I superintend.

18080. But you are not there at night?—No.

18081. Who is it left to?—In each house there is a senior young lady to look after them, and then there is the housekeeper, or if you like to call her so, the caretaker, to report.

18082. Is the housekeeper in supreme authority after the premises are closed?—No.

18083. Who is in authority?—The housekeeper in the business part of the premises has full authority, but not in the lodgings. We could not have a housekeeper of course in each lodging; but still the women there are nice respectable women, more like caretakers.

18084. In the lodgings—you mean the houses away?—Yes, the branch houses.

18085. But you have some under the same roof as the Bon Marché itself, have not you?—Yes.

18086. Are there a large number there?—Yes, much larger.

18087. We will take the Bon Marché itself where there are a larger number; there the housekeeper is in supreme authority?—Yes.

18088. Would it not depend a good deal upon what sort of woman she is?—In what respect.

18089. With regard to her influence over the girls?—Yes, a great deal.

18090. And, of course, I am quite sure you try to get the very best women?—That is so.

18091. But at the same time, it is possible in many establishments, to get quite an inferior sort of woman, is it not?—Well, of course, that may take place in all branches of industry.

18092. What about the bedroom companions of these girls—you have no method of sorting them out have you?—No, we give instructions for the housekeeper to study their feelings in that matter as much as possible. I have of course, on a card, the different bedrooms. When one is vacated that is noted down, and if one comes in it depends upon her age and her past experience as to what bedroom she will be placed in.

18093. It more or less depends upon arrangements over which the girl has no control who she sleeps with—I mean in what room she sleeps?—I do not know quite that. She can make a request for a change.

18094. They could not all make requests—they could not all say what room they would want?—I can tell you that I lived in a large house—I will not name it—in the South of London, where I was an assistant. Friday was a twelve o'clock night, and there were four of us in the room, and three invariably came home under the influence of drink on Fridays, and that I had to bear with, and if I made an application for a change I should have been perhaps the means of those young men being discharged, and therefore I had to keep silent.

18095. And you think that had a good moral effect upon you?—I do not say that.

18096. That is exactly my point, that the living-in system threw you into company with three drinkers?—Yes.

18097. You happen to be a strong-willed man?—I brought that forward on the question of the choice of companions and bedroom.

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18098. That is to say you had no choice in effect?—I was sent there. I could have my room changed, but they would ask me the cause, and I should have to say these men were coming home drunk, and then probably they would get into trouble.

18099. And that is why you would not say anything?—Yes.

18100. Then whatever may be the advantages from a moral point of view of living-in, it is subject to that danger to which you yourself were subject of being put into a bedroom with undesirable companions?—Yes.

18101. And in spite of that you think the balance is to the good, from a moral point of view?—Yes.

18102. Take the other alternative. A girl—in this case living-in we will say is abolished—has to look out for some small home in which she may live, and there may be two of them living together?—Yes.

18103. Do you think they would get a good many of the advantages of home life in that respect which would perhaps compensate for the superior attractions which you give in the way of recreation?—It would depend very much what sort of girls they were. If they were of a studious character possibly they might.

18104. In the suburbs especially there is a good deal of active Church life, and girls can be associated through the Churches with little connections of a desirable kind?—Yes.

18105. Which they still retain?—Yes, I admit that there is that, and it is increasing, too.

18106. I am glad to hear you say that. You gave us an instance of a girl that applied to your manager to live in although she resided with her parents near?—Yes.

18107. And your manager put a very proper question to her, and her reply was that she preferred to live in because she had more freedom, inasmuch as at home she would have to help her mother?—Yes.

18108. Do you think that was a desirable sort of thing to cultivate?—On the part of the girl?

18109. Yes.—I do not see that we could dictate to her.

18110. No, I admit that; but what attracted her was not a desirable thing?—Well, of course, it is very worthy of a girl to assist her mother, but if that comes nightly, and if there is a large family and they cannot keep domestics, you can see the point of her objection.

18111. What do you say to the living-in system as a preparation for marriage for young women?—I think the chances of marriage are as numerous under the present system as they would be under the other.

18112. I do not refer to chances; I mean the preparation for married life?—I do not see the force of that. They are in the house and see others carrying out various duties, and see the others playing the piano and singing.

18113. But do they learn the homely duties, the really effective duties of cooking and so on?—I am very sorry to say that our girls at the present day are very short there. It does not matter where they come from; they do not know anything. They hardly know how to make melted butter.

18114. How is it it is so necessary in the drapery trade almost alone, that these people should be under such parental control. Is there something particular in the drapery trade?—I do not know of any class of industry that employs so many women as the drapery trade. Grocers and butchers and others do not.

18115. Take the men. I am not talking of the women only?—That has been an established custom from time immemorial, and I want to know what has taken place to alter it. I know there is a good deal of agitation among a certain class, and a good deal of misrepresentation.

18116. Of course, we are here to try and get at the truth?—For instance, the President, Mr. Roper, stated at Leeds, that there were thousands of girls in the drapery trade who were receiving £8 per annum. I have a paper here which tells you exactly what they do earn. It is abominable to make statements of that nature.

18117. I will promptly put that question, and I would like to know what the assistants do earn?—Our Secretary's statement is as follows:—"I have examined the salary books of this company and certify that the average emoluments of our assistants comprising salary, commission, full or partial board, as the case may be, excluding apprentices, improvers, and buyers" (as you know buyers get four or five times as much—their salaries amount to hundreds) "men per week, average £2 1s. 10d.; women, £1 8s. 1d." Then it states here, "Our assistants have the advantage of purchasing goods for their own use at cost price."

18118. Take the case of women—£1 8s. 1d. you said?—Yes.

18119. What would be the value of the board in your estimation there?—6s. 1¼d. Drapers deal in farthings.

18120. You mean board and lodging?—No; only board.

18121. I want both, of course?—This is the book; it is not guess work.

18122. This is only for the board?—Yes.

18123. What do you estimate the lodgings at?—It is very difficult to arrive at. We have three houses in the Brixton Road, I think at a rental of £80 a year. They are very fine houses in the main road. We work out they cost us 3s. 3d. per head for sleeping in.

18124. Per week?—Yes. If they had to go somewhere else it would cost a little more. But I think lodgings could be had for 3s. 6d. It depends how they are furnished, and where they are situated.

18125. So that if you had no living-in—that is board and lodging—you would feel yourself under an obligation to pay on an average, £1 8s. 1d. for these girls?—I do not know about feeling under an obligation. I only state that is what they work out at. I have not brought that out myself; the Secretary has done that.

18126. That is inclusive of board and lodging, which costs you money. You said, I think, rather naturally, that you did not like inspectors pottering about your larders, and rooms, and so on?—Yes.

18127. I suppose you realise that this is after all, on the lines of inspecting places where people are employed?—Yes.

18128. You make it a condition of employment that they shall live in?—Yes.

18129. And when grievance arises, it has been suggested that one improvement would be that there should be inspectors to see how things went on. And then you have mentioned you went up to an hotel where you had bad food; but you are not forced to go there?—You are forced to pay for it if you order it.

18130. The two are not on all fours?—No; possibly not. We know from this book there is a contract with the butcher, and the baker, and the milkman, and I know all the goods that are delivered in our house are the best of their kind.

18131. You mentioned to us that the General Post Office made certain conditions that the young people must either live at their homes or with respectable people?—With young men, I think it is from eighteen to twenty-two. I am not quite certain about the age.

18132. Could not the very same thing be done by your firm in case there was no living-in? You would do just the same thing?—I dare say. There would be a good deal of trouble and very great difficulty connected with it.

18133. There would be difficulty, but not insuperable difficulty?—Well, you see the Post Office engage large batches at a time. Here they are in and out and you would have to find lodgings every time you engage an assistant unless they are advanced in years.

By Mr. Delevingne.

18134. You said that in some cases your assistants lived at home?—Yes.

18135. What difference do you make in their wage as compared with the others?—£25 a year we allow for that. That is what we reckon, and that is what we base the value of an assistant upon.

18136. You allow them £25 a year extra?—No. We ask them if they want to live out, and they ask a salary. There is no allowance for that; but that is what we reckon; £25 a year, the cost of living-in.

18137. Do you make any difference in the salaries of girls who live in and the salaries of those who live at home ?—Certainly.

18138. What is the difference ?—That would depend upon what their salary may be. One girl may have £15 a year salary and then she has commission to add to that and then another may have £20, and £30, and £40, and so on.

18139. If you have two girls of the same grade doing much the same work, and leaving out of account the question of commission, what is the difference between the fixed wages you would pay to the girl living-in and the girl living at home ?—I am afraid I cannot give you an answer which would be of a reliable character. I have not studied that. If there is partial board, I think I stated before in my evidence that it was 4s. 6d. a week. I think I worked it out. Yes, that is so, if they have their Sunday meals and their breakfast and their supper outside. The whole of the board, as I told you before, would be 6s. 1½d.

18140. I will ask you one question on the subject of undesirable companions in the bedrooms. I suppose you make some inquiry into the character of your assistants before you engage them ?—We are very strict in that way. If there is anything shady about them, they do not come into our place. There is a string of questions asked: where they lived last and the reason for leaving; where they lived before that and the reason for leaving and the salaries that they received, and their age and their home and address, and all particulars of that nature. Very searching inquiries are made of each assistant.

18141. And you make inquiries not only of the assistant himself, but of his previous employers ?—Through the post or by correspondence. We do not call upon them.

18142. You make inquiries of their previous employers, and take every means of testing what they say ?—Yes.

By the Chairman.

18143. The document from which you read was the document signed by Mr. Sewell, who is the Secretary ? Yes.

18144. I see he heads it "Wages" ?—Yes.

18145. And in putting it down he includes full or partial board ?—Full board, £25 a year he allows. I think it is stated.

18146. No, it is not stated. What I wish to get at is this: in the first place, he excludes the apprentices ?—Yes.

18147. When does the apprenticeship cease—at what age ?—Two or three years they are apprenticed for, as a rule, or for four years without a premium.

18148. Take a four years apprentice, we shall conclude that is concluded at eighteen or nineteen ?—Sometimes they come in at fourteen or fifteen, and sometimes at sixteen or seventeen.

18149. I want to get at the average time when the full wage period begins ?—The full wage does not conclude it. It would be a small wage when they are out of their time, and that increases according to their merit.

18150. Give their average when they are out of their time ?—Average age you mean ?

18151. Yes ?—I should think about nineteen.

18152. Now this scheme of wages begins at that time ?—Yes.

18153. Have not you the wage bill for these periods ?—We do not have a bill, but we have a book we can produce with the amount in.

18154. This document which you have shown is not a wage bill; it is a document showing a calculation bringing out £1 8s. 1d. for the women, of which the full or partial board is estimated. What I would like to get at is the wage bill for these women ?—I prefer to call it emolument.

18155. It does not matter about the phrase ?—But that includes commission or premiums as well.

18156. What are premiums ?—Commission or premiums—some have a small commission and others have something on some articles which they sell, not on every article they sell.

18157. Have not you something which would give us, in so many shillings a week, the emoluments of these people in money without any calculation about board or additions for that ?—We can get it out.

18158. How much would it come to for a man or a woman in that grade—not an apprentice, and not one in the stage of an improver ?—It requires averaging. In some departments they have better opportunities of earning more money than they have in other departments.

18159. I know, but you have given us a document by Mr. Sewell which does average it, giving full and partial board ?—All you have to do is to deduct the £25 a year.

18160. You will excuse us declining to do that. We should like it under the hand of your Secretary—the actual money ?—The actual money handed to the assistants and nothing for board or lodging ?

18161. Yes ?—I will get that out and forward it to you, the actual coin they get.*

18162. The same people as those referred to by Mr. Sewell in this document ?—Yes.

18163. Now the other thing I want to know is this; we shall assume two young women come wanting employment, both equally capable, but one wants to live in and the other wants to live out: what is the settled wage you would give apart from commission. We shall assume that each could earn the same commission. What is the settled wage apart from commission which you give ?—You will bear this in mind, that they vary very much. We ask them what salary they require, and that is according to their experience.

18164. Assume they have had five years' experience ?—Then the house they came from would have something to do with it.

18165. Just assume them to be in the same condition—two women of twenty-two or twenty-three with four or five years' experience each; what salary do you start them with in your employment, assuming they have been well trained ?—I am sorry not to give you a direct answer. If it is a young lady for the mantles or the costumes, we should pay her double the salary that the young lady would have behind the counter.

18166. Take a young lady at the counter ?—That varies. To a young lady in the lace department we should pay a great deal more than to one in the haberdashery department.

18167. Take haberdashery—I want to get the figure of a salary from you. Suppose a young lady comes to you about twenty-two or twenty-three years of age, who has served her apprenticeship and is fairly well recommended, and wants to come to the haberdashery department—what wages would you pay her ?—We should pay some £20, £25 and £30.

18168. What is the average for the haberdashery department ?—I cannot tell you that without my figures.

18169. Shall we say £25 ?—Well, you would not be far wrong, perhaps.

18170. Suppose she brings her sister with her, or her friend with her, who has had similar experience and wants to live out, what salary would you give her ?—I do not know that that case has ever come under my notice, where there are two of similar experience, one wanting to live-in and the other wanting to live-out. I am afraid if I ventured to give an answer it would not be a correct one.

*The Secretary has received a letter from Mr. Jones giving the actual average weekly cash payment made to his assistants as follows:—

	£	s.	d.
Men	1	14	2
Women	–	19	7

MR. ARTHUR UNWIN COLE, called; and Examined.

By the Chairman.

Mr. Arthur Unwin Cole.

4 Mar. 1908.

18171. You are a director of Messrs. Cole Brothers, Limited?—Yes.

18172. General drapers in Sheffield?—That is so.

18173. Have you had the advantage of reading the evidence of Mr. Evans?—I have had the opportunity.

18174. Do you agree with that evidence?—In the main, yes. My evidence refers chiefly to conditions existing in provincial drapery houses, especially to those in Sheffield. I am entirely solicitous for the welfare of all assistants, and will gladly help to abolish any real grievances. I admit the "living-in" conditions in, say, 5 per cent, of the houses in the country are bad—some few very bad — and should welcome remedial measures, such as some form of inspection. I do not think it is necessary or desirable to include "living-in" in the provisions of the Truck Acts. I consider that "living-in" conditions in 90 per cent. of the drapery houses in the North of England and Midlands may reasonably be described as fair to excellent. I cannot hear of any genuine agitation against "living-in" from assistants themselves (*i.e.*, against the system), but simply against specified and often minor grievances. I maintain that the officials of the National Amalgamated Union of Shop Assistants, Warehousemen, and clerks have grossly exaggerated in their statements *re* "living-in". I can give special evidence showing that the agitation organised by officials of the N.A.U.S.A. is resented by large numbers of assistants. I have knowledge of excellent conditions existing in not a few provincial houses, and am prepared to furnish some particulars as to hours, sleeping accommodation, food, estimated cost of living-in, etc., I can give instances which indicate that many assistants prefer to live-in. I know that very many parents of assistants thoroughly believe in the system as carried out in a good house, and frequently make it a condition of engagement. I hope that my evidence up to this point will go to establish that it is quite unnecessary to bring living-in within the provisions of the Truck Acts. I hope further to show that it is for many reasons undesirable. I know that in many cases it would seriously disorganise business arrangements and finance. The accommodation provided for sleeping, sitting, dining-rooms, etc., would not be of much value for other purposes. It would, therefore, be difficult for an employer to offer his assistants who wished to live-out an additional sum equal even to the actual cost of board and lodging to their employer. His expenses would be seriously increased, and if he paid his assistants this full additional sum, it is most unlikely that they could secure as good accommodation and food —at any rate in the large cities. Where "living-in" accommodation is provided, its abandonment would in some cases ruin the employer, unless his assistants agreed to accept totally inadequate salaries. Whilst admitting some obvious advantages of living-out under certain conditions, I think I can show that undoubted advantages are also attached to "living-in." I have frequently been told by assistants that they have a much better chance of saving money. Men now in business for themselves have told me that they could not have saved enough money if they had "lived-out." Assistants have frequently admitted to me that the discipline of living-in (felt sometimes to be irksome) has beneficially affected their after lives, and helped them to form useful habits. Living-in encourages the social side of a business house, and I know of successful athletic clubs, debating and musical societies, libraries and other institutions, which provide pleasant and helpful recreation, and do incalculable good. Many of these clubs, etc., although handsomely supported by employers, could not exist if "living-in" were abolished—the necessary *esprit de corps* would be absent. In most houses the food, even where very plain and possibly roughly served, is wholesome and more nourishing than much that would be purchased by many inexperienced junior assistants. I surmise that the inquiry by the Truck Committee is made principally to ascertain if living-in conditions are bad, and not to find out whether assistants prefer living-in or living-out. I submit that it might be unwise to attach too much importance to a ballot of assistants. Possibly the idea of an immediate greater freedom would fascinate many juniors, and after three or six months "living-out" would be found somewhat of a failure. I know of such cases. With regard to suggested remedies, as before stated I admit that in a small percentage of houses the living-in conditions are very bad, and I trust something will be done to make such conditions impossible. I do not think living-in should be abolished, or any serious difficulty placed in the way of a perfectly free contract between employer and assistant. I would improve conditions by systematic inspection, such inspection being carried out, however, with the utmost discrimination and by men thoroughly in touch with all grades of businesses. I think the small trader should receive very special consideration, and especially owners of businesses in poor neighbourhoods. In these cases the assistants, although certainly not well off, are frequently treated most kindly and as generously as circumstances permit. The accommodation and food are probably better than they have been accustomed to in their own homes. They are moreover, quite as content in their situations as their more highly endowed comrades are in the best class houses. Without wishing to cast the slightest reflection on the humbler class of assistants, I submit that the education and general *status* of assistants vary enormously. Many have been brought up in refined homes, or have otherwise highly qualified themselves, and naturally expect and can nearly always command different conditions of service from those whose qualifications only fit them for service in artisan neighbourhoods. The better class assistant might reasonably complain of conditions which would be quite satisfactory to assistants of another type. Much has been said about the voting disabilities of assistants who live in. I think that this might be overcome by an extension of the qualifications for a lodger's vote. On the general question of "living-in" by young people as compared with living in lodgings, I beg leave to call attention to what is approximately an analogous case. I can give information respecting conclusions arrived at by education authorities in the case of teachers' training colleges. The teachers in training are drawn from very much the same classes as shop assistants, their ages are similar (eighteen to twenty-five years), and it is found that life in lodgings is eminently unsatisfactory. Large hostels have been or are now being built at Sheffield, Leeds and Bingley (West Riding, Yorkshire), in order to avoid the disadvantages and evils of uncontrolled life in lodgings by young people. I have direct information from the principal of the teachers' training college in Sheffield. These hostels are being erected with the fullest sanction of His Majesty's Inspectors of Training Colleges, by whom they are actively recommended. The Education Department will show its approval by grants-in-aid from Imperial taxes. May I emphasise the fact that accommodation in lodgings is frequently altogether unsuitable and insufficient? The cubic space in bedrooms is often inadequate. Inspection of lodgings is necessary, and if "living-out" became general the need for inspection would be greater than at present, and the task of the inspectors would be a very heavy one. The alternative to "living-in" is by no means ideal, and lodgings would be much more difficult to inspect than accommodation on or in connection with business premises.

18175. I understand your view is in favour of keeping up the system of living-in?—Yes, undoubtedly.

18176. You think that it is to the advantage of the assistants?—I think in the case of young assistants it is undoubtedly; that is my opinion about it.

18177. You go the length of saying that in 90 per cent. of the cases the accommodation is fair, and indeed excellent?—Fair to excellent, I think I should put it.

18178. In 10 per cent. of the cases it is not so?—That is my personal estimate of it.

18179. In what respect is it defective?—I begin with those that are not the worst cases, and say that it is distinctly rough in some houses.

18180. In what way?—In the way the meals are served. I have heard, indeed, I have known from assistants direct, that things of this kind have happened—

roast potatoes are provided and there is no accommodation for the skins. They are thrown on the table and that sort of thing. They get good food, but the conditions are not nice; they are very rough.

18181. What do you say as to the sleeping accommodation in such cases?—I have not much knowledge of the rougher kind of house and I do not know much about their sleeping accommodation except from hearsay. It is the better and the medium house which I know most about.

18182. We have evidence for and against the system and we know the views of both sides, but we are interested in that part of the evidence with regard to "Suggested remedies." You favour the continuance of the system of living-in, subject to the suggestions which you have mentioned?—Yes, I do undoubtedly.

18183. You do not think it should be abolished and you do not think that any serious difficulty should be placed in the way of perfectly free contract between the employer and the assistant?—I distinctly think that would be a misfortune.

18184. Why?—Because the employers are in the main most anxious to do well for the assistants, and they are in a position to do very much better for them on a somewhat co-operative plan than the assistants could possibly do for themselves.

18185. I think you favour a systematic inspection, do you not?—I have no personal objection to it nor do I find that the heads of other houses in Sheffield have, so far as I have been able to make inquiry.

18186. So far as good houses are concerned, inspection would not affect them. It would really only have an effect in regard to that 10 per cent. which you have alluded to?—It would only affect them in the way of being somewhat of an additional trouble. We have a good deal of inspection already, and the life of even a draper is not always a happy one. We have to give attention to gentlemen and ladies who come at most inconvenient times very often.

18187. But still you manage to weather all these troubles of life pretty well?—We try to do so.

18188. What I wish to get from you is in what way do you think the conditions would be improved by systematic inspection?—I think with regard to sleeping accommodation to begin with employers would hesitate very much to have the untidy and dirty conditions which exist in some houses because they would fear an unexpected visit of an inspector.

18189. Just the very fact that he had a right of entry would have a certain effect?—Yes.

18190. Of course, this would have to be entrusted to prudent men?—It seems to me that is the crux of the whole thing and the great difficulty.

18191. You have said that you think small traders should receive special consideration, and especially owners of businesses in poor neighbourhoods?—Yes, I think it would be quite easy to set up a standard of inspection which would not affect seriously the better and the middle class houses, which could not operate at all unfairly to them, but which might be very harsh indeed in its application to the small trader.

18192. Always subject to this, that if improvement was really required, you think it ought to be had by the verdict of the inspector?—Certainly. I would do away with the really bad conditions at any cost.

18193. You say that in these cases, that is to say, the cases of small traders, the assistants, though certainly not well off, are frequently treated kindly and as generously as circumstances permit—can you amplify that in any way?—The man who is commencing business, whose house arrangements are managed chiefly by his wife, and whose assistants really live with the family, to a great extent treats his assistants perhaps just as well as any member of his family and he buys the best food for them that he can afford. It may be plain, but it is usually wholesome. That is in these good cases I am referring to where they are kindly treated. The variety of the food may not be very great. In other words it is plain diet, such as poor people have to submit to, unfortunately.

18194. What do you say with regard to the education and general *status* of the assistants?—I think that varies very much indeed. From my knowledge of both male and female assistants I should say that there is an immense difference. In the house of which I am a director, we have ladies from quite good homes, ladies of considerable education and of very great ability too. Then I know of other houses in artisan neighbourhoods where the assistants are more of the domestic servant class and not a very high type even of that class. *Mr. Arthur Unwin Cole.* 4 Mar. 1908.

18195. Now in that latter case you think inspection would be very valuable?—I think it would reveal a good deal perhaps in some cases.

18196. Then you have a remark here about the votes?—A good deal has been said about the disabilities that assistants have, and I think over-much has been made of that, considering that a very large majority of the assistants who live in are quite young people.

18197. We shall take a young man over twenty-one?—In some cases they have votes, but in a very small percentage indeed, I believe.

18198. Of course if they lived out and lived alone they would have votes?—I understand they would be able to qualify, yes.

18199. Do you not think that it is important they should have full citizenship?—I admit that is a potent argument.

18200. I understand it is in your mind to make a suggestion that there might be some amendment of the registration law in that respect?—It struck me the difficulty might be overcome in that way.

18201. You have also referred to the education authority?—This is a matter that I have watched with considerable interest.

18202. Will you give your evidence upon that?—In Sheffield, and in Leeds, and in Bingley—the West Riding of Yorkshire—there are three training colleges for teachers and in connection with them the pupils used to live in lodgings. I take Sheffield as I have first hand information about that. Some two or three years ago it was found very unsatisfactory and a large women's hostel was put up for them. The success of the experiment was so great that the education authority in Sheffield decided to apply for permission to put up a men's hostel. They were supported by the Principal Inspector of Training Colleges, Professor Barnett, and others in the matter and they are now putting up a men's hostel. The principal of the training college told me that he had found that the living-out conditions and living in lodgings had a very undesirable effect on the pupils.

18203. Now does it occur to you that that confirms your general view of the advantage of having inspection, the case of the hostels being one in which they are not only inspected by the department, but in which there is direct Government responsibility, answerable to Parliament?—Yes. As I said previously, I personally have no objection to inspection nor do I think a good number of employers would have.

18204. I think you have said that the accommodation in lodgings is frequently unsuitable and insufficient?—Yes; I got corroboration of that matter also from the principal of the training college in Sheffield. He made it a personal work to go round and inspect lodgings where young men and young women were, and in a great number of cases he rejected them as being altogether unsuitable. He set up his own standard, but it was a perfectly reasonable one, I believe. I cannot give you the exact cubic space and so on, but it was based on the Government requirements in such matters.

18205. That in your view rather assists the case of living-in, subject to proper inspection, than living-out, subject to no inspection?—Yes.

18206. If there were living-out, would you be inclined to have inspection in lodgings also?—I think it would not only be equally, but more necessary.

18207. We are not repeating in your case the evidence of Mr. Evans, because you have given us your view about that.

By Mr. Walsh.

Mr. Arthur Unwin Cole.

4 Mar. 1908.

18208. I do not wish to unduly go over the ground traversed by his lordship. You say that the cubic space in bedrooms is often inadequate; that is to say, referring to the cases where the people are lodging out. Do you know of any cases where under the living-in system the cubic space in the bedrooms is inadequate?—I know of no case personally.

18209. I suppose you will know of cases where four or six or even eight people are occupying one room?—I know of one or two cases where as many as six are in a room, They are large rooms.

18210. You know none where there are so many as eight?—No.

18211. What cubic space would you give us for a large room?—I am afraid I could not give you figures, but I should say that one or two rooms I saw with six beds in would be two-thirds the size of this room.

18212. That would be a very large room, but still I suppose you would not be at all surprised to hear that six people are occupying rooms very considerably smaller than that you name?—No, I am quite prepared to believe the reports.

18213. With reference to the grievances of which you have heard, either personally or from the Press, have any of those consisted in inadequate bedroom accommodation?—No, I think not. I think they have almost all exclusively referred to conditions of food and cleanliness and bedclothes.

18214. That is to say possibly the quality of the food, and the difficulty of obtaining it in the hurry of the employment, and the character of the bed-clothing?—I have heard of cases of insufficient bed-clothing being supplied, but it is not so much the quality of the food as the rough conditions under which it has been served; and I have heard of cases where too short a time has been allowed to obtain it.

18215. Can you tell the Committee where cases of grievance, either in regard to obtaining food or the quality of the service, have come to your knowledge?—Do you ask the names of the houses?

18216. No, the town, mainly?—Well, I have knowledge of one house in Sheffield, possibly two.

18217. So far as I am concerned I do not ask the name of the house, but merely the town?—I know of one in Lincoln. I could give you other cases, but those come to me just at the moment.

18218. You say that some are bad and some very bad. Does your knowledge extend to, say, the East End of London?—No, I could not speak of that at all.

18219. Would you make a comparison between the conditions obtaining in Manchester and in Sheffield?—As far as I know them I should think they are very similar.

18220. I suppose there is not very much living-in in Manchester, is there?—I know one case where they live out, in the case of a large house.

18221. I do not wish to specially test the point, but are you aware that in Glasgow or in Dublin (the latter is not a very large city, but Glasgow is) the living-in system does not obtain at all in the drapery trade?—Yes.

18222. Do you think that there are any special conditions existing in Sheffield or in Leeds which are not equally existent in Glasgow, and do you know of any reason why the living-in system should obtain in those two cities and not in Glasgow?—Well, I may be wrong, but I fancy we have rather a different type of assistant in Sheffield to those in Glasgow

18223. Do you think it superior?—I should give it as my opinion that it is superior, yes.

18224. We have always been under the impression, which, of course, I rather thought was supported by facts, that the Scottish assistants are very able persons and that they are most successful indeed both as subordinates and in the highest positions?—I should think that is quite true of the more highly qualified assistants, but the rank and file, I should say, is not as good. Of course, it is a very difficult thing to give an opinion upon.

18225. Of course, you could not dogmatise upon it at all. With regard to the character and *morale* of assistants, do you submit that it is any worse in Glasgow than it is in Leeds?—I am afraid I have not enough knowledge of the conditions in Glasgow to say that, but if I may say so I do not think that, with one or two houses excepted, the character of the assistants could be much better than we have in Sheffield.

18226. You think it is an approximately analogous case to take the teachers who have gone to training colleges, and who are now living in hostels, and compare them with the case of your assistants?—It struck me that in many points the cases were analogous.

18227. Do you not think that the class of control, so to speak, from the highest to the lowest authority in a training college or in a hostel attached to a training college would not be much more efficient than the rather individual control of a housekeeper over a set of girls? What I wish to suggest is this, that from the principal right down to the lowest subordinate officer in the hostel, every one of these is entitled to keep a supervision over, and to correct a girl or young man in the training college. Could that be the case under the living-in system?—We do not hand over the authority of the house to our housekeepers. There is a very considerable discipline all through the house from the managing director downwards.

18228. That is during business hours. I mean when the business is finished and the young person is at liberty for a certain number of hours, left to his or her initiative, there is then only a housekeeper who can exercise anything like supervision over them?—We do not let our interest cease from the closing of our business premises. We know fairly well what goes on.

18229. You say, then, that you do not cease the control or care of these young people after business hours; how do you exercise control?—We have senior men who live in, and we know through them what goes on. We are in much closer touch, I think, than you would imagine possible. It is almost impossible for any young fellow or girl to go very far wrong without our knowing all about it.

18230. Is that official oversight, or tentative?—It is quite an official oversight.

18231. In addition to the housekeeper?—Yes; they get extra salary for this particular work.

By Mr. Maddison.

18232. With respect to this oversight, take the question of bedrooms and bedroom companions. Have you any means of finding out if there is, in one of these bedrooms, an undesirable person whose language is likely to be unedifying or worse?—If every one in the room determined to keep the matter secret it would be very difficult to know anything of it.

18233. Would an assistant, either man or woman, be likely to complain to you very readily, do you think?—Knowing human nature as I do, I should say not. One man does not like to speak against another.

18234. So that whatever may be the supervision which you and other employers try to exercise, it is likely to be defective in that respect, at any rate?—If I may contrast it with the conditions under living-out, any sort of restraint must be very much less in living-out conditions than in living-in.

18235. If an assistant lives out, he can choose his bedroom companions at any rate?—That is so.

18236. So that to that extent he has an advantage?—Yes, but it seems to me that this point has been a little over-laboured. Evil is not the only powerful thing in the world. Good is still more powerful, and the good influence in these rooms must count for something.

18237. I think so; I think good is the greater power myself; but would you think on the balance it is better or worse for young people to sleep in a bedroom with a number of other people?—I should think as a matter of preference, single bedrooms would probably be preferable.

18238. I suppose your doors are closed at eleven?—Half-past ten and eleven one night in the week; later if there is any special request.

18239. By permission ?—Yes.

18240. I suppose an assistant is never kept out all night. Supposing an assistant came at twelve o'clock, what would happen ?—If the house were locked up, and they were unable to make anyone hear, they probably would not get in, and we should want an explanation in the morning.

18241. Have you known any case where a young woman was out all night in that way ?—No; personally I have not.

18242. What should you say to a case where quite a girl, twenty we will say, came in at twelve o'clock and could not make anyone hear and had to find accommodation or walk about the streets all night; what should you think of that ?—I should say it would be a very unlikely thing to happen, because it would almost certainly be reported to the chief of the house that she was not in, and probably some arrangement would be made for waiting up for her till quite late.

18243. We have had evidence of a case where assistants have been kept out all night, and a very distressing case of a girl in a big house in London who was so frightened that she practically ran through the streets all night. I was anxious to know if that could happen in your establishment. I know your large establishment in Sheffield. Could it happen in your establishment ?—No; I do not think it could.

18244. And you think it would be very bad if it did ?—Exceedingly bad.

18245. What do you estimate the cost to you of living-in ?—That is an exceedingly difficult question to answer. It depends entirely upon what is included under that head. If I may give a rough estimate—and I do not know if I talked for a long time and went into figures that I could do much more than that—I should say the inclusive cost, including rent and everything else, would be something between £25 and £30 per annum per head, but at present I am sorry that it is impossible for me to give a closer figure than that.

18246. To keep the same wage standard up in the case of abolishing living-in, you would have to increase the money wage by between £25 and £30 ?—Well, that is what it costs us. We should not save that amount if we let the people live out.

18247. You would not save it ?—No. We should not save anything like that amount—probably not two-fifths of it.

18248. Why ?—Because we should have a lot of standing expenses just the same, whether we had the people there or not, unless we could pull our buildings down and rebuild them.

18249. What would be really your bottom objection, if I may say so, to the abolition of the living-in system; would it be a question of principle, or a question of structural difficulty to utilise the rooms now occupied with living-in ?—It would be very difficult for me to give one objection standing alone.

18250. Would the structural one be a very serious one in your case, for instance ?—Yes, it would.

18251. Are your assistants under the same roof in Fargate ?—Part of them are, and part of them are on the other side of Fargate. We have four floors over a large grocery store.

18252. And those, I suppose, you could get rid of within a short period ?—We have just taken that on another ten years' lease, and spent a lot of money in extra furnishing and so on. May I be allowed to give the experience of F 10 in Sheffield, a very large house, comparatively recently rebuilt. During the rebuilding, all their assistants were living-out. Before they put up the new building, they took into consideration this matter of living-in and asked their assistants, before they built the accommodation, whether they would prefer to live in or out, and gave them, I think £25 as the margin between the two. One young man out of the whole of their staff elected to live out. All the others elected to live in and so they built accommodation for them, and a very first-class accommodation it is.

18253. I suppose in Sheffield it would be a very easy thing for your assistants to get comfortable and respectable lodgings ?—Yes, I think it would.

18254. There would be no difficulty in that ?—I think there would be very little difficulty in Sheffield, because we have beautiful suburbs and very good means of transit.

18255. And if they did that what would you say as to the advantage of something more like home life in that case ?—I hear a great deal as to the loneliness of lodgings. I do not know whether it would be more homelike. The social element in the living-in system is a very powerful element and means a very great deal to these people.

18256. Supposing one of your assistants gets married, what happens to him then ?—He lives out, of course.

18257. You do not make it a condition that he must not get married without permission ?—Well, we often give men advice in these matters. I will give you a recent case of ours. A young man in a department, who would be in the fourth position in the department of perhaps eight or nine assistants (all the men above him were married men and were receiving a salary which we consider quite adequate for a married man's position) desired to get married, and, of course desired a considerable increase in salary, which we were not prepared to give him. He has left us. We were very sorry to lose him. But that is one of the sort of experiences we have.

18258. But that was a case where he wanted more money than you thought he was worth ?—Yes; that is pretty much what it comes to in all these cases.

18259. Do you think it is good to continue a great army of lay monks ? If I may make my meaning still plainer, is there not a tendency to keep these men from getting married ?—I should hardly think so, because under living-in they are able to save considerably more money than in living-out. Of course it is largely a question of how much money a man has as to whether he gets married or not.

18260. Is it ?—I think so.

By Mr. Delevingne.

18261. Where do the majority of your women assistants come from ?—From all parts of the country, I think I may say.

18262. They are not drawn from the town of Sheffield itself ?—No. In some respects we do not consider it exactly an advantage to have too many local people.

18263. Why ?—They get to know a great deal of your business, and sometimes they go into other local houses and *they* get to know a great deal about your business.

18264. I see you have said in your memorandum that parents frequently make it a condition of engagement that their children shall live in. Can you amplify that at all for the information of the Committee ?—I can only say it is a very frequent condition in applications we receive, and I hear it is so from many other employers; they tell me the same thing. It is a very frequent condition in the case of quite young girls and young men. Parents undoubtedly believe in this living-in system, although there has been a good deal said against it for a generation or so.

18265. Does that apply equally to men assistants ?—I think so with regard to both.

18266. You also say that the agitation organised by the officials of the Shop Assistants Union is resented by a large number of assistants ?—It is resented by nearly all of them in Sheffield.

18267. What do you mean exactly by that ?—I do not know quite how much newspaper evidence is of value in these matters, but I have here the report of a meeting organised by the National Amalgamated Society of Shop Assistants, Warehousemen and Clerks in Sheffield, held on Sunday October 14th, and the resolution which was carried by them, and the statements made, all went to show that the living-in conditions were most abominable. They said they were worse than any Chinese compounds, and model lodging-houses, and that sort of thing. Although it was a well-attended meeting there were very few shop assistants present. The Sheffield Shop Assistants' Association disclaimed connection with it altogether.

18268. What is that association ?—I do not know much about it except that it is an association of shop assistants.

18269. An organisation for particular interests ?—Yes.

Mr. Arthur Unwin Cole.

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By Mr. Maddison.

18270. Is it a branch of the National Union of Shop Assistants ?—No, it is not; it is a separate organisation.

18271. In Sheffield ?—I have a long letter here sent to the papers from the secretary, in which he repudiated nearly everything that was said by the officials of the National Union, and said that there was absolutely no case against living-in in Sheffield.

By Mr. Delevingne.

18272. What does this Sheffield Association exist for ?—They agitated a good deal about a half-day holiday. I think that is their greatest success. They brought about the Thursday closing—at least they were very largely instrumental in doing so.

By Mr. Maddison.

18273. I should like to ask whether this association is an ordinary union of shop assistants, or whether it has something to do with early closing or some local matter of that kind ?—I am very sorry that I cannot give you any further information about it. I used to think it was the National Association until I heard of this other association. It is certainly much more representative of shop assistants than is the National Union.

By Mr. Delevingne.

18274. How many members has it: do you know ?—I am afraid I cannot give you that.

18275. It is an association entirely confined to Sheffield, I understand ?—I do not think it is, but I am not quite sure.

By Mr. Maddison.

18276. You have no personal knowledge ?—No. I am sorry I cannot give the Committee further information upon that point.

By Mr. Delevingne.

18277. You said with reference to the question of inspection, that you had no objection to it. Had you in mind any special kind of inspection ? Were you thinking of inspection by inspectors of the local authority ?—I had not exactly gone into the matter. I imagine it would either be a local authority or a Government Inspector.

18278. Can you tell me whether the Sheffield City Council has appointed inspectors under the Shop Hours Acts ?—I believe that is so.

18279. And they visit, of course, your shops and other shops for the purpose of enforcing those Acts ?—Yes.

18280. Would it commend itself to you, if inspection should be required by Parliament, that that should be undertaken by the same inspectors as those visiting your premises under the Shop Hours Acts ?—I should see no objection.

MR. JOHN FORBES called; and Examined.

Mr. John Forbes.

4 Mar. 1908.

By Mr. Maddison.

18281. You are manager at G 10 ?—Yes, I am general manager.

18282. You have had some considerable experience of the trade ?—I have had now over thirty years' experience.

18283. In various departments ?—Yes.

18284. Have you had any experience of the living-in system ?—Yes. I was for the first seven years of my business experience living in lodgings, in Aberdeen.

18285. How did you like it ?—I liked it very much. I made many friends. In Aberdeen you can live very much cheaper than you can in London, or in the great southern cities.

18286. In Aberdeen there is no living-in ?—There is no living-in in Scotland except in Edinburgh.

18287. Do you know the Glasgow trade ?—I know a little about it; there is no living-in there.

18288. The system goes on all right there ?—Yes; but it is very much cheaper there.

18289. What is your experience of living-in here—where have you lived in ?—At G 10 I have been there for twenty-seven years. I lived in for eight years when I first came to London, and I found it of great advantage in this way, for social intercourse and as far as self-improvement was concerned, through the agencies of the library and the mutual improvement societies. These will show you what kind of societies, classes and sports there are in connection with the house. (*Handing programmes to Mr. Maddison.*)

18290. We are fairly familiar with these, we have had a number of them ?—I found the lectures and classes of great advantage.

18291. I suppose you have lived in only with G 10 ?—Yes, but I travelled for twenty-three years in London, and I know a good deal about it, in fact I will give way to no one as far as knowledge of the general drapery trade of London is concerned.

18292. What is your experience of the views that shop assistants generally express, as to their liking or otherwise of living-in ?—As far as the young man coming to London is concerned, it is a great advantage to him for the first five or six years, as the case may be, because he only gets a small salary, and if he lived out he would get very poor lodgings.

18293. By a young man, what age do you mean ?—Our books show that 90 per cent. of our young men come from the country.

18294. What age ?—About twenty.

18295. Your evidence is that from nineteen or twenty to twenty-five the living-in system is good ?—Yes, as those who have to conform to the rules and regulations of a business house are less liable to temptation than when left to their own resources.

18296. For both men and women ?—Yes; there is also a better opportunity of saving money.

18297. I think in a summary of your views here you say that in order to make the living-in system satisfactory all round every house ought to be registered ?—Yes; I will tell you why I say so, because in a number of places my experience has been that there have been complaints, owing to the poor food, and uncomfortable rooms.

18298. How would registration affect that ?—I should have inspectors appointed to see that proper food is provided, and if they found complaints were made, the masters would be more particular. Take ourselves, the firm would be pleased to have the food and rooms inspected. I am voicing their views because I know what they think (although they do not know what I am saying here). I have pleasure in handing you the menus of meals supplied to the assistants during the past week; they are typical of the variety of food supplied throughout the year. (*Document handed to Mr. Maddison.*) You will see that it is very much better than one with a limited income could afford.

18299. They do not confine them to non-alcoholic, I see ?—They are temperance people themselves, but not bigoted.

18300. What do you think would be the effect of inspection ?—I think it would bring the employer up to the mark, and a higher class of assistant would be the result.

18301. What do you expect the inspectors to do ?—Go round and see, for instance, that proper bedrooms and lavatory accommodation are provided, because in many cases I think they ought to be improved.

18302. I suppose it is right to say that while you do support the living-in system you recognise there are abuses and you think that those would be remedied or removed by inspection ?—Yes, and if I may say so, I would suggest men inspectors not women.

18303. You lay a good deal of emphasis on the fact that they should be men ?—Yes.

18304. What about men for the women's department ?—The inspector could go through the women's bedrooms when they are absent.

By Mr. Delevingne.

18305. Why do you think that men inspectors are to be preferred to women inspectors ?—Well, the ladies are frequently faddy and irritating. I have often heard complaints made about lady inspectors. I may also say that our firm spend hundreds of pounds a year on the recreation grounds for the assistants, so that they have every facility for cricket, football, and other sports. There is a doctor and nurse provided free of charge if any are sick or ill.

Mr. John Forbes.

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18306. With regard to this paper which you have handed in, what is the difference between the library, the middle room, and the hall ?—The buyers and heads of departments are in the first; in the middle room are the married men and the first men of the department; and in the hall are the porters. We give them the best food in all the rooms.

18307. What is the library ?—That is where the single men dine.

MR. ARTHUR PITSTOW, called; and Examined.

By Mr. Maddison.

18308. You were apprenticed to G 10 ?—Yes.

18309. I presume you are still there ?—Yes.

18310. You have been there seventeen years ?—I have been there twenty-seven years, not living in the house altogether.

18311. How much of that time have you been living-in ?—I lived in, in the ordinary sense of the word, for sixteen years, and then I was locker-up in addition to that for ten years.

18312. What is locker-up ?—I was in charge of the warehouse after closing time. During that time I had charge, not of all the hands that sleep in, but of some.

18313. Your experience is, of course, confined to this one firm ?—Yes.

18314. What is your opinion of the views of the assistants generally, with regard to the living-in system ?—I have studied the question a very great deal. It crops up in argument from time to time. I have gone thoroughly into the matter, and I am certainly in favour of the present system.

18315. Can you tell us why ?—I think up to a certain time when a young man begins his commercial career in our trade, he is much better living-in than out. Young fellows must leave the country districts in order to make a mark, in our business at any rate, and London and the large towns draw their supplies from these places. When a fellow is just out of his apprenticeship and comes up to London we will say to go into a shop or a warehouse, he is not worth much for the first twelve months; it is putting a good price on him if you say £50 a year if he lived out. The probability is that he will receive £20 or £25 a year to live in. That young fellow's liabilities are reduced to a minimum. He has a roof over his head, has a home and his meals. He has only to clothe himself and pay for luxuries.

18316. Do you make any distinction between living-in for very young men or young women—I presume you apply it to them ?—Yes.

18317. And those who are older, when they get on to thirty say ?—I think on a certain salary a man should live out, or if he has been in a place for a number of years. I believe some houses have that system. They sleep a certain number in the house. They have only accommodation for a certain number. As the men come in they have to go out in rotation.

Mr. Arthur Pitstow.

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18318. Do you think there is any moral advantage in living-in for the young men and women ?—Yes, I do. I think there is not nearly the temptation for a fellow or a girl in living-in as there is in living-out. They have to submit to a certain amount of discipline. There are certain hours for getting in. The other day I was talking with a young fellow about doing away with the system. He said he would not mind the living-in system if it was not for the restriction of getting in at 11 o'clock at night.

18319. But may not that be what some of us think a rather natural objection to being restricted in that way rather than any desire to use the later hour for any wrong purpose ?—That may be, but I do not think so. If the system were done away with, the probability is that there would be several large establishments started for boarding. In any properly regulated place—a large boarding house—they would have to get in at a certain time. They must have certain rules and regulations or they would have open house all night.

18320. I suppose there are thousands of clerks, similar young men, who manage without living-in ?—Yes. Of course they have to. But it is a question how do they live. It is an existence.

18321. I am now talking from the moral point of view. You think that the discipline they have to submit to is for their their good ?—Yes, I do.

18322. What would you say to all these places being subject to inspection ?—I think it would be the correct thing, and I think that the only people that would object to it would be people whom it would be necessary to look after. The Factory Act was, I suppose, brought in on account of abuses by different firms.

18323. The law was made for bad people ?—Yes, the honest man never minds having his character inquired into. I think the system is right enough, but the Government wants to see it carried out properly.

18324. You think it wants regulating ?—Yes; there are no doubt houses where they live under very bad conditions both as regards lodging and food.

18325. You cannot speak from personal knowledge of them ?—No.

18326. But those statements are very current ?—Yes. There are arguments on both sides. There is no doubt there is a lot wants rectifying

MR. CLAUDE BOUILLON, called; and Examined.

By Mr. Maddison.

18327. You have had some experience of living-in ?—Yes.

18328. Where was that ?—At H 10.

18329. And at G 10, where you still are ?—Yes.

18330. How long have you lived-in ?—Altogether twenty years.

18331. Was that confined to these two firms ?—Yes.

18332. What is your experience of living-in; is it favourable ?—Decidedly favourable.

18333. Has your experience in these two firms been that the accommodation as to the bedrooms and food, and the rest, has been fairly good ?—Yes; one firm is better than the other.

18334. I will not ask you which is the better of the two. What is the view of assistants generally, whom you have come across, in regard to this matter of living-in ?—Well, you mean on the general question ?

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18335. Yes, of whether the present living-in system is good or bad on the whole ?—On the general system I think the impression is unfavourable.

18336. Why is that ?—I think one reason is largely that the majority of young fellows jib at the restraint put upon their liberty, and I think in our place and in all places, especially in the matter of getting in at a certain hour at night.

18337. You think the objection centres chiefly round that ?—I think so. In our house I do not say that, but I think throughout the City generally that is the opinion. Supposing a man is with friends or at a party, it grates upon him that he has to leave in the middle of the function and be in at eleven o'clock.

18338. Cannot you get permission on special occasions ?—In our place a man could get permission perhaps

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occasionally, and once a week they have a night up to 12 o'clock or 11.45.

18339. At what time do you close the doors on other nights ?—11 o'clock.

18340. Where do you live at G 10. Where is the living-in place ?—My apartments are at ————————. I have charge there of the apprentices, some thirty boys.

18341. All the boys live together ?—All the boys live together.

18342. And therefore of course all sleep together ?—Yes.

18343. No boy sleeps with an adult ?—No.

18344. Is it your view that it is undesirable that boys should sleep with adults ?—I do not say that, but I think it is better that they are as they are.

18345. Have they a corresponding number or a similar number of young women apprentices ?—No.

18346. You have charge of these boys ?—Yes.

18347. What does your supervision over those boys really amount to What do you do ?—It amounts to first of all perhaps a personal influence. You are there to carry yourself well and set a good example before these youngsters. You "father" them, as it were, and take an interest in them, and coach them. We have a sort of Mutual Improvement Society. We have debates and religious addresses ; run concerts, mock trials and that sort of thing for mutual edification. I lock up the premises and am responsible for that particular building.

18348. And you sleep there ?—And I sleep there.

18349. Anybody beside yourself, an adult, or are you alone ?—Only the housekeeper.

18350. So that I take it you think the living-in system is good, but I gather you think there is need for regulation and outside supervision : is that so ?—I think really that the system is a good healthy wholesome system. It was good for me, at any rate, because coming from school as I did, with my mother unable to keep me, it was first of all proposed that I should go to Cook's, the Tourist-Agents, in Ludgate Circus, but my mother could not see her way for me to take the billet, and she again approached those who were influential in getting me that situation as an errand boy at about 6s. or 7s. a week. It was impossible for my mother to make up the remainder of the money necessary for me to live out, and she besought them to put me into a house where I could live in, where I was off her care. That is the part these houses play to young fellows who come first of all to the City, and who are not very valuable.

18351. If it were not for that advantage what would you say to the living-in system—I mean similar to your own case which you have kindly given us ?—My opinion is that it is good and would be better by supervision in quarters where the standard does not attain to the excellence of our own.

By Mr. Delevingne.

18352. Are there women assistants at G 10 ?—Yes.

18353. Do they live in ?—Yes.

18354. You are not able to give us any information with regard to them ?—No. I could not speak for the women.

SIXTY-FOURTH DAY.

Thursday, 5th March, 1907.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, BART., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

MISS MARGARITA OLIVER, called ; and Examined.

By the Chairman.

Miss Margarita Oliver.

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18355. In whose service are you ?—I 10.

18356. What is your department ?—The silk and silk robes' department.

18357. Is I 10 a large employer of labour ?—Yes, a very fair number. When the house is full, I suppose we go over 200, but, of course, it varies with the seasons.

18358. Do they live in ?—Yes, most of them ; a few, if they prefer it, live out.

18359. How many men are there ?—There are not many men because we have not what are called heavy departments. I should say there are perhaps between twenty and thirty men, that is excluding the buyers.

18360. How long have you been there ?—Thirteen or fourteen years, I could not be certain without calculating ; it is a good long time.

18361. Just explain if you can the arrangement about the living-in ; that is what we are anxious to know. For instance, how many young ladies sleep in the same apartment ?—That depends upon the size of the room. If it is a very large room, say a room of this size, I should say about four, perhaps five ; if it is an ordinary size room, or one of the smaller rooms, one. I do not think there are any rooms where there are more than four or five beds, but then, as I say, those are very large rooms, the same as probably you would get in a private house. When I say beds, I mean single beds not double beds.

18362. Is that part of the system throughout ; are they all single beds ?—Yes, I do not think there are any double beds. It is usual in all good houses to have single beds ; double beds are not absolutely done away with yet, but they are gradually being done away with.

18363. What are the business hours of the establishment ?—From half-past eight until about seven, and two o'clock on Saturdays.

18364. Now will you tell me about the meals ?—Do you mean the routine or the general quality ?

18365. I mean the routine of the day as it were ?—There is breakfast in two parties in the morning.

18366. Is that provided in the business premises ?—Yes, in the dining-room, which is downstairs. The first party go down to breakfast at eight o'clock ; that is over by eighteen to twenty minutes past ; then they go into the shop and the next party come.

18367. What is the next meal ?—That is lunch, from a quarter-past ten to a quarter-past eleven ; you have that or not as you like ; it is optional, you have to pay for that.

18368. That is one meal that you have to pay for?—Yes—well, there are biscuits and that sort of thing provided.

18369. Then the next meal?—That is dinner in the middle of the day; that goes in three parties.

18370. What is the hour for that?—The first party go in at one o'clock, the second at half-past, and the third at two o'clock. Half an hour is allowed for that. Then the next meal is tea. That varies according to the time of the year; sometimes it begins at five o'clock and sometimes at twenty minutes to five.

18371. After business hours are there any arrangements made inside the house for your amusement, or anything of that sort?—We have our associations for carrying out different amusements and recreations, and, of course, we have sitting-rooms where papers of every description and magazines are provided; that comes out of what we call a library fund, and then, of course, there is a big library in connection with the house.

18372. Do you subscribe to the library fund?—Yes, it is just a small sum, about 6d. a month. The library contains about 400 or 500 books, and that subscription gives you a range over that number of books, and there are also daily papers, and all the usual periodicals.

18373. Do you have concerts?—Yes, we have what we get up. There is an amusement association that has been formed, and we have the entertainments that we get up. As a matter of fact I have been acting as secretary this winter for our amusement association, and we have whist drives, and dances, and concerts, and so on.

18374. Do you know the opinion of the young ladies engaged by I 10 on the subject of living-in. Speaking generally, do you know what their views are?—Decidedly they prefer to live in, especially where they have had experience of living-out—most decidedly. You might find a few of the younger girls who have had no experience who would prefer to live out.

18375. Will you tell us what is their real reason against living-out?—Do you mean my own personal view?

18376. Only so far as you can express the views of the class that you represent?—Well, I should say it would be bad morally and physically to do away with girls living-in. I am not, of course, speaking of young men, because they are different and look at things in a different light, but most decidedly I should think it would be very bad both morally and physically for girls to live out.

18377. Do you think it would be possible for them to get good lodgings?—Not at the price they could afford to pay, and I think you would find in a few years time that the class of assistant in any of the houses would be lowered a very great deal, because parents of the better class girls would not allow their daughters to come up and take lodgings in London where they would have no one to be responsible for what they were doing of an evening.

18378. Supposing they wanted to take lodgings, how much would they require to pay in order to live with anything like equal comfort. Have you ever considered that question?—To live out you see you would have to restrict yourself in a great measure to one or two small rooms. You would have no society and another thing I think it would be bad for young girls in this respect, that they would be absolutely independent, and could do as they liked. As it is at present they are in a great measure overlooked; certain people, of course, are in charge of them, and they have to keep stated hours, and, of course, there is always the influence of general opinion What I mean to say is this, there are lots of young girls just apprentices of fourteen or fifteen years of age in these houses, and you will always find that a number of the senior girls take a certain amount of interest in them and exercise influence over them if they see them doing things that they do not think are nice, and that might lead them into difficulties. So that there is always that moral influence and the moral check upon the younger girls, because they would say to them for instance: "I should not do that if I were you"—just in that way, but you see it is a big check upon them.

18379. What is your view about what is called the independence of living-out. Do you prize that at all?—There is certainly the independence of living-out, but it is counterbalanced by a lot of unpleasantness. I may say that I myself lived out for five or six years, so that I can claim a certain amount of experience with regard to it.

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18380. Were you fortunate or unfortunate in your experience?—I was fortunate because I was able to live with friends. Of course, to live out would be very well if you were able to live at home with your parents and go to and fro to business.

18381. Yes, or where these girls were able to live with an aunt for example, or friends of their parents?—Yes, that would be all right, but you see you get girls up from all parts of the kingdom, and many of them who come up hardly know a soul in London.

18382. A lot of your girls get married, do they not?—Yes.

18383. Can you give us any idea of what is their preparation for housekeeping, and things of that kind. Do they get any training in your establishment to fit them for housekeeping duties?—No. You do not get that in a business house at all. But then, on the other hand, you see the class of girls you get in a business house get their training at home before they go out to business, and in a measure if they want to, they soon get into it. I see lots of my friends who are married. I went, for instance, last Sunday to see a friend of mine who had got married, and who had never done any housekeeping before and she seems to have fallen into her household duties quite naturally. You use your own common sense, and then again you have your business training which teaches you to do things methodically, and that is a great help to you. Take cooking, for instance; you have been used to doing things as you are told, and consequently if you are not certain how to cook a particular article, you look at the cookery book and you follow out the instructions that are given you there.

18384. From a practical point of view if they were all brought up in family life it would be an advantage, would it not?—Yes, but they would not be brought up in family life.

18385. If they were living at home they would, would they not?—Certainly if they were living at home, but then you see so many of them are not living at home; if you take any business house you will find that there is only a very small percentage of the girls whose homes are in London.

18386. How was it that you came to give up living with your friends in the comfortable home that you had with them that you have told us of?—That was when I was in business at Hastings, and I left there because I wished to come to town. I have a great number of acquaintances and friends in the trade all round; you do have after a certain number of years.

18387. The point has been put before us that if there was no living-in, girls younger than yourself perhaps might be exposed to great temptations. What is your view with regard to that?—I think that would be so decidedly.

18388. Then the other side of it has been put to us namely, that if they had respectable lodgings, particularly with friends or relations, they would get into family ways and would acquire a certain amount of household training which would be useful to them. What do you say to that?—I do not think so.

18389. You do not agree with that?—No; I do not in this way; girls come up to London with a certain idea of being independent. A great many of the girls in business could if they liked stay at home because their parents are in a position to keep them at home, although they could not supply them with the amount of money, and that sort of thing, that the girls can earn by going to business. So that a very great many of them come up with the idea of having more money and more independence, and mixing more freely with different people. Take a farmer's daughter for instance. She can stay at home if she likes and assist in the housework and the farm work, and that sort of thing, but you often meet them in business houses because they get tired of the restricted life, and the girl who comes up to London to business, and she is a very average type of the girl in business, would not allow people to interfere in her life beyond a certain point when they have no authority to do it. I do not know if I make my meaning clear?

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18390. You mean to say, do you not, that she would prefer to be in a large establishment rather than in a private household ?—I think so, because if you put her into lodgings she might object to restrictions without authority, although of course it would be very nice if she could go into a large boarding house, for example.

18391. Yes, I follow what you mean ?—But she would get no more household training there than she would in the ordinary way in a business house.

18392. One has had experience, and one has read a good deal about the American system of boarding-houses. Of course, there is no such thing in London ?—Well, I have friends out there and they are not keen about it, although they have experience of it.

18393. They do not care about it ?—No, they do not. Two young friends of mine went out to Winnipeg about three years ago to a stores there ; they had been living in at U 5, and at E 10, but they were not keen on the system at all.

18394. Supposing you want to go out to a theatre you are free to do that, are you not ?—Yes, but you must be in by a certain time.

18395. Supposing you are not, what happens ?—Then you are reported and you get into difficulties unless you have a very good reason for being late.

18396. We have had some very startling evidence about girls, at least in one case, having been compelled to walk the streets all night through having been locked out ?—I think that must be an extreme case. I know in our establishment that although, of course, you do get into difficulties as I say when you come in late, yet at no hour of the night dare they refuse admittance to an assistant. I myself have heard the head of our firm say so several times, and I know it has never happened at our establistment.

18397. Are you satisfied with the food and the general arrangement of the accommodation ?—Yes, decidedly. It is plain, but it is good. Of course, there are some houses where it is not good, but as a rule the food at our establishment is good ; you do not get luxuries, but it is plain, wholesome and good.

18398. Do you think also that the accommodation is good ?—Yes, decidedly.

18399. Are there other houses where it is not so good as yours ?—You get a variety of all kinds, but I have only had to do with what I call nice houses. Of course, if you go down to the very lowest class I could not answer for them, because as I say I have only had to do with nice houses.

18400. Of course, you cannot help knowing that there are houses not so good as yours, both with regard to food and accommodation ; and that is the kind of case, of course, that people ought to be protected against. Would you see any objection whatever to having the houses inspected on behalf of some public authority, such as the Home Office, for instance ?—None, whatever.

18401. I mean, a good place like yours would not suffer in the slightest degree by such inspection ?—Not in the least ; I am afraid you may think I am ignorant but I was under the impression that that was already very often done. I thought the London County Council had some power to come in and inspect, and I know I have seen lady inspectors about our house, and as far as I knew they went all over the place.

18402. Yes. Those are inspectors under the Shop Hours Act ?—I am sorry. I really had not enquired about it, but I know I have seen them about the place.

18403. Suppose a case of this kind : that now and again, and perhaps not infrequently in some of these lower class establishments, the assistants were not properly fed, do you think it would be in the interests of everybody that somebody should have the right of just popping in to see how things are going ?—Yes ; because I do not see how the ordinary houses could object at all ; but you must of course remember this—that occasionally the food may be all wrong in a house, simply and solely because the person in charge, or the caterer, sometimes it is the housekeeper, is abusing their trust ; but then the assistants soon find it out and have it altered ; they complain to the heads and it is put to rights. Of course, any house that has a reputation for " bad living," as we express it, could not get good assistants.

18404. So that things ultimately right themselves ?—They do ultimately right themselves in a great measure.

18405. You know, of course, that when girls are housed together in this way, say four in a room, they are not able to choose their own companions ?—Not at first ; but you can always arrange it. If you get into a room occupied by girls that you do not like, because, perhaps, sometimes different temperaments are thrown together where they are not comfortable, it can generally be arranged, and the girl is able to change into another room. I have never met a case yet where, if you apply to whoever has charge of the bedrooms, they will not change your room for you within a reasonable time.

18406. You say you have about 200 assistants in your department ?—About 200, but the house is not full just now.

18407. Is it all one house, or are there separate houses ?—I might say they are all under the same roof, although part of the shop is in one road and part in another, but it is all under the same roof.

18408. What is the time that is given as notice to leave—as warning ?—We have agreed to a moments' notice, but that is never carried out except in the most extreme cases. If they wish anyone to resign they would give her, perhaps, a couple of day's notice.

18409. In that case the girl must go out must she not ?—Yes.

18410. Is that not rather a serious state of matters that she might be, at an instant, or at a couple of days notice, thrown out into London without a home ?—It has its disadvantages ; but a long notice has its disadvantages as well. Of course, as I say, at our place such a thing as a moments' notice would be a very exceptional thing, and they invariably give them a certain amount of time ; and of course if it is the end of the week the girls can stay in the house if they like until Monday ; say a firm wished them to resign on the Saturday they would most probably tell them on the Friday and the girls could stay in the house if they liked until the Monday.

18411. It might be accompanied, might it not, by considerable evils ?—Yes, but then you see the girls have always got a certain amount of money when they leave. They always have some money to take.

18412. So that they can go and choose a lodging ?—Yes.

By Mrs. Tennant.

18413. I gather your experience has only been of good houses ?—Yes, I think I can say that—medium and good houses ; I cannot say I have lived in any of the lower type.

18414. Therefore you cannot speak about the conditions in the less good houses ?—No.

18415. You say living-out would be bad for the girls both morally and physically ?—Yes.

18416. Morally, I gather, because of temptations they would be likely to meet with ?—Yes, and the absolute loss of control by someone older and more experienced.

18417. On that point, the want of control, I think you said that the young ladies would not care for control unaccompanied by authority ?—I do not think they would, and I think that they would find it very difficult without it.

18418. And you feel that they have in the housekeeper control accompanied by authority ?—Yes, and not only the control of the housekeeper but also shall I say the general influence of the older girls. I have usually two or three junior hands under me and if those girls, for instance, were going out of an evening with young men and I saw them and did not like them, the girls might be influenced if I said to them, " I should not go out with those young men if I were you." That is what I mean by control ; it is not recognised official authority but indirect.

18419. In the case you have just mentioned would it not be a very easy matter for them if they wished to do so to go out without your knowing it to meet the young men ?—Yes, but you nearly always know.

18420. In the case you speak of the young men will have called for them ?—Yes.

18421. It is not difficult for them to arrange to meet the young men five minutes off, is it ?—Oh, no.

18422. So it does not seem to be altogether effective control, does it ?—Well, it is very effective in many ways because you can soon judge of what a girl is doing ; you can judge by the alteration in her.

18423. You would be able to judge of the alteration in any circumstances would you not ?—Yes, I think so. I would decidedly say so myself because I have had experience of it a good many times.

18424. Do you think you could judge of that more effectively because she is living-in in the premises ?—I think this, that when you are all living in a house together your opinion is much more regarded. I have noticed repeatedly that where the senior hands and the buyers live away from the house, because there are lots of instances where they do, they do not seem to have anything like the same control over them or the same influence over them in some way. It is difficult to express, but you can see it. Then again when they live in you take more interest in them. Of an evening you see them going out and you say : " Are you going out," and they will say : " Yes, I am going out with So-and-so" or : " I am going to the theatre," and you will say : " Well, I hope you will have a good time. Mind you do not get locked out " —do you not see, in that way.

18425. You feel quite strongly, I gather, that the girls would not be able to find in the owner of lodgings similar guidance and control ?—I do.

18426. Or accommodation ?—I do not see how they could, because to get that to my mind you would want to go to a very good class boarding-house.

18427. Or lodgings—or would you exclude lodgings ? —If they only had one room, just a bedroom, it would be very comfortless, and you see a great many would not be able to afford more than one room.

18428. Do you know anything about the system that is adopted in Scotland ?—No, I do not.

18429. You do not know that in Glasgow that is the system, that the assistants live in lodgings or boarding-houses ; at any rate they do not live in ?—I do not. I have had friends go there but I have never heard their opinion on the subject so that I am ignorant about that.

18430. I ask you the question because it has been put to us that as great care has been secured by parents from the owners of lodgings or the owners of boarding-houses ; in fact, it has been put to us that greater care can be secured in those cases than from a housekeeper who has to supervise perhaps 200 girls ? —Do the girls in Scotland come from as far away as they do in London ?

18431. Yes, I understand some come from as far away as the south-west of England ?—In our house, which is not exceptionally large, there are many larger, we have girls from the extreme West of Ireland, the North of England, and from Wales ; in fact, from all over the country.

18432. They come from Ireland to Scotland also. You know there is a good deal ocommunication between Scotland and the North of Ireland ?—That is so, but, of course, there are not many people go away from London to take up positions in the country, at least not subordinate positions. They often go away, but it is to take up good positions, as far as I know.

18433. Naturally the people in London houses would hardly care to leave London to go into the country.?—Not unless they had a very good offer.

18434. But they would leave the country to go either to Glasgow or to Edinburgh ?—Yes.

18435. On the subject of temptations, do you feel that it is going out in the evening that would expose the girls to temptations ?—In one way.

18436. What do you feel is the difference in the two systems that would expose them more to temptations if they were living-out than if they were living-in ?—It is in the absence of control.

18437. Is that all, or do you think there would be anything more ?—Well, there would not be much encouragement for a girl to go home if she has only got one room to herself, because it is very poor and very dull amusement. She has got a room there and perhaps she has a fire and perhaps she has not, and when she goes in it is not lighted.

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18438. That is assuming, of course, that her quarters are uncomfortable ?—Yes, but I do not think you would ever get sufficient money allowed to arrange it differently, and another thing, by living-in you ensure that at all times during the month the girls have the same meals, at the same time, and you must remember that a lot of people do not manage their money well ; it is apt to run away, and I must confess that drapers' assistants are rather bad in that respect, and I am afraid they would spend a lot of their money at the beginning of the month and leave very little for the remainder, although, of course, if the living-out system came in the payments would be weekly I suppose ; they would be re-arranged.

18439. You said just now that the living-in system ensures that they have their meals at the same time ?—Yes, and of the same quality.

18440. You say at all times during the month. I understand that at a great many places that that is not so, that, for example, on Sundays they have no meals in ? —There are some houses like that, I know, but I have never lived in one.

18441. Does it occur to you, that a girl who is unaccustomed to control, or to provide for herself in any way, might be laid open to more temptations by having to get her meals and live altogether outside on Sundays ?—Yes, I do think there would be more temptation decidedly in that case because you meet all types ; you meet the girl who has been taught, and who is naturally able to take care of herself, and you meet the next girl who is simply blown about by a puff of wind, and who would not see where the danger lay very often.

18442. I should like to ask you a question on the subject of companionship. You say if you find undesirable companionship in your room, that, although perhaps you are not able to effect a change at once, you can sooner or later get yourself moved out of that room ?—Yes.

18443. What happens when you go ; because a room which is designed for four I suppose must accommodate four, and somebody else must take your place ?—You would change your place in that room for a place in some other room.

18444. In that case you would have got rid of undesirable companionship, but somebody else would take your place in that room, and would be submitted to it ?—That might be, but if girls were absolutely undesirable they would soon be sent out of an ordinary respectable house. Of course, you must remember, that sometimes temperaments clash in a room where the girls are quite desirable in every other way ; for instance, you might get someone in a room with you that you would like very much, but she might be a girl that perhaps I could not get on with at all, although you might be very comfortable with her.

18445. Perhaps you were using the word " undesirable " in rather a stronger sense than I was ?—In any respectable house girls who were absolutely undesirable would be turned out.

18446. Of course, a girl might be undesirable on account of an objectionable temper, but yet might not be sufficiently undesirable to incur dismissal ?—Yes.

18447. Would not an assistant feel that she was taking rather a strong step in securing the dismissal of a fellow assistant, because she had an objectionable temper ?—It is only in an extreme case that the girls would ever try to get one of the assistants dismissed. I have never seen it done. I have seen rooms changed repeatedly, but that is optional, and it is only done when a girl asks for it to be done, and then, of course, you see we have all our sitting-rooms as well that we can go to ; there are good sitting-rooms provided.

18448. But that would not affect the undesirable companionship in the bedroom, would it ?—It does affect it in this respect, that girls very often use their bedrooms only as a sleeping room.

18449. But that would not alter the fact that they would have to sleep in the same apartment with a girl they considered objectionable, and if an undesirable girl

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is taken away from one room somebody has to receive her in another room ?—Yes, but then you see the governors or proprietors would soon get suspicious if they found there were too many alterations of bed-rooms with regard to one particular assistant. They would very soon open their eyes and find out what was the matter.

18450. Do you think it would be for the good of that assistant that she should be dismissed ? She is not likely to come to a better end if she is turned out of that house, is she ?—Granted, but she would have to be very bad and extremely undesirable before the average business girl would get her into trouble ; there is a big freemasonry among them to help one another.

18451. That is what I imagined, and why I feel it would be only the extremely undesirable girls who would be dismissed ; you might have remaining amongst you an undesirable girl, but yet one who was not bad enough to incur dismissal ?—Yes, but still even then there are a lot of restrictions in a measure—what I mean to say is, she keeps herself to herself.

18452. You are referring to the undesirable girl who has not been sufficiently undesirable for you to ask her to leave her room ?—Yes. I may say that I have a letter here from an assistant which I received only yesterday where a young lady who was at our place writes and asks the firm to give her another reference—I do not know whether you would care to see it—simply, because in the house she went to she wanted to leave because she found when she got there it was all sleeping-out, and she did not know it was. [*Handing letter.*] There is a very strong feeling among what I call the better class assistants—of course you meet various grades, but among the young ladies of the better class and the more experienced hands, there is a very strong feeling against the living-out system, although the young men, I believe, are very much in favour of it.

By Sir Frederick Cawley.

18453. About what price do you think an assistant would have to pay for one room to sleep in, we will say a decent bedroom, near enough to your establishment to enable her to get to and fro to her business ?—I do not quite understand what you mean, whether you mean sleeping out and living out ; do you mean absolutely on the American plan, where you have no meals at all in the house, or do you mean where they do as in some houses, just sleep out, and the house provides their meals.

18454. I was thinking for the moment of the assistant providing her own meals and everything, but not necessarily having meals in the place where they live. How much do you think it would cost an assistant to get a bedroom to sleep in. Of course, she would leave the business establishment at the time they close and would go at the usual time in the morning whether she provided her own meals or not. How much a week do you think a decent bedroom would cost her ?—I do not know. The only experience I have is when I have got rooms sometimes for friends coming up from the country, and then I have usually paid so much a night ; but I should think from about 7s. 6d. a week.

18455. Would they get a decent bedroom for 7s. 6d. a week ?—They might, but then you have got to know where you are going, and that is where I think the great disadvantage comes in, because you might find two respectable houses in a street where there were a dozen houses where there would be most undesirable lodgers near you, and you would immediately get a bad reputation.

18456. With regard to girls coming up from the country, girls living at a considerable distance from London whose parents had no friends in London to which those girls could go, how would the parents of that girl go to work to get the girl a decent lodging ?—That is what I cannot say ; that is where I consider it so great a disadvantage.

18457. Even if they did get with somebody who would be capable of exercising some sort of supervision over them, that supervision might or might not be exercised ?—It might not ; and again if it were, it might not be good.

18458. It might be worse than no supervision at all ?—Yes. I have known cases where assistants have taken rooms once or twice, and they have said they could not stay in the house they were in for another night.

18459. We are on the question now of living-in versus living-out, and, on the whole, you are decidedly of opinion that living-in is far preferable for women ?—For young ladies.

18460. You think what you call the "general opinion" is a deterrent—that is, I take it, that most young ladies are respectable and wish to do right, and that when anyone is beginning to lapse a little the general consensus of condemnation for such things is a great deterrent ?—Yes.

18461. That is what I understood you to mean by "general opinion" ?—Yes, I do.

18462. And if they were living in rooms alone, they could have nothing of that influence ?—Well, I do not think they could have so much in any way.

18463. And again, the interest would not be so great in them, because the social connection that there is between them when they are all living together, would not be so great. Is that it ?—That is just it.

18464. If they had to provide their own meals outside, is it, or is it not, likely that in many cases—perhaps through some wishing to have a little extra finery—that they would stint themselves in their eating ?—I think it is very probable.

18465. Therefore, to a young girl—and especially to a growing girl coming up from the country—it is an enormous benefit to have so many decent meals secured every day ?—Yes, I certainly think so ; because you are absolutely not going to keep your health unless you do.

18466. There is a tendency, I take it, in girls coming from the country rather to stint themselves in regard to food and spend their money in other ways ?—Yes, I think they would spend their money in having what they call a "good time," to use a slang phrase, in the beginning of the month and run very short before, perhaps, the end of the first week.

18467. At any rate there would not be a tendency to spend their money on food ?—I do not think so, because if you take young girls, they generally have a tendency to run to sweets, which are very nice indeed, but you cannot live on them—not to keep up health and strength, and do your work, because you have a good deal of work to do and it takes a good bit out of you.

By Mr. Walsh.

18468. You spoke of twenty minutes for breakfast? Yes.

18469. That is the time allowed, I suppose, where all the girls are living-in and sleeping in?—Yes, that is the time between the two bells.

18470. Did I understand you to say there were two relays of girls for breakfast ?—Yes, and three for dinner and three for tea, and then there is supper after business.

18471. Do the girls find any difficulty in getting their meals within that twenty minutes ?—Not at our place, but there are houses where I have heard people complain very much of the bad service.

18472. I suppose breakfast is partaken of before the serious work of the day commences ?—Yes. There are a few squadders, as we call them, who go in first to get the place tidied up, and they go out after they have had their breakfast, and have half-an-hour's extra time right off.

18473. There are no customers to be served, I suppose, at that early hour ?—No, the shop is not open.

18474. Twenty minutes seems a very short time for breakfast. I have had some experience of that myself and I always thought I had a real grievance when I had only twenty minutes allowed me for breakfast ?—We do not find it so.

18475. Even the young ones who may be credited with a good appetite do not find any grievance in only having twenty minutes allowed them in which to have their breakfast ?—No, I am not aware of any.

18476. So far as you are aware you have never heard of any grievance ?—I have never heard it mentioned, and you very soon hear it if there is anything wrong.

18477. You say there are three relays of girls for dinner ?—Yes.

18478. I suppose by then the business of the day has not only commenced but is fairly active ?—That is so.

18479. If a girl happened to be serving a customer when her relay came along would she stop serving that customer and go in to her dinner ?—No, because there is another girl that she can change places with.

18480. Does it not happen that sometimes they are both engaged ?—Not often, and sometimes you can get a third.

18481. How long do you have for your dinner ?—We have half-an-hour ; that is the average time allowed in the dining-room, but the time varies in different houses.

18482. Is a girl able to deal with a customer that she may happen to be serving and go and have her meal and get back in proper time to her desk, or counter, within the half-hour ?—If you cannot go down at the proper time you usually say that you will be coming down late, and you take your full half-an-hour unless it is a very exceptionally busy time, and then you do not care very much what you do provided you get through.

18483. So that sometimes you may sacrifice yourself and a portion of your meal-time in order to get back to your work ?—No, that is only in exceptional cases, and then you find the firms provide for it when it is exceptional. That would be an exceptional case. I have known times when girls have got into real difficulty where they have stopped and served and have not gone down to their meals, and the superintendent finds it out and they get into trouble.

18484. That is to say they have not asked for an allowance for the time they are late for the meal ?—Yes, they may say " I shall not bother about tea," for example, and if the superintendent gets to hear of it they get into difficulties.

18485. Does that occur often ?—No.

18486. There is not much friction so far as the inability of the assistant to get her meal within the time allowed is concerned ?—No, very rarely.

18487. With regard to the lunch for which you pay, is there much money expended on that ?—No, just 1d. or 2d. a day—that is all.

18488. Do the assistants generally go to the lunch counter ?—They generally do.

18489. It is mainly a little sweet stuff I suppose that they partake of ?—Yes, biscuits and pastry, and such things.

18490. Which will cost them only 1d. or 2d. ?—Yes, and milk and mineral waters generally.

18491. That is taken about ten o'clock is it ?—Of course the time varies in different houses, but at a rough estimate you can take it that it generally is from a quarter to ten to a quarter to eleven. In our house, for instance, it is from a quarter past ten to a quarter past eleven ; but t varies in different houses.

18492. And that lunch is generally partaken of ?—Very generally.

18493. Although the girls have had a good breakfast at 8.20 a.m. or 8.40 a.m. they still desire a little lunch about ten or half-past ?—Yes, especially the party that we call the last party who go to dinner about two o'clock. It is rather a long time to wait, from half-past eight till two o'clock.

18494. I was wondering whether when the girls partook of lunch it was due to the capriciousness of the girls or to the promptings of nature ?—That I cannot say, that is an open question.

18495. You say the girls spend their money very freely as it is. Have you not in considering that to remember that the girls really possess little effective knowledge of the value of money at present ?—That is rather a sweeping assertion

18496. I am only putting it as a question. I am not asserting it ?—Yes, but if I answer Yes to it it would be making rather a sweeping assertion

18497. Perhaps I put it rather clumsily. What I am trying to find out from you is whether the girls in this rather confined life they are living are able to build up an independence of character and broad knowledge that they might be able to develop under different circumstances living individually ?—Decidedly I should say.

18498. That is to say, you think their broad general knowledge of the world, so to speak, and of the value of money is quite as high in this social life of theirs as it would be if they were living an individual life and lived on their own resources ?—I should think so, but it is a thing that you want to consider first. I must own that I have never really thought it out, and it is a thing you can think about a lot, but you get so many influences to bear upon them when they live in that I think they would get it, because you will find a lot of difference in a girl very often in the course of six months. Perhaps in the beginning her first months' money is all gone by the time she gets to the end of the first week, and then somebody takes her in hand, and you very often see a great difference in a girl.

18499. Are you aware of any houses that have so to speak stopped the system, and that where their people lived in formerly they are now living out ?—I have not had to deal individually with them. I know that at X 6 all live out, and at K 10 all live out.

18500. Did they at one time live in ?—I think X 6 did, but I will not be quite positive. That was before I came to town I believe.

18501. Are you aware whether at K 10 they all lived in formerly ?—I do not know. I know they live out now, and I was not keen on going there for that reason.

18502. Those houses stand very high in the trade, do they not ?—Yes, they are very nice houses, but a lot of assistants will not go there because of that system.

18503. Are you aware of any undesirable results that have ensued from the system that obtains at X 6 or at K 10. Speaking in a very general sense do you think that the girls employed at those places would rank equally high with your own girls ?—You get all sorts, but I must confess that I have not been agreeably impressed with those that I have had from there, and I have had about half a dozen with me. It is a thing, however, that of course would be a very sweeping assertion to make to say that they did not rank as high.

18504. I follow. You do not want to particularise or to draw a distinction between the morals of the assistants at one house and another ?—No, it is not fair to judge of the whole of the houses in the trade by individual cases.

18505. Certainly not, and I will not press the point. Do not you find in the case of girls who come up to London that London is such a vast place that it contains relatives or friends of almost every person in the country ?—Yes, I should think that would be so.

18506. It contains almost a sixth of the entire population of the country ?—Yes.

18507. Would it be difficult for the parents or the relatives of those girls to obtain information with regard to desirable houses where their girls might live ?—Of course, they could easily obtain information with regard to the class of business house that their daughters thought of going into, for instance if you take any big house it is the easiest possible thing in commercial centres to know exactly what reputation that house bears, but with regard to private houses I should think it would want a lot of finding out. If you look at London you hardly know who are in the next house to you, whether they are respectable people or not, do you ?

18508. To take the case of the young men many of whom do live out, of course, there is I suppose a friendly spirit at least existing between the girls in the establishment and the young men who live out—I will not speak of any more tender feeling, but there is a friendly feeling I have no doubt existing between them—could not the girls ask the young men where they are living, and get them to give them information in that way as to a desirable residence or lodgings ?—Of course, you can obtain information about anything if you go the right way about it, and go at it long enough. You are certain to find out if you do that.

18509. What special difficulty in the case of London do you think would exist as compared with Glasgow or Dublin ?—For one thing it is very much larger.

18510. The extremity of the nation, in the case of Glasgow, is I suppose 300 miles, and people come 300

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miles to Glasgow, and they will come a very similar distance to Dublin?—Yes.

18511. Can you see any special reason which exists in the circumstances of London that does not exist in the case of those other cities to prevent girls from living-out?—I never lived in either of those towns; I have only passed through them or spent a holiday there.

18512. I only meant from your general idea, and not from your actual experience, but I will not press that point?—It wants thinking out. If you had given me a list of questions that you intended to put to me I would have thought some of them out.

18513. In the case of your own house and the houses that you have been mainly associated with, they have all been, I suppose, or might be described as high class houses?—What we would call in the trade good medium houses, first, or good medium you would describe them.

18514. Have you thought of the conditions that obtain in the medium or lower grade houses?—I am afraid what I think of those assistants who remain in the low grade houses is that they must be very stupid people not to learn their business better and get away from them.

18515. I do not know whether the economic effect of that is within our reference. Have you heard of any houses which might be described as being a little shady?—You hear a lot of gossip about different houses.

18516. Cannot you speak from experience of what you have learnt about them?—You get all sorts in big business houses. For instance, when I came to town first I was told that no references were required at a certain house, but I had not been at I 10 more than a week before I was told that the house in question was one of the strictest houses in the trade for references, but that is still said; I have contradicted it everywhere.

18517. Can you speak of the conditions obtaining in the East end of London at all?—No, I do not know anything about those houses.

By Mr. Delevingne.

18518. Are there any fines in your establishment?—A certain number, but they are not very strict. In fact they do not seem to be inflicting fines anywhere very much at present.

18519. Is there any list of fines put up in the shop?—They give you a book.

18520. To each assistant?—Yes, a book of what are called rules.

18521. Can you give the Committee any information as to the offences or the matters which are punishable by these fines?—Well, they are generally for such extraordinary things that you never think of doing them. Of course, they are rules that the governors have found it necessary to make in order to deal with every type of person, but taking it in the ordinary way they mostly refer to the way business is transacted; for instance, there is one fine which is usually very strictly enforced, and that is for carelessness with regard to duplicates and that sort of thing.

18522. That fine is strictly enforced?—As a rule it is in most houses, because you see it is a very important thing if a duplicate is lost; say, for instance, a duplicate of an entry to a customer. That is a very important thing, because there is no clue that the customer has had the goods without going through the packing room and all that.

18523. How is it that a duplicate comes to be lost?—You were asking what the fines were inflicted for, and I illustrated the loss of a duplicate as being an example that you would follow quickly.

18524. How would it come to be lost?—Most probably through carelessness.

18525. Not by accident?—If it was lost by accident it would usually be found out, but that would be in a measure carelessness, because a special place is provided for them to be put into.

18526. What is the amount of the fines?—They range from 6d. to half a crown, but of course a fine of half a crown means that it is very serious. As a rule, the fines are about 1d., 2d., and 3d., but as a matter of fact there are not many inflicted, and it is usually through some carelessness on the part of the girl herself when they are. I do not think myself, in the thirteen years that I have been there, that I have paid 3s. altogether in fines, so that will give you an idea that they are not very extraordinary.

18527. Have you ever heard any complaint with regard to the fines from other young ladies in the establishment?—You do hear complaints sometimes. Of course there is a great idea to make them punctual in going to business in the morning; you must be in business by a certain time, and as a rule in most houses if you are late the fine is a matter of 2d.

18528. How much grace is there given to you?—Between five and ten minutes—about five minutes is the usual grace that is allowed.

18529. You are not of opinion that these fines as actually enforced are a source of injustice?—It would be a very exceptional case if it was unjust, but of course it might be a source of injustice, like anything else, you might get a superintendent or somebody in authority who might be unjust in that respect.

18530. Who imposes the fine—the foreman or the general manager, or who?—It is usually the superintendent of the department, and then it is generally passed I believe by someone high up in authority.

18531. Have you any appeal to a person higher?—Oh, yes. I may say that there may be a few houses where fines are very much carried out, but fining is a sort of thing that has dropped out very much within the last few years. If you had asked me that question a few years ago I should have given you a very different answer to what I have given you now.

By the Chairman

18532. I wanted to ask you about the Sundays. How do the girls spend their Sundays. Are they associated with Christian Churches, and the like?—Yes; quite the average belong to different churches and different sects, and of course, in our place for instance, there is only sacred music allowed to be played.

18533. Are the meals arranged so as to permit of their attending sacred service?—Yes.

18534. I believe there are some other young ladies who have come here with you to-day and who are prepared to give evidence?—Yes.

18535. From I 10?—Yes

18536. Do they share your opinions do you know?—Yes, I think you will find they do, but I have not said much to them about it because I did not know that the manager wanted us to come here until last night.

18537. It was with a view of saving time, that I asked you, because you have given your evidence to us so fully that substantially if their views agree with yours as I fancy they do, it may not be necessary for us to question them in the same detail?—I think I can say their views most decidedly would agree with mine, but of course they are different temperaments, and they might put things, perhaps, in a different light.

18538. Who was the manager that you were referring to who asked you to come here and give evidence?—L 10. He spoke to me last night about it.

18539. About coming down to-day and giving evidence here?—Yes.

Miss EMMA MILES, called; and Examined.

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By the Chairman.

18540. We have had evidence from Miss Oliver with regard to the business of I 10. I want to ask you in the first place do you approve of the system of living-in, or would you rather that it were changed to a system of living-out?—I prefer the system of living-in.

18541. How long have you been with I 10?—Nearly four years.

18542. Where were you before that?—At L 5.

18543. Is that a living-in establishment also?—Yes.

18544. How long were you there?—For six months.

18545. Before that had you further experience of living-in?—Yes, at a house in Balham for eleven years.

18546. Were those places all well conducted living-in-establishments?—Yes, in every way.

18547. You would prefer things to remain as they are?—Yes, decidedly.

18548. Miss Oliver has described matters very well, and very fully to us, and I presume you agree with her views?—I expect I do. Of course, I do not know what she has told you, but there are a great many points that she and I have discussed together and I agree with her on all those points.

18549. Do you think that your view represents the opinion of the majority of the assistants in your establishment?—That I cannot say.

18550. Is there a difference of view on the subject?—That I do not know. I have not discussed it you see generally. I am simply giving you my own opinion.

Miss ZILLA AMBROSE, called; and Examined.

Miss Zilla Ambrose.

5 Mar. 1908.

By the Chairman.

18551. You have heard the evidence which has just been given by Miss Miles?—Yes.

18552. Do you agree with that evidence?—I certainly agree with it in every respect. I would not agree to live out, not in any one way; I much prefer to live in; I have lived in for sixteen years, and I certainly prefer the living-in system.

18553. Do you belong to London?—No, I belong to Cambridge, but I have lived in at I 10 for eight years, I have also lived in at L 5 for three years, also at U 5, and also at a house in Brighton, and on each occasion I have found them most comfortable.

18554. Do you think the living-in system has advantages morally and physically over the system of living-out?—I believe as far as the younger members of the trade are concerned certainly morally, because I think there is a tendency on the part of the younger girls to rush about the streets at all hours of the night, and it would be bad for young ladies if they had no one to have a hold on them at all, because certainly I think the older ones have a great influence over them in many ways, and even as it is they do it now, and the older ones have a great trouble in getting the young ones in at any respectable time even although there is the risk of their being taken to the manager. So that I certainly think the living-in system morally is a much better system with regard to the younger members.

18555. Have you talked this subject over with Miss Oliver?—Yes, and also with others in the establishment.

18556. Are you expressing the general views of those in your establishment?—Yes, I think I can say generally that I am expressing the views of the senior members with whom I have discussed the matter on different occasions.

18557. There is one thing that I forgot to ask Miss Oliver, and perhaps you will be able to fill up the blank. Are you three ladies in what I might call a higher grade position in the firm of I 10?—Yes, I suppose we should be considered so.

18558. Do you look upon it as part of your duty, or at least your privilege, to assist the younger people and to look after them?—Yes. I think this, that when you get very nice young ladies from the country, children they are really, about thirteen or fourteen years of age sometimes when they come into the house, you are bound to take an interest in them. For instance we have two apprentices in our department usually, and if they were to tell you that they had been to supper with someone that they had never seen in their lives before, you would ask them where they went and who they went with, and so on, and point out the wrong of it, and they, perhaps, will not do it again; whereas if they had rooms out they probably would not have such an interest taken in them; and two girls would usually go together whose views, naturally, would agree one with the other, and they would probably do more or less as they liked and would have no one to influence them or to prevent them from doing just as they please.

18559. You think then that you are a real terror to them?—No, I will not say that; but I do say that when the younger apprentices come to London their first idea is to rush out the moment business is over and get into the street.

18560. Seriously, you do consider that it would be an advantage to live in rather than to live out?—I certainly think, from the moral point of view, that it would be a great advantage for the younger members, at any rate, to live in.

SIXTY-FIFTH DAY.

Friday, 10th July, 1908.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*).

Sir FREDERICK CAWLEY, BART., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.
STEPHEN WALSH, Esq., M.P.

T. E. BETTANY, Esq. (*Secretary*).

Mr. Cormack.

10 July 1908.

MR. CORMACK, of Messrs. Jenner & Company, Edinburgh; called, and Examined.

By the Chairman.

18561. What is your position in your firm ?—I am a partner in the firm of Messrs. Charles Jenner & Company, Princes Street, Edinburgh.

18562. They have a large establishment well known in Scotland ?—Yes.

18563. What is their line of business ?—General drapers and house furnishers.

18564. How many persons are there in your service ?—About 739.

18565. Is that made up of 204 men assistants and 535 female assistants ?—Yes, that is correct.

18566. Have your firm accommodation on their premises for living-in ?—Yes, they have.

18567. The premises they now occupy are, I think, comparatively modern ?—Yes, the building was erected about fourteen years ago.

18568. Was it preceded by another building on the same site ?—That is so.

18569. Was there accommodation in it also for living-in ?—Yes.

18570. I presume the number of assistants employed was less at that time ?—Yes, much less.

18571. How many of the 739 persons whom you now employ live in ?—186.

18572. And do 553 live out ?—Yes.

18573. Do you happen to remember how many of the 186 are girls, and how many are men ?—Estimating roughly, I should think there are about 86 men and 100 women.

18574. With regard to those who live out, do they feed in ?—Not all.

18575. What is the proportion ?—About 265 of the present staff have day board.

18576. Does that include the 186 who live in ?—No, it is exclusive of them.

18577. So that putting them together you seem to have 451 to feed in ?—Yes.

18578. Do you find that the plan of living-in is satisfactory from the point of view of the business ?—Yes, I do.

18579. How long has the practice of living-in been carried on by your firm ?—Ever since the firm was started by the late Mr. Jenner.

18580. The system is an exceptional one in Scotland, is it not ?—Yes, it is so.

18581. The business was built up by the late Mr. Jenner, a brother of Sir William Jenner, the famous surgeon ?—Yes.

18582. Have you continuously had this system of living-in and enlarged the number as the business progressed ?—That is so.

18583. When was the business started ?—About 1849.

18584. What is the general opinion of the partners of the firm, and of those engaged in managing it with regard to the system of assistants living-in ? Is it favourable to the system or the reverse ?—Distinctly favourable for the class of assistants we employ. They are mostly English, and they prefer to have that system. Many of the letters which we receive from applicants state that they apply because they are allowed to live-in.

18585. I gather that about two-thirds of your people are Scotch ?—Yes.

18586. And they don't live-in ?—No, we make no such provision for them.

18587. Where do you get these assistants ?—Largely from Edinburgh and Leith.

18588. And I presume they have relatives in the neighbourhood ?—Yes, either their own homes or relatives who live within easy distance.

18589. Do these assistants seem to be comfortably provided for, and appear respectably in your establishment ?—Oh, yes.

18590. I mean those who are natives of Edinburgh or the district. I suppose there is no practical inconvenience on their part in finding accommodation, either in their own homes or in convenient lodgings ?—They have no great distance to cover, and the tram service is very good.

18591. Why do you come to England for assistants ?—Partly because the number of houses of a similar nature to Jenners is very much larger in London, Liverpool and Manchester, and their assistants have the class of training which suits our business. We find it best to come to England for many of our senior hands.

18592. They come from England after being accustomed to the living-in system and contract with you on the footing that that system will be continued with them ?—Yes, I could show you many letters to that effect.

18593. I have asked you as to the opinion of partners and managers, and now please tell me what is the opinion of the assistants themselves with regard to the living-in system ?—The system is not compulsory. If any of the assistants prefer to live-out they can do so, but there has been little or no demand to live-out from the class whom we engage. If they indicated a preference for living-out we might engage them on that understanding.

18594. Without disclosing business secrets, can you tell us what kind of bargain you make in the case of any who prefer on the whole to live-out; I mean what pecuniary adjustment is there ?—Those who live-out would still get day board. That is dinner and tea. We pay big salaries, larger than the same assistants would receive in London, because in London the system of paying partly by commission is largely in force. If they prefer to live-out we give them £10 in addition to their day board.

18595. That is to say they would have their living-in wage, plus £10, plus dinner and tea.—That is so.

18596. Do you find that there are some who prefer to live-out ?—Occasionally, when a man gets up in years and receives a good salary he may prefer to live-out. If a man wishes to get married he naturally has leave to

live-out, but the single men usually prefer to live-in. If they prefer to live-out we put no impediment in the way. I have more than once asked several of the senior hands among the ladies to live-out. I can think of four at least who are now receiving big salaries, perhaps £200 or more, who have distinctly declined to live-out, because they preferred what they called the "club life" of the house.

18597. I will come shortly to the character of the life they lead. But first give me the opinion of the assistants themselves ?—So far as concerns those who live-in, I should say they are decidedly in favour of the system of living-in.

18598. Are any of the assistants whom you employ and who live-in young girls from the country ?—No, we would not engage quite a young girl to live-in. We draw young girls from Edinburgh, where they can live in their own homes. That is not so with all young men.

18599. When they live in I suppose you acknowledge a certain responsibility for their mode of life apart from the actual feeding ?—Yes, we have a certain supervision over their habits.

18600. Perhaps you will explain that to the Committee, who,—I may explain—realise that your firm is one of the finest establishments in the country. Please do not assume that we desire to make any suggestion whatever to the contrary, but kindly tell us frankly how the matter stands ?—The men live in a separate block from the women, and we have a house superintendent. They must be in by eleven o'clock at night unless they get a permit to sleep out. We do not control their movements. We simply want to know whether they are sleeping indoors, and our requirements are not inquisitorial.

18601. You rely upon their character ?—Yes, it soon shows itself. When they live in we see if there is anything wrong quicker than we would do if they lived in lodgings.

18602. With regard to the bedrooms, do the young men sleep in teams or singly ?—I should think that not quite half have single bedrooms. The others have bedrooms for two, not more, and on every floor there is a bathroom and in addition a library and smoking room. That is for the men.

18603. Of course there is no Sunday work at all ?—None.

18604. What are the week-day hours ?—From nine in the morning till half-past six at night in the summer, and six o'clock in the winter, and till two o'clock always on Saturday.

18605. I wish we had evidence of that kind from other parts of the country. Do those who so live in under these conditions show signs of contentment ?—Oh, yes, I think they are very happy. They have cricket clubs and football clubs, as well as concerts and theatricals in the winter months; we give them every facility for recreation. We lend them one of our large workrooms when they have a large assembly; we encourage that sort of thing.

18606. Is it your endeavour as partner and manager, to keep on friendly terms with the staff and to suit their taste and convenience so far as practicable in these entertainments ?—We make a point of being always in touch with our people.

18607. With regard to the females; there are about 100 of them in a separate block ?—Yes, overlooking Princes Street.

18608. Are their hours the same as those of the men ?—There is a difference of only a quarter of an hour. They have to be in by a quarter to eleven at night, unless they have a permit to sleep out; otherwise the conditions are the same.

18609. What is the method of supervision in their case ?—We have a lady as superintendent.

18610. How do they sleep ?—More than one-half are in single bedrooms; the others are in rooms with two beds.

18611. Have you any cases where four or six sleep in one room ?—No, we abolished that long ago.

18612. Do they also have their entertainments ?—Yes, and they join together with the men in the common room for concerts, etc.

18613. In the women's block is there ample accommodation, bathrooms and the like ?—Yes, on every floor, with hot and cold water.

18614. What is the opinion of the women about the system ?—I think it is, if possible, even more favourable than the opinion of the men for living-in. It would be a distinct disadvantage to them if they did not live in.

18615. What would be the disadvantage ?—I think we would not get the same class applying for employment—a class from well-to-do people. The fact that they are under supervision and made comfortable under the system of living-in induces their parents to send them to the trade, whereas if it were not so we might have to draw the young people from a rather lower class. Those whom we employ are, for instance, farmers' daughters or Nonconformist Ministers' daughters. They apply to us because we have a system of living-in.

18616. As it is well to consider all possibilities, suppose the living-in system were abolished by law, what would be the effect with regard to your people ?—I think it would be a distinct disadvantage to them. They would not individually get the same comfort living in lodgings as they do with living-in in a well established place like Jenners or many others in London.

18617. In the construction of your handsome buildings, did you take the advice of architects upon the footing that the assistants would be living-in ?—We planned it all ourselves, knowing the requirements of the living-in system, and the architects carried out our ideas.

18618. With ample cubic space ?—Yes, we took that into consideration.

18619. You think that if the living-in system were abolished it would be a disadvantage to the class of people whom you employ ?—Yes, a distinct disadvantage. They get more home comforts with us.

18620. What happens in the case of anyone falling sick ?—We have a sick room, and a doctor is immediately called in. Medical attendance is always available, and the patients have every comfort in the way of nursing, etc. Whatever the doctor prescribes for them or suggests in the way of light diet, etc., is provided, and this may go on for a month or even six weeks.

18621. Are they charged for medical attendance ?—Not the women. There is a small charge to the men, but it is only a shilling a month, and we have been considering whether we should not abolish that charge.

18622. You would be against the abolition of the living-in system in places conducted like yours ?—Yes; I lived in myself for thirteen years.

18623. With the same firm ?—Yes, I went there as a boy with absolutely no influence.

18624. You are a Scotchman ?—Yes, I come from Berwickshire.

18625. Originally then you came from a distance ?—Yes. A certain number of boys were always boarded.

18626. And your excellent case was rather like an illustration of Hogarth's Industrious Apprentice ?—I became a partner.

18627. Suppose Parliament did not see its way to abolish living-in, would yours, or any well-conducted firm that attends to its assistants' welfare, object to rigorous inspection ?—We would not. I do not think it would do to have anything like a stigma attaching to it, like some matters requiring factory inspection. I think living-in should not be compulsory. It should be at the option of the assistants to live out. No doubt there are some houses in London that make living-in a condition of employment. I would prefer to leave it optional.

18628. That would, of course, leave in existence all those cases where the option was exercised in favour of living-in ?—Yes.

18629. And I understood you to say that in such cases you would not object to inspection. Have the local authorities in Scotland an inspector who goes round to see that the law about providing seats for shop assistants is observed ?—I could not say; it is many years since I saw anyone come round on that subject. We provided seats when the Act was passed, but they are rarely used.

18630. But your firm have not long working hours ?—No, and we encourage our assistants to sit down when business permits.

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18631. If inspection was made by an independent officer whose visits implied no stigma, you would be willing to have everything your firm did seen and known ?—Yes, but it might be rather hard if legislation required changes in the cubic feet area and necessitated great structural alterations in premises. If living-in were made optional, shop assistants would not accept it unless proper and adequate provision was made.

18632. When you suggest an optional plan it must be remembered that much depends upon the conditions under which the option is exercised. If the option were either living-in or else living-out with an allowance of only £5 extra, that might make it rather hard to exercise the option ?—It is difficult to put an exact and invariable figure upon it. We reckon the matter at cost and allow £10 extra to each of those who prefer to live out.

18633. In the case I have suggested, the balance of the option would be rather in favour of living-in, from a financial point of view ?—Yes ; it is worth our while to make it worth while for our assistants to live-in.

18634. How is the food arranged ? Have you cooks on the premises ?—Yes, we have chefs. That is very well done indeed.

18635. Have you dining-rooms ?—We have got two dining-rooms, one for the men and one for the women, and we supply them with a good wholesome breakfast—fish or ham and eggs, and so on—and we supply them, of course, with a good substantial dinner and tea and supper. The supper consists of fish and meat, perhaps.

18636. Have you any complaints of the food at all ?—Never. If we do have them we investigate them and put it right. We employ the best tradesmen and only contract with the very best for what we require to buy.

18637. So that as far as you are concerned the inspection could extend to the feeding ?—Yes.

18638. And you think that a good employer would have no reason to complain of that, always assuming common sense on the part of the inspector ?—That is just the bother I foresee. There might be what might be called petty interference, which would be unfortunate in the interests of both employer and employee.

18639. The only other thing that I think I have got to ask you is, supposing living-out were made compulsory (though you have probably answered this), do you think the class of assistants would deteriorate ?—Yes, I think so.

18640. Now come two other serious questions. The one is the marriage question, and the other is the franchise question. Tell me about marriage. Supposing one of your male assistants wants to get married, what then ?—I have no hesitation about that.

18641. He intimates that to you at once, does he ?—Yes.

18642. He gets his £10 rise and there is an end of it ?—Yes, or if he is a valuable servant we might give him more in the case of him getting married, but he would not get less. There would be no impediment. If he thought he could afford to get married and live as a married man he is quite at liberty to do so.

18643. Have these fellows votes ?—Those who have single bedrooms have votes.

18644. But the others fail on account of the clause in the Reform Act ?—Those who have single bedrooms come under the service franchise and have votes, but those who are in double rooms do not. I find the majority are Tories.

By Mr. Maddison.

18645. Of those who have votes ?—Yes, and it is very curious.

By Mr. Walsh.

18646. They are Englishmen, are they not ?—Yes, they are Engilshmen.

By the Chairman.

18647. Of course, they can have what politics they like ?—Yes, we cannot control that. We in no way interfere with that.

By Mrs. Tennant.

18648. You must have experience, I suppose, of much smaller houses than Messrs. Jenner's, or did you begin with Messrs. Jenner ?—I began with Messrs. Jenner. I have never lived in any other house than Jenner's.

18649. Then have you any indirect experience ? Will you tell us what you have heard of other houses ?—Yes, I have been through most of the London houses.

18650. In what capacity ?—As a visitor.

18651. But you have not heard from other assistants, —when you were yourself an assistant—of their experience of other houses ?—Yes, I have occasionally.

18652. Have you heard at all of houses that were not well conducted ?—I do not know any of the large houses in London or the Provinces that are not well conducted. I do not know of one, but there may be some in which sometimes the feeding is not so good as it might be. Some of the assistants might complain, where there are a large number of assistants, and it is not always an easy matter to get them all quite satisfied, no matter what you give them.

18653. There are a great many complaints, not only of feeding but of lack of cleanliness and lack of supervision, and so on ; you have never yourself heard any ?—I have never heard that in connection with large houses of business. But I do not come in contact with the smaller house assistants. We very rarely get applications from them.

18654. You have not heard of any houses where the assistants are unable to marry should they wish to ?—No, I have not heard that. I think that is mostly in the past. The tendency now is towards greater freedom, I think.

18655. Then you would say that the system of living-in has in your experience improved ?—Vastly ; although I see no reason to complain of it on looking back. I should say it is 50 per cent. better in the matter of cleanliness and home comforts and the club life that is now carried on.

18656. In Messrs. Jenner's did they ever, for example, sleep two in a bed ?—Never at any time, but there have been more than three beds in a bedroom.

18657. But two persons never sleep in one bed ?—No, and as to that I can go back thirty-five years.

18658. Is it within your knowledge that that goes on to-day ?—I never heard of it. I never have seen it in London. I have seen more than two beds in one bedroom in London, and that might with improvement be abolished. I think two is quite enough.

18659. I think you said you had abolished at Jenner's the system of having bedrooms with more than two beds in them, say four or six ?—We never had that.

18660. I thought you said you had abolished that ?—Bedrooms ?

18661. Yes ?—There never were six, but there have been some bedrooms with four in them.

18662. What is your feeling on that question ?—My feeling is that I think the senior hands should have single bedrooms.

18663. And the others ?—The junior hands should be not more than two in a bedroom.

18664. With a view to privacy or health ?—Yes, I think both, and it is better so altogether.

18665. Then is it in your experience that now there are houses in which there are five or six, or seven or eight, sleeping in one room ?—I have never seen anything like so many as that.

18666. You do not know anything of those houses ?—There may be such houses for aught I know.

18667. You said that at Messrs. Jenner's no attempt is made to get young girls from the country to live in ?—No, we do not want that class, because we can draw from Edinburgh, where they can go home.

18668. I would be glad if you would say why you do not wish to have them ?—We have only limited accommodation, and we want the senior hands in the house. The accommodation is so much better, we think, than what they would get in single lodgings. It would be fair only to employ our best assistants to live in. We want a better class of assistants to come to us, and we get that if we provide living-in.

18669. But you might provide living-in for those who come from the country. I mean the objects are not incompatible, and there are a great many houses

who have living-in altogether who do draw their assistants from the country ?—We may draw in England from the country or provincial towns like Manchester and Liverpool, but they must have previous training. We have no room for assistants to live in who have had no training.

18670. Then it is not a distinction which is made between town and country. You would not mind drawing assistants from the country provided the assistants had experience ?—No.

18671. In reply to the Chairman you said very decisively that you did not wish to draw young girls from the country ; is it only because they are young, or is it because they come from the country ?—A young girl from the country may have no experience, and I have no room for that class of assistant. I must draw inexperienced assistants from girls who apply to us from their homes in Edinburgh.

18672. Now as to the 553 who live out. What proportion of those are men, roughly speaking ?—There are 535 females.

18673. You say 186 live in, I gather ?—Yes, we have 204 males altogether, and we have 535 female assistants, and we have 186 who live in.

18674. Eighty-six men and 100 women ?—The proportion of unmarried men that live out is very small indeed.

18675. Would you say about 500 ladies live out ?—Of those 535 that live out they are mostly dressmakers and milliners.

18676. But of your assistants ?—They are mostly all married men that live out.

18677. I understood you to mean by 553 assistants those living out ?—(*No answer.*)

By the Chairman.

18678. May I interpose here to say that I think you would answer Mrs. Tennant's question better if you would take the men by themselves. How many men have you, and of those about how many live in ?—We have 204 males.

By Mr. Maddison.

18679. Are those all shop assistants ?—No, they are not. I have given you the total. The question was the total.

By the Chairman.

18680. How many of those 204 males are shop assistants ?—I should think about 150.

18681. Then of the 150 shop assistants how many live in—eighty-six, I think you said ?—About that, and the others live out. There are, of course, in that included married men.

18682. Now, take the women. You have 500 odd ?—Yes, we employ 535 women.

18683. How many of those 535 are shop assistants ?—I have not got that figured out. I could not tell you, because many of them are quite young girls, but there are about 100 live in.

18684. They are all shop assistants, and how many shop assistants have you who do not live-in ?—I should say there is about a couple of hundred, apart from dressmakers and milliners.

By Mrs. Tennant.

18685. There are a couple of hundred young ladies who do not live in ?—Yes. There are a great many quite young girls, who act as clerks and cashiers.

18686. Do all those young ladies exercise their option of living-in or living-out ?—How do you mean ?

18687. Have they deliberately chosen the living-out system as against the living-in ?—They have never had the option of living-in, because they are the Edinburgh assistants engaged from there. They belong to Edinburgh and live in Edinburgh. We have never had a single case of a female asking permission to live out—I do not recollect one.

18688. You always assume that if they are drawn from Edinburgh, they prefer to live out ?—No, we do not give them the chance to live in.

18689. You assume they would prefer to live out ?— No, I do not assume anything. We do not attempt to board them all in.

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18690. I am trying to distinguish between London and Edinburgh as to practice. A young lady may have a home in London but it is not assumed by the owner of the shop that she prefers to live at home ?—I could not assume that because I have known cases where they have homes and still prefer to live in if we let them.

18691. Then you assume they prefer to live in, but you do not often let them ?—No.

18692. What is your estimate of the number of people for whom one bathroom is sufficient ; you say there is a bathroom on each floor ?—There is one bathroom on each floor, but what do you mean, may I ask ?

18693. How many people go to a bathroom ?—I should think about thirty. The whole thing is regulated. We have it properly organised, so that no one is deprived of the bath.

18694. How many times a week do the regulations allow of a bath being taken by any one person ?—I could not tell you, but I have got it down in the book, though I could not tell you off-hand.

18695. It would not be possible for ten or twelve to have a bath on the same night, would it ? They must arrange so that it is probably three or four who have a bath on one night ?—There are just so many baths on each side—we have at least five or six baths on the women's side, and if one floor is not engaged they can use the other. They are all in communication. There is no friction in that way—there is no disappointment. There is enough for all ; and that I know ; I have many times asked the superintendent about it.

18696. Is the supply of hot water ample ?—Yes, it comes from the engine-house, and it is ample.

18697. Is there any restriction as to the hour up to which baths may be taken ?—Until the late servants go to bed. They would have baths up to then.

18698. Up to what time is that ?—Up to half-past ten.

18699. Then what time is supper ?—Seven o'clock.

18700. What accommodation is there in the sick room ?—There is a wardrobe and one bed.

18701. If you had half-a-dozen people sick at one time, what then ?—We have generally more than one bedroom vacant which we could put them into, but if we found it was necessary to provide for more we should provide accommodation outside.

18702. But between your sick room and the chance of other accommodation you have accommodation perhaps for three sick people ?—Yes, fully that.

18703. On the subject of regulation you think it would be hard if structural alterations became necessary in order to provide the cubic space required ?—There might be a hard and fast line laid down, which would be very difficult to carry out without necessitating the employer spending a tremendous lot of money on it, and yet that might not be a grievance as far as the assistant was concerned. You can imagine that you might define the thing so hard and fast that it might mean a very great alteration indeed.

18704. But as far as the public health is concerned you would not ask for a lower standard for shops than is required, say, for a common lodging house ?—No, certainly not.

18705. If the enforcement of that standard involved structural alterations you would not consider it a hardship though it did cost a good deal of money, would you ?—I can only say that so far as our bedrooms are concerned I do not know whether they meet the case or not, but they are certainly better than you get in ordinary lodgings.

18706. But I am thinking of the case in which it is at present worse than you get or are required to provide in a common lodging house ; and if it involved expense to the owner of the shop to bring his accommodation up to the standard required by the local authorities for these common lodging houses would you consider that a hardship ?—I could not answer that till I saw exactly what it meant. I can only say that if you find it necessary in our case to say that a bedroom was not large enough for any two assistants. then it would be a great hardship to

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make us alter it, and yet it would not be a hardship for the assistants to sleep in it, because they would not get it better outside.

18707. But your standard is up to the required standard ?—Yes, and it is difficult to say what a common lodging house standard is in regard to cubic space.

18708. Say 200 cubic feet per person ?—I could not say what that means. If I saw it in a room it would be different, but it is difficult to say without that. You might legislate in that way, and cause an immense amount of friction.

18709. But in the abstract would not you think that the standard a local authority requires for the inmate of a common lodging house should be given to the inmate of a shop ?—But common sense would have to come in. I am quite in favour of giving them every comfort, and I think that sanitation must be considered.

By the Chairman.

18710. And space also ?—And space.

By Mrs. Tennant.

18711. Do you think the assistants or employers would resent a visit paid at dinner-time, say, in order to ascertain that the food was of good quality and was sufficient ?—No, I think not.

18712. You do not feel sure ?—The only thing is, who is to be the judge of the food being good. Is it the inspector ?

18713. The inspector, no doubt, would have rules to guide him in enforcing such a regulation ?—There would have to be such rules, because, of course, some inspectors might be a little bit petty and domineering, and say that is not satisfactory, and yet it would be quite satisfactory to the assistant. So far as we are concerned we should have no hesitation.

18714. But do you believe such a regulation would work smoothly, or do you foresee difficulties ?—It would depend very much on the one that exercised the power, the same as it does now in connection with the Factory Act. We have had factory inspectors that have been troublesome.

18715. Then do you foresee opposition to a visit paid at night, for example, in order to ascertain whether there is sufficient cubic space, and whether the number of people stated during the daytime to occupy that room is, in fact, the number who do occupy it at night ?—No.

18716. You do not think the assistants would resent inspectors coming in after bedtime ?—Yes, I do think if it was too much like workhouse inspection they would resent it very much. Drapers' assistants are drawn from a class of people very touchy, and I think there would be a distinct disadvantage if there was too much factory inspection for the assistant. My own impression is that the employers of labour who board staffs are alive to the necessities of their own interests and provide the best possible accommodation.

18717. But you are aware, of course, that you are rather exceptional in having the living-in system in Scotland ?—Yes, that is so.

18718. Do you consider that you get a better class of assistant than others manage to get ?—Yes. I am quite sure of that. I think anyone that knows Jenner's class of assistant would bear that out comparing them with others in Edinburgh and Glasgow.

By Sir F. Cawley.

18719. In regard to cubic space your opinion is given from what you really know of private lodgings that girls or men could get in Edinburgh, and you think you give them quite as much space as they would get in any room they could afford to take ?—Yes, and I think they are more healthily lodged.

18720. In regard to more than two sleeping in a bedroom, if there were plenty of light and air in the bedrooms you would have no objection to five or six ? There is not any intrinsic advantage in two only sleeping in a room, is there ?—Yes, I think there is. Where there are five or six there is not so much privacy; at the same time if there is anything like quarrelling amongst them it comes to be very disagreeable, and they are more likely to chum up together if there are not so many. For instance, we have again and again had one coming and saying "I should like to go and sleep in the same bedroom with So-and-so." That is because they have become friends.

18721. Some people are of opinion that it is quite as well when men, or women either, are in larger dormitories, so long as there is sufficient space ?—That is not my experience of it, and that is not my experience as an engager. I think the assistants are distinctly against that. The requests made to me is for single bedrooms if they are senior hands, or not more than two.

18722. In regard to sick hands those that have a single room would not want removing for any small non-infectious illness ?—Not except in case of the Doctor considering a fire necessary.

18723. I quite understand your position in regard to drawing the juniors from Edinburgh. You want experienced hands from large London or provincial places from amongst the same class of business people as your own, and you engage all the younger hands from people whose parents live in Edinburgh ?—Yes.

18724. Now suppose you could not get them in Edinburgh, do you think you would get the same class, or would the small farmers or other people like to send their children to you if they lived-out ?—I do not think we could get the same class if we could not give them the option of living-in with its moral supervision and home comfort.

18725. You do not think that that class of people would like to trust their daughters to getting lodgings in Edinburgh and living, as it were, an independent life ?—That is my experience. They would not like it. They would not like to send their children to business.

18726. They would not dare to send them to large towns if they could not live in ?—No, they would not dare to send them to large towns like Edinburgh and Glasgow.

18727. In regard to feeding, you give them fish or ham and eggs for breakfast ?—Yes, we have a regular menu for the whole week, and that includes fish twice a week perhaps, and ham and eggs.

18728. Do you think if your assistants lived-out and had to feed themselves, they would live as well ?—Nothing like it. I know that is so.

18729. Do you think there might be a tendency in those hands that are living-out to rather skimp their living so to say ?—Yes.

18730. Perhaps to provide for other objects ?—Yes, amusements.

18731. Or dress ?—It is my personal knowledge that it is so, from what I have heard and have known from time to time.

18732. You have a great knowledge of these things; are you not of opinion that it is for the physical benefit of assistants to live in; those that live-in are better fed, than those that live-out ?—Yes, that is so. The fare is more regular and more wholesome, and in every way better, I should say.

By Mr. Walsh.

18733. I suppose it is the drapery business only to which this system of living-in in Edinburgh applies ?—Only to the drapery business.

18734. And only in a comparatively small number of shops, that is to say, your own and one or two more ?—We are the only one in Edinburgh.

18735. You are the only one there in which the living-in system obtains ?—Yes, and we stand alone, I think, in that respect, because we are a large house running a business similar to large houses in London.

18736. Then you really do think that the physical well-being of those who live out is not quite of so high a standard as that of those who live-in with you ?— As to those that live-out in lodgings that is so. I would not say it applies to those who live-out and live at home.

18737. Of course, you have not, I suppose, any general knowledge as to the physical condition of those who do live in lodgings in the other places of business ?—I can judge from what I see and hear. I think our assistants living-in are of a higher standard in that respect than those living in outside lodgings.

18738. But you have not any general data on which to base any such conclusions ?—It is simply general observation.

18739. You have not had any complaint from the drapers of other establishments as to the lack of physical efficiency of their assistants, have you ?—No, I have not. I do not come much in contact with them.

18740. It is simply a general statement ?—Yes.

18741. In the case of establishments where there are rooms in which four people are sleeping with three or four beds, although it might entail some little additional expense to change these establishments, are you in favour of or would you be in favour of such a change being brought about in order to secure greater privacy ?—Yes, I think I would be in favour of that.

18742. There are, of course, living-in establishments in the drapery business within the knowledge of gentlemen like yourself where there are even five beds in a room ?—Yes, I think so.

18743. And therefore you would be in favour of bringing about such a change as would reduce those to two beds ?—Yes.

18744. Notwithstanding the financial expense incurred ?—Yes, I would, if time was given.

18745. A reasonable time to bring about the change ?—Yes.

18746. Edinburgh is a city I have never had the pleasure of visiting, but have you fairly good travelling facilities to enable the assistants to get to their homes ?—Yes.

18747. And your hours are such that they can get home in fairly decent time ?—Yes. Generally, I mean to say I do not think that employers of labour who board their staff are so very much enamoured with the living-in system, but they find it a necessity. If it were abolished they would not grieve over it.

18748. It is not a case of love at first sight ?—No. It is a very troublesome thing.

18749. As to the distances they have to travel to and from their business you mentioned Leith, and how far is that ?—That is all Edinburgh really.

18750. You do not confine yourself to those two places ?—No, we draw from Scotland generally—that is, young men.

18751. Of course, they live-in—I mean your senior hands ?—Yes, and junior men.

By Mr. Maddison.

18752. You said that assistants from England have expressed a preference for living-in, and that you have some letters ?—Yes.

18753. I should like to see one or two of those letters ?—I will endeavour to find them. I could find several.

18754. But you said in your evidence you thought you had them ?—Yes, I am almost sure I have, and I will make a note of it.*

18755. Are the assistants that live in all English ?—Amongst the women they are nearly all English.

18756. Are there some Scotsmen amongst the men ?—Yes, quite a large number of the young fellows are Scots.

18757. Have you ever got any direct preference expressed by Scottish assistants for living-in ?—Yes, those who live in like it; I have never had any objection to it.

18758. Then so far as the young ladies are concerned I notice you have to go for your best assistants to England ?—Yes, that is so for our class of trade. There is a larger field for training them here, and we are carrying on a high-class business.

18759. Then for this better class of assistant, having regard to where they come from, it is your evidence that living-in attracts them ?—Yes.

18760. In Edinburgh you said there was no other firm, but is there any other firm in Glasgow that has the living-in system in your business ?—I think there is a wholesale firm. I am not sure, but there used to be one.

* Mr. Cormack has forwarded to the Secretary three or four letters from assistants in England applying for a place at Messrs. Jenner & Co. It can hardly be said that the assistants writing these letters express a preference for the living-in system; they certainly assume that they will live in and, perhaps, this is all that Mr. Cormack meant.

18761. You told us that £10 was the sum that you allowed for men who live out ?—Yes, but you must bear in mind we pay big salaries. A London house might give them £10 and the assistant would not be so well off.

18762. But is not that rather a money bargain in favour of living-in ? I mean to say, does the £10 represent the cost to you ?—It does.

18763. But it does not represent, does it, the cost to them in living-out, surely ?—They could not get the same comfort, or anything like it.

18764. £10 a year is 3s. 10d. a week, and no man could get decent rooms, that is, merely rooms, for 3s. 10d. a week, in Edinburgh ?—No, that is quite true.

18765. So that I think you will have to admit that when the man has that presented to him he lives out at a disadvantage, that is to say, his salary is reduced ?—No, it simply amounts to this, that that is what it costs us, but if it was made compulsory then that man and the whole staff living out would have to get smaller wages.

18766. I say it means a reduction in the man's wages ?—But the reduction would be on the standard wage, apart from what we added for living-out.

18767. It would be a reduction in the living-out wage, do you say ?—We cannot afford to pay them a better permanent salary if they live in.

18768. Then I say living-out means a reduction in the effective salary, not the actual. If a man only gets £10 more a year he cannot get his lodgings for that £10 ?—That is quite right. He would not get more in the aggregate if he had to live out. Supposing he got £50 a year, and £10 in addition to live out, making £60, that man could not get more really. The salaries would have to average down. We should have to engage a similar man to take his place next time for £40 a year, that is if we had to give him £20 to live out; what I mean is, we already pay him as much as we possibly can. We cannot pay him more.

18769. Now with respect to inspection, I think you very naturally without knowledge of what the cubic space really meant at lodging-houses did not commit yourself, but I take it that in any fair inspection you would be prepared to accept a fair domestic standard ?—Certainly.

18770. Having regard, that is, to what the conditions of the living-in system as compared with the living-out system in ordinary life would be ?—Yes. One must take into consideration light and air and ventilation.

18771. But taking all that into consideration, you would not think it unfair even if it cost money to put it upon the employers to provide it ?—No, I would not in the case of employers who give their staff inadequate accommodation to live in.

18772. But if we did recommend to Parliament that there should be inspection and Parliament accepted our recommendation, and if there were regulations which set up what I have called a fair domestic standard, you would not think that an unfair burden probably ?—No, but you would not have to make it too high a standard.

18773. No, but a fair standard ?—Yes.

18774. Do your women stay long with you ?—Yes, we have had them stay, perhaps, forty-five years with us. We have had one woman living in the house thirty years this year.

18775. What do you say to the domestic influence upon women ? Is the woman a better wife who has lived in than the woman who has lived out ?—I say a woman who has a business training and has lived in a business house is a better wife than the woman who lives in lodgings.

18776. How do you arrive at that ?—From general experience.

18777. Take any of your young ladies. What insight, at all, into ordinary housekeeping do they get ?—Very little, I admit, but they would have none at all in lodgings, and they would be led to gad about and save no money. I think it is a distinct benefit to a young lady in that respect to live in.

18778. With respect to your reason for not employing young girls from the country, in regard to which Mrs. Tennant put several questions to you, am I right in

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room for the qualified assistants ?—That is so; and, besides, it is a costly thing to board and lodge juniors.

18779. Exactly, and that is the only reason. It is not because they come from the country ?—No.

18780. It is because, being your apprentices or whatever you call them, you cannot afford to give them accommodation in your place ?—That is quite right.

18781. There is no other reason ?—No.

18782. You do not shirk the burden of taking the responsibility for these girls ?—If we had more room we should take more young women in, but we could not get them to come from the country unless we could give them accommodation of that kind. Therefore, we have to fall back on people in the town who live with their parents.

18783. But one advantage of the living-in system is just that fact. We have it in evidence that young girls can come ?—In our case we have not got the room. That is just it.

18784. I think you did give an answer, but I am not quite sure, in an indirect way about companionship in bedrooms. First of all, you have nobody sleeping two in a bed in your establishment ?—That is quite right.

18785. And you would be against that system ?—Yes, distinctly.

18786. You have had requests made to you about companionship ?—Yes.

18787. But would there be any real difficulty or trouble in young ladies, or young men either, who are sleeping in a room with a person they did not care about representing that to you, or to whoever the person may be ?—No. If it was reported to the superintendent immediately it would be adjusted.

18788. To put it practically, should you regard them as troublesome meddlers ?—No.

18789. It would not work out badly for them ?—No. It is incompatibility of temper in some cases. There would be a change and the thing would be all right.

18790. You see there may be cases where companionship would be a very important thing ?—Yes.

By Mr. Delevingne.

18791. Would you refuse an application from a young girl from the country who desired to come to you ?—Only on the ground of want of room. Our living-in accommodation is limited and we require every bedroom for the senior hands.

18792. But supposing her idea was to come to Edinburgh to live with friends or relations, you would have no objection to her ?—No, none whatever ; in fact, we should prefer her. We actually give a preference to country people, and we train them up in our ways.

18793. But supposing she wishes to live in lodgings, would you still be willing to accept her ?—We prefer them to be with relations or to have home life. I am now referring to young women. As to women up in years, we should have no objection to them staying in lodgings, but unless they stayed with relations or parents if they were young we should prefer to leave them alone.

18794. That is rather on the ground that you do feel some responsibility ?—The fact of the matter is that it is a town life, and we do not want to take girls from the country to the town where they are only earning a small wage unless they live with their parents or relatives.

18795. You saw some difficulty about the inspection of food, I think ?—That might be very irritating. It is very difficult to define it, but there must be a standard, I admit.

18796. But it would be difficult to put a standard into words or figures ?—A standard of quality, that is. Supposing you fixed your butcher's meat at so much per pound in London one could buy it at less than could be done in Edinburgh, and yet London houses might be still supplying the very best quality of meat.

18797. Do you think it would be possible to have an inspection by the local authority of the food supply in a living-in establishment ?—It would be a delicate question. If the inspector was a man with a good deal of common sense it would be all right, but if not it might be very troublesome.

18798. You said you had visited many big London houses and inspected their living-in arrangements ?—Yes.

18799. Do you consider them on the whole as satisfactory as your own ?—Such houses as O 8 or M 10 are.

18800. And Z 5 ?—It is many years since I have visited them, but I should think so.

18801. What about Q 3 ?—I have not been over the domestic part there.

18802. What is your opinion of those you have been over ?—Very good indeed. The last one I went and saw over was M 10, and that is very good, and I have been over X 5, too, and that is very good indeed. I have been over S 6, and that is very good too.

18803. What do you think of the accommodation provided by X 5 ?—Very satisfactory accommodation indeed. I do not remember how many were in a bedroom. I do not think I saw any bed-rooms where there were a great number of beds, but they may have only taken me to where there were two or three at the most.

18804. Have you seen the food ?—I saw them cooking it, and it seemed very good indeed.

By the Chairman.

18805. You have told us about the £10 figure for living-out, and speaking generally what proportion would that bear to the salary ?—Taking young women there would be no young woman in the house under a salary of £40.

18806. Plus board and lodging ?—Plus board and lodging.

18807. Then the young men ?—We start with lads as boys just leaving school. They would not have the option of living-out, unless boarding with parents or relations.

18808. The men's salaries go up to what ?—More than the women's as a rule.

18809. They go up to £200 in the women's case, do they ?—Yes, quite.

18810. And in the men's ?—Apprentices commence at £10—plus board.

18811. Up to what ?—Not so high in the men's case, as the men living in are mostly juniors, the senior men (in many cases married men) live out, their salaries are in many cases more than £200.
assuming that your reason is this, that you only have

Miss X., called; and Examined.

By the Chairman.

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18812. I understand you do not wish to give your name. We should be very glad if we could put a ticket upon you, but we must get your name. We could make a resolve that we shall not publish your name in our report if that will be suitable ?—It means if my name is published I get the swap, and I have to go at a minute's notice and my employer would not mind spoiling my reference. He does not know I have come here to-day.

18813. If you would give us your name we would undertake it should not be published ?—That you will not mention names at all ?

18814. That we will not mention names at all nor even mention the name of the firm referred to, but we must have your own name for our own information. [*The Witness gave her name*].

18815. What is your age ?—Twenty-six.

18816. In whose employment are you ?—R 6.

18817. What is his business ?—It is a draper's shop.

18818. Where is it ?—Bradford.

18819. How many assistants have they ?—I could not tell you that. I should think it must be about 120, as far as I know.

18820. How many of them live-in ?—I do not know about that. The girls live on one side, and the men live the other side.

18821. Are you one of the girls that live-in ?—Yes.

18822. What are the hours of your employment ?—We begin at a quarter to nine, and we are supposed to leave off at half-past seven, but I do not leave till eight.

18823. Then on Saturdays what are the hours ?—On Saturdays we do not leave till ten, and we do not get half-a-day.

18824. You get no half-day ?—We get no half-day at all.

18825. The hours being from a quarter to nine in the morning till eight at night ?—Yes.

18826. And Saturdays till ten ?—Yes.

18827. What accommodation is there in the living-in place ? Would you kindly describe the room where you live ?—I had better start upstairs first, I suppose.

18828. Yes, do ?—On the first floor there are four bedrooms, and there are nine young ladies. In one case there are four sleeping in one room, and then there is one in one of the rooms, and two each in the other two rooms.

18829. Then the next floor ?—On the next floor there are three in one room and three in another.

18830. On the next floor ?—I do not know anything about the other floor, because I am not on that side. I am not allowed to go there. But we have a room where we go to wash. There are four washing basins. One can never be used and two have been choked up within the last fortnight, so that we have the one basin between the lot of us to wash in.

18831. What is the lot of you, how many ?—There are fifteen on the one floor.

18832. And have you one washing basin for the fifteen ?—Yes, for this last fortnight we have had that, and there is no bath-room. I know on the other side of the house there is one bedroom where there are three young ladies living, and there are two windows, but one window cannot be opened. That is screwed down ; so that you have only the one window to open.

18833. Then tell me about the making of the beds. Is there a superintendent or a housekeeper over you ?—We have to make our own beds, and we get one sheet a fortnight, and on Sundays we do not get a maid in the rooms at all. What is done we have to do ourselves.

18834. Can you tell me about the feeding ?—We are due down at eight to breakfast. We get bread and butter and coffee. We get margarine butter.

18835. Then at what hour is dinner ?—A quarter to one is dinner-time ; that is the first party.

18836. But do you get nothing at breakfast except bread and butter and coffee ?—There is a lunch room. We have to pay for our own tea and the eatables we get there.

18837. And you take that bite at about eleven o'clock, perhaps ?—No. We go up to that at ten o'clock, the first party.

18838. And you are supplied from there ?—Yes.

18839. Do you get that food at reasonable prices ?—We have to pay a penny for the tea and a penny for biscuits or cake or whatever we have, so that if you go up every morning it costs you twopence every morning.

18840. That is 1s. a week ?—Yes.

18841. Then coming to dinner, that is at a quarter to one ?—Yes.

18842. What is your dinner usually that you get ?—Some days we get beef ; some days we get mutton ; some days it is ham. Very often the meat you cannot eat because it is so tainted. Then we get pudding and tart.

18843. Do you get any soup ?—Yes, we get soup on some days, just about two spoonfuls. It is called soup but I should not call it soup ; I should call it water coloured. Then we get pudding and tart. The first month I was there we had nothing but rhubarb tart and sago, but more often than not the milk is sour in the pudding, and the rhubarb is sour.

18844. Then what is your next meal ?—Tea is the next meal.

18845. At what hour ?—Five o'clock. Then we get the same, bread and butter and tea, and these last three weeks the milk has been sour in the tea.

18846. Is there anything else ?—Then we go up to supper at a quarter to seven. We get bread and cheese and coffee, and very often we do not get milk in the coffee and the cheese you cannot eat.

18847. Then what wages do you get ?—I get £35 a year.

18848. And this board and lodging ?—Yes.

18849. How long have you been at this place ?—I have only been there two months.

18850. What was your training before that ?—I was at Coventry before in a very good class of business.

18851. Were you living in there ?—Yes, I was living in there.

18852. Does the accommodation in Coventry compare favourably with the accommodation in this establishment ?—It was much better than this one. It was almost like home being there, but it is this way with the place I am at now. He sends you a form to fill in, and, of course, you think you are going to a good class trade, and when you get there you get taken in. All the girls that are there have come from a long distance, and, of course, nearly all of them that are there now stay to suit themselves, but since I have been there, there have been several young ladies that have come in the one night and out the next night. They would not stay.

18853. Where was this place advertised that you saw, or did you see it advertised ?—In the *Christian World*.

18854. Then tell me about the walls of your room ? Do you suffer from damp at all ?—I have only been there two months. I have been in one room that has been dry. I do not know whether the walls are damp, but I know the place is filthy right through. Then we have a yard at the back where our employer keeps two horses and one cow, and I do not know how many chickens I am sure, but there are three dogs there and the smell is particularly disagreeable. On Sunday mornings we get ham for breakfast—which you cannot eat.

18855. Tell me about the sanitary arrangements. Is there a convenience on each flat ?—Yes, that is in the place where we wash.

18856. Have you ever heard of a law case called *Rendell v. Hemingway* ten years ago ?—No, I have not.

18857. What is the name of your employer's place. Have you ever heard of a place called Eldon Lodge ?—Yes ; that is where I stay.

18858. In a case of *Rendell v. Hemingway*, see if you can identify this : "On January 27th, 1898, Inspector Hemingway visited the meat house at Eldon Lodge." Where is the meat house ?—I do not know.

18859. Then it goes on : "And found there a carcase of a sheep which was unfit for human food. Rendell was fined £5 and costs, but on appeal this decision was reversed by Mr. Justice Wills and Mr. Justice Channell, who held that as the meat was not exposed for sale the Act did not apply. Mr. Justice Wills remarked that any measure that could deal with such a case might be a useful piece of legislation." Do you think that that must have been your master, at Eldon Lodge, that is referred to. He has had the same business for some time, has he not ?—Yes, and he has always lived at Eldon Lodge.

18860. Does he live on the premises ?—Yes.

18861. Is the business away from there ?—Yes, the business is in Kirkgate, and it goes right round to the other side of the street.

18862. Is it connected with it ?—No, the Lodge is not. I mean the business house goes from Kirkgate right round the Albion Court. It takes you about ten minutes to go from the Lodge to business in the morning.

18863. So that your young assistants are not living in the business premises actually, but ten minutes away ?—Ten minutes away—we are living in the private house. The fellows live one side of the Lodge and the young ladies the other.

18864. Where does your employer himself live ?—In the Lodge.

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By Mrs. Tennant.

18865. Has your employer any business besides his drapery business ?—I do not think so. I have never heard that he has.

18866. Do you know that he ever had ?—No, I do not.

18867. Have you by any chance a copy of the form that you are obliged to fill in when you answer an advertisement ? —No.

18868. If you send in that form you never get it back ?—No, we never get that back.

18869. What kind of questions are put in it which give you the idea that it is a good class of business ?—I forget. I could not say. You see I have had so many to fill in that I could not remember this particular one.

18870. Then are any of the young ladies bound to stay unless they are apprentices ?—There are no apprentices there.

18871. There are no apprentices ?—Only just a few in the country order office, but none behind the counter.

18872. Then I gather you can be sent away at a moment's notice ?—Yes.

18873. And you can leave also at a moment's notice ?— Yes.

18874. Is there any difficulty about references. I think you suggested to the Committee that if your employer knew you gave evidence here there might be trouble about your reference should you leave ? —Yes, undoubtedly he would spoil that if he knew. They do say that he spoils young ladies' references, but, of course, I do not know. I have not been there long enough to know that. Young ladies in a shop, of course, always talk, but you have to find out for yourself.

18875. What arrangements do the young ladies make about baths if there are no baths on the premises ?— You have to go to the public baths. There are no baths on the premises.

18876. You said your salary was £35 a year, and that is calculated upon your experience, is it ?—Yes.

18877. Do you know what the salary is to begin with ?— I know there are some there only getting £12 a year.

18878. That is in respect of how much experience— any experience ?—Some of them, I suppose, have had two to three years' experience.

18879. At what counter would they be ?—The young lady that is getting £12 is in the china department.

18880. What department are you in ?—I am in the lace department.

18881. Does the smell of which you complain in this yard come up into the bedrooms ?—Yes. You can always smell it in the mornings when you get up.

18882. Have any representations ever been made to your employer on the subject of baths ?—No, I do not know about that.

18883. In the washing accommodation is there a plentiful supply of hot water ?—You never get hot water except at night, and it is not always warm then, but only some nights in the week.

18884. Do you know of any representation made to him about the stopping up of the basins ?—No, I do not.

18885. Is there a housekeeper ?—No, they are without one at present.

18886. Do you know how long they have been without one ?—For about a month, I think.

18887. Then you have had experience of the housekeeper ?—Yes.

18888. Were things better under her rule than they are without her ?—Just the same. Really she has to do what the master says.

18889. What is the system on Sunday ? Do you have meals in on Sundays ?—Yes.

18890. And is the dinner any better on Sundays than on other days ?—Yes, it is always better on Sundays.

18891. And the tea ?—We get the same, bread and butter and cake for tea on Sundays.

18892. Is there any supervision to see how far you eat the food which is given to you ?—If you leave it he does not like it ; he tells you about it.

18893. Is there any system of fines now ?—No.

18894. Do you know from the young ladies anything of their past experience, or does that experience not extend very far back ?—It does not extend very far back. None of them have been there very long.

18895. What do you say about the living-in system generally ? Have you any opinion upon it ? Have you any opinion upon the system without especial regard to it as it is illustrated in your present employer's establishment ?— I have only lived in twice. Before I came here I was at Coventry, and, as I say, that was almost like my home there, and then before being there I was at Cardiff for eight and a half years and lived at home then.

18896. Have you had any experience of living in lodgings ?—No, none whatever.

18897. I have forgotten if you stated in reply to the Lord Advocate if any of the assistants at R 6 live in lodgings, or do they all live in ?—Some of the men live out, but all of the young ladies live in.

18898. Do you know what salary is given to a young man in lieu of the board and lodging ?—No, I could not say that.

18899. What provision is there in the case of ill-health at R 6 ?—I have only known one case since I have been there, and this young lady had muscular rheumatism. She went out to go to the doctor, but the doctor was not there so she came back and they had to poultice her. Then the doctor was sent for, and he said that she was to be poulticed and have as much milk as she could, and he would call and see her the next morning. He called to see her the next morning and he said she was not to get up on any account. Her temperature was lower, but she was not to get up, and he said she was to have as much milk as she could. All that they took her that day was a cup of tea and a piece of bread and butter. Then the doctor came to see her the second day, and he said she was not to get up, and that she was getting on all right. The following day the governor at breakfast table asked how she was, and was told she was not any better and could not move freely, and he said "she must go home." The young ladies did not like to go up and tell her, because she was very ill and had got no home and no parents, and when we got down to the shop the governor sent one young lady up to dress her, and see if she could stand. She had to go, and she went actually to London by herself, but she could not dress herself. Of course he paid her off.

18900. Do you know what happened to her when she arrived in London ?—She went to bed when she arrived in London. Of course her sister attended to her, and she got better in a few days, but they do say (of course, I have not been there long, and I do not know about it) that if you are very ill you stay there a day, and next day they send the doctor to you. I do not know how far that is true. I have only heard about that.

18901. Was this doctor that this young lady went to see a doctor attached to the firm ?—No, but the doctor that came to see her was attached to the firm. It is the governor's doctor.

18902. Then she was stopped having her own doctor ? —Yes. He had his doctor.

18903. Is anything known about the doctor ?—No, I have not heard anything.

18904. But it is always the same doctor ?—Yes.

By Sir F. Cawley.

18905. Does your employer take his meals with you ?—Yes.

18906. Always ?—Yes.

18907. Breakfast, dinner and tea ?—Yes.

18908. Is anyone of his family there besides ?—No.

18909. Has he any family ?—Yes, he has a family. His nephew has his breakfast with us.

18910. I presume your complaint is not altogether as to the quantity or the particular kind of things you have for your meals, but it is that they are not good. Is that it ?—Yes, that is so.

18911. Not good of their kind ?—No.

18912. If they were always good of their kind you would consider, would you, that there was not much to

complain about ?—No, we should not have much to complain about if the food was all right, because the shop is very easy-going. We have nothing to complain of in the shop, but it is the food.

18913. Is there not anyone that looks after these things that you speak of, the wash bowl, and things that go wrong? Is there no management at all upstairs ?—I have never seen anyone looking after it. I do not think it gets much attention.

By Mr. Walsh.

18914. How many girl assistants are there altogether, do you know ?—I could not say.

18915. Could not you give us a rough idea? Would it be about forty perhaps ?—Yes. I should think there must be forty with the girls downstairs as well.

18916. That is to say, girl assistants ?—Yes.

18917. Engaged in actual work in the shop ?—Yes.

18918. Attending business customers ? — Yes. Of course there are a few girls there that have homes and they go home and do not sleep at the Lodge.

18919. Have you any idea as to how many really live in the city or how many come from a distance ?—No.

18920. Most of them come from a distance, do you think ?—Yes.

18921. Really they are girls from some distance outside Bradford ?—Yes.

18922. They are girls who would find it somewhat of a difficulty to go home, I take it ?—Yes, they would.

18923. Do you think there would be any difficulty in finding living accommodation in the town itself if the wages were arranged accordingly ?—No, I do not think so ; I do not see why there should be.

18924. How long have you been there ?—Two months only.

18925. Of course, you will not have spoken, I take it, with your other friends in the shop as to whether they are desirous of living outside and living in the city itself if they could possibly arrange it ?—No. I have never broached the subject at all.

18926. You do not know their mind on the matter ?—No, because all the time I have been there I have been trying to get out of it. I have been writing every week.

18927. Your own mind is to get away from it ?—My own mind is to get away from it if I possibly can.

18928. In Cardiff you lived at your own home, I understand ?—Yes.

18929. Who were you with in Coventry ?—With N 10.

18930. You lived-in at Coventry, did you ?—Yes.

18931. How long ?—Seven months I was there, but the living-in place was away from the business—quite a private house.

18932. With regard to wages how are the wages paid. Is it every month ? Is that the condition ?—I had to wait six weeks for mine. I had been there six weeks before having any money.

18933. But was that the condition of your engagement —to wait six weeks ?—No.

18934. Then what time are you supposed to be paid or are the people supposed to receive their wages ?—They are supposed to get it on the 10th.

18935. Every four weeks ?—Yes, but they do not get it until they pass a paper in on the 10th with their salary due to them, and they do not get it for about a fortnight after that.

18936. Does that really mean that the wages that are due to you are only paid to you after six weeks ?—Yes.

18937. So that during your two months employment you have only received one payment. Is that it ?—That is all.

18938. Are any deductions made from those wages ?—Yes, 4s. a month for washing.

18939. Is the washing done on the premises ?—No, it is done away. I do not know where it is done, but it is not done on the premises.

18940. Do all the girls make that payment or deduction of 4s. a month ?—Yes.

18941. Is. a week ?—Yes.

18942. Do you make any payment for that class of work besides the deduction ?—No.

18943. That is to say, when the washing is done is it quite satisfactory—is there no other payment to be made ?—It is quite satisfactory when it is done.

18944. The clothes when they have come back to you have given you satisfaction so far as your own knowledge goes ?—Yes.

18945. You complain of the hot water being lacking ?—Yes.

18946. When you do really need hot water what has to be done. How do you get it. Do you fetch it up yourself ?—You have to fetch it up yourself.

18947. You have to carry the hot water up a couple of flights of stairs ?—Yes, you have to go to the other side of the house. On our side there is no warm water. We have to go to the other side to get the water and have to buy pans and take them into our bedrooms and wash in that way.

18948. You boil the pan of water and carry it up ?—No. We get it from the tap on the other side when there is hot water, and we carry it up from that side to our side.

18949. What distance is that ?—We have to go down a flight of stairs and go up.

18950. From the other side what might the whole distance be about ?—You come down two flights of stairs, and go through the kitchen and come out and have to go up two more flights before getting to your bedroom.

18951. A work of considerable physical difficulty, I suppose ?—Yes, it is rather.

18952. With regard to the hours have you any complaint at all to make as to the girls being locked out at any time. Have you heard of anything of that kind ?—No. I have never heard of anything.

18953. Do you know of any association amongst the girls—do the girls join any union of any kind ?—No, I do not think so.

18954. There is no union that you know of ?—No.

18955. Are you a member of any union yourself ?—No.

By Mr. Maddison.

18956. You said your employer and his nephew generally took their food with you ?—Yes.

18957. He eats the stuff that is generally bad, does he ? —No, he does not. He has bacon and eggs for his breakfast in the morning.

18958. That is most tantalising. Although he has his meals with you it is not the same meal ?—No. But I do not know about dinner, because the buyers go up at half-past twelve and he carves. I do not know whether he has his dinner then or not, but his nephew has the same meal as we do.

18959. Now about these two wash basins that have been out of order leaving fifteen people to use one. Has there been any representation made at all to him about this ?—Not that I know of, but still the maids are up there in the morning and they are bound to go upstairs. They know the basins are choked and they should attend to it.

18960. Supposing the maids—and it is possible—do not do their duty in that respect, why have not you made representations to your employer about it yourselves —I do not mean you personally ?—I do not know.

18961. But you feel sure no representation has been made ?—I have never heard of it.

18962. You say you are trying to leave this place as soon as you can ?—Yes.

18963. It is quite natural under the circumstances, but I suppose you are trying to avoid places where there is living-in, are you ?—Yes. I am trying now to get with a better class trade.

18964. In those better class trades do they live in or not ?—Some live in and some do not, but still I should try to get living-out if I possibly could.

Miss X.

10 July 1908.

18965. You would prefer living-out, you think ?—I prefer living-out.

18966. You have had experience of two places ?—Yes.

18967. One good, and the other bad, but your feeling is that you would prefer to live out ?—Yes, very much.

18968. Why should you prefer to live out ?—For one thing you can get more freedom, and it is more healthy because you do not get anyone sleeping in the same room as you are sleeping in, and, of course, you get better food.

18969. When you buy it yourself, that is ?—Yes.

18970. You get £35 a year, do you ?—Yes.

18971. What increase of wages should you want for living-out ?—I should want £55 to live out.

18972. You would want £20 ?—Yes, quite.

18973. To make up for anything like decent living-in ?—Yes.

18974. Do you think you could get it ?—Yes, I think so.

18975. You think there are houses that do that ?—Yes. There is O 10 of Birmingham, where they get it, and if that house can give it, others can.

18976. Is that a similar house to yours ?—No, that is a better class house.

18977. Therefore, they would get more money there ?—Yes.

18978. Now you must compare like with like, as you know ?—Yes.

18979. Do you think you would have much chance of getting £20 more in a house similar to yours ?—No, I do not.

18980. If you did not get £20 more you could not get very much better accommodation, could you ?—No.

By Mr. Delevingne.

18981. Is there any washing accommodation in the bedrooms ?—No.

By Mr. Maddison.

18982. I thought you said you used water to wash there ?—Yes, but there is no accommodation except what you get yourself. You have to buy your own pan yourself if you want it.

By Mr. Delevingne.

18983. Have you any stand or basin ?—No stand or basin. There is nothing of that kind there. There is just a bed and a looking-glass and a chair ; that is all we get.

18984. No drinking water ?—No.

18985. No tumblers ?—No, nothing at all.

18986. Do the men get the same food as the women ?—Yes, exactly.

By the Chairman.

18987. Do you happen to know of any letter that was written from Eldon Lodge, Bradford, Yorkshire, signed by sixty living-in assistants about this ?—No.

18988. Describing this place ?—No, I do not know about that.

MR. ROBERT MAULE, called ; and Examined.

By the Chairman.

Mr. Robert Maule.

10 July 1908.

18989. You are a partner in the firm of Maule & Son, drapers, Edinburgh ?—Sole partner.

18990. Your place of business is in Princes Street, Edinburgh ?—Yes.

18991-2. What is your class of business ?—We are general drapers to begin with, and we do house furnishing, but we branch out into various departments which were not recognised in former years as being closely identified with the drapery business, such as china and glass and boots and shoes, and various other departments

18993. How many have you in your employment ?—Fully 500 assistants in all—not all serving assistants.

18994. Have you any who live in ?—None.

18995. Your business was formerly in your father's time in Leith ?—Yes, quite right.

18996. And then it was transferred ?—Yes.

18997. How long is it since it was transferred to Edinburgh ?—Fifteen years ago.

18998. It has thriven and prospered there ?—Yes, that is so.

18999. Do you find you can conduct your business perfectly prosperously without the system of living-in ?—Yes, perfectly.

19000. You are aware that it is not a common system in Scotland ?—I only know of one instance, namely, Messrs. Jenner's, in Scotland.

19001. From what rank do you get your assistants ? Is it the artisan's daughters and sons, and so on, or what rank in society is it ?—We have them from various classes. At the present moment as to our apprentices beginning business, I have the sons of bankers in our city, and the sons of other professional men learning our business, but they are drawn chiefly from the merchant class.

19002. And so on down to the humbler classes in society ?—That is so. I am simply giving examples of the better-class boys coming to us as assistants.

19003. Then do you obtain any of your assistants from places in England, for instance ?—We do.

19004. Have they been accustomed to the system of living-in, do you happen to know ?—Yes.

19005. In their case they do require to secure lodgings in Edinburgh ?—They do.

19006. Are there any difficulties in the way of their doing so ?—None whatever.

19007. Are there plenty of lodgings available in Edinburgh ?—Plenty, and we have always a list by us of respectable lodgings for our staff being housed. We always make a point of having some addresses by us.

19008. Could you give the Committee any idea on this question ? Of your assistants, how many live in lodgings and how many live at home ?—It is difficult just to give the exact proportion at the moment, but we have a good many of the younger assistants living with their parents in Edinburgh.

19009. Then among the older ones there may be what ?—We have quite a number of assistants from London and other parts of England.

19010. Can you tell me how many there are who live in lodgings ?—I should think we have on the serving staff between twenty and thirty from the south.

19011. Has there been any desire expressed by those people that you should adopt the system of living-in ?—Never once. On the contrary, my experience is these young people coming up from England prefer to come to a house which does not have the living-in system, which does not favour the living-in system. But I must point out that we give dinner and tea—we give these meals in the house.

19012. By the living-in system I meant living-in every night ?—No. We have never had that.

19013. You find they do not express any preference for that system ?—I find they have come to us because they wish to get out of the living-in system.

19014. Then what are the arrangements made as to boarding ? Is it dinner and tea that you give ?—We give dinner and tea.

19015. At what hours ?—We have three tables, so to speak. Our serving staff will number about 180, and it is only the serving staff that we feed by giving dinner and tea—not any of the workers. Then as to the hours. The gong goes at twelve o'clock for the first dinner and they have forty-five minutes. The assistants have to be back again in the department in three-quarters of an hour's time.

19016. Then what is the first tea hour ?—Four o'clock. They get half-an-hour for tea.

19017. Then what are your total hours for service for those shop servants ?—From nine in the morning

till half-past six in the evening, and on Saturdays till two. We close at two on Saturdays.

19018. Do you close earlier than half-past six in the winter ?—No, it is half-past six all the year round except on Saturdays.

19019. Have you any opinion that you can favour the Committee with on the comparative merits of the living-in and the living-out methods ?—I have never had, myself, any experience of the living-in system, and we have never felt the want of it in Scotland.

19020. Would you answer me this, however ? Suppose you had a living-in system which was to be continued, do you think there could be any reasonable objection to it being subject to very rigorous inspection to see that everything was done cleanly, and fairly and properly for the assistants ?—To me I think it would be somewhat irksome to be compelled to live in and to have my hours so very closely regulated.

19021. But the point I was putting to you was this: assume that the system is continued, would you see any objection to it being put under inspection so as to allow liberty to inspectors to come and see that things are properly managed. Do you think any good employer would object to that ?—I do not see that any house of repute could object to it. At the same time, if you will allow me to say so, I personally would deplore very much the question being legislated upon. I should leave it optional, I think—leaving it quite an open question.

19022. But still that is another point. Would you leave it quite optional as to them living-in or not ?—Yes.

19023. Then, assuming it is left optional, do you think wherever it is continued it should be open to inspection ?—I see no objection to that. Why should any well-conducted house object to that ?

By Mrs. Tennant.

19024. Would you say how much you consider you allow in your salary in lieu of board and lodging ?—To put it in another way, we allow for dinner and tea £15 per annum and which forms part of the salary.

19025. That amount of salary is ear-marked for dinner and tea ?—We give a certain salary, with dinner and tea in addition. The £15 represents part of the salary they get if they leave my service and go to other firms where the meals are not provided.

19026. The simplest way to arrive at it would be by your saying how much you pay, and how much you would deduct if you started living-in ?—I understand that a sum of from £30 to £35 covers board and lodging.

19027. That is full board and lodging ?—Yes, but I have no experience of that. I simply give dinner and tea and pay a salary, and £15 is allowed for dinner and tea, and this sum forms part of the salary, of course.

19028. Suppose someone came to you and said that she was earning £40 a year, and got her board and lodging, how much would you consider you should allow in order to give her an equivalent wage in consideration of the partial board ?—£20 more in salary and dinner and tea besides. That would give £35.

19029. Then do you consider an assistant would be as well off having the partial board that she gets from you, and having £20 extra to find her the rest of the board and her lodging ?—I do.

19030. She would provide for herself as comfortably as by the living-in system with that £20 ?—Quite.

19031. In what form have you ascertained the opinions of your assistants as to the living-out system and the living-in system ? Take those who come from England, for example, you do not see them till they are actually engaged, I suppose ?—I see them at the time of engagement, say in London and interview them there.

19032. Then it is done in the course of an interview, Yes, and they prefer to come out of a house with the living-in system in order to go to an establishment that has no accommodation provided on their own premises.

19033. In expressing that opinion, have they supported it by their previous experience and given their reasons for it ?—It was not my place to ask that. But if they indicate their preference for a house that has no living-in, and they make application to my firm, I have no reason to go further.

19034. Have you any letters at all from assistants who in applying for your place stated they were applying because they understood they had to live out ?—That, I am afraid, I could not show you.*

By Sir F. Cawley.

19035. I suppose really you would say, broadly, that a great many like to live out and some like living in ?—I have never heard a desire expressed on the part of any of my assistants to live in.

19036. They apply to you because they know perfectly well that they live out in your house ?—Quite so.

19037. What wages, if it is not impertinent to ask it, would the ordinary assistant get in your establishment, say, in the lace department—take the case of a young lady, an ordinary competent assistant ? Of course they vary, no doubt ?—They do vary, but, taking the average, I should say 20s. a week and dinner and tea besides.

19038. Do you pay them by the week ?—We pay them by the month, and that is about the average—dinner and tea in addition to the 20s.

19039. You provide all your serving hands with dinner and tea ?—We do.

19040. It would not be convenient for your business unless they did have dinner and tea in the place, would it ?—There is another objection, and one which I venture to suggest the Committee should not overlook in regard to this question. If we were to give an equivalent to the assistant for dinner and tea I am perfectly certain that some of these young women would go into a restaurant near by and perhaps satisfy their hunger at the moment with a bun and a glass of milk in place of a substantial meal during the day. That is a very important point to my mind.

19041. It is much better for their physical welfare that you should feed them properly ?—That is one reason, and another reason is this, that it suits us better in the way of business, because some of them live in the outskirts of the town, and it would take a considerable time for them to go and come to their lodgings.

19042. Then if you engage a girl in London and she wants to find lodgings, do you put her in communication with lodgings ?—We give her a list of several lodgings.

19043. That you know to be respectable ?—That we know to be respectable, and we know the landlady.

19044. Is it the customary thing in living-out houses that the proprietors do keep a list of rooms ?—That I could not say.

19045. But you always do it ?—We always do it, and we know the homes they are going to.

19046. You like to know that ?—We make a point of knowing it.

19047. You make a point of knowing they are in respectable houses ?—Yes, we do make a point of that.

By Mr. Maddison.

19048. I gather that your evidence is that feeding-in is desirable for the assistants and necessary for your business? —Not necessary, but advantageous for the business.

19049. You have told the Lord Advocate, I think, that you see no reason why a respectable firm should object to inspection in the living-in system ?—I did. I see no reason why any house should object if they have nothing to fear, and are caring for the assistants properly.

19050. And you have no objection to have them in ?—They are welcome to inspect.

19051. You have told us that the amount you estimate for lodging is £20 a year ?—That is about it as near as we can get. That is lodgings apart from dinner and tea.

19052. £15 for the dinner and tea ?—Yes.

19053. I was wondering how you arrived at that £20. Was it what it would cost you or what it would cost the

* The witness says that in giving this answer he did not mean the committee to infer that he never had such letters.

Mr. Robert Maule.

10 July 1908.

assistant to get similar accommodation outside ?—No, it is just from my general experience of things, and I know that that is what assistants reckon they would require if I were not feeding them at all. That is £30 to £35 to live out wholly. I have found that to be very general throughout my experience.

By Sir F. Cawley.

19054. That would not include board, would it ?—Yes.

19055. Sleeping rooms and everything ?—Yes.

By Mr. Delevingne.

19056. Do you require your assistants to live in the lodgings on your list, or are they free to go anywhere ?—Not at all. The list is merely to assist them. We give them a list and they can go and see the lodgings for themselves, but they are at liberty to go where they please as long as we know the home is respectable.

19057. Do you keep any sort of control or supervision over them ?—Yes, we do.

19058. In what way ?—I send my lady superintendent out to see those lodgings very often.

19059. Do you get any reports from the keepers of lodging-houses ?—No, but from my own assistant I do.

By the Chairman.

19060. I need hardly ask you are your women assistants of a very good class ?—I would rather leave the families in Edinburgh to speak on that point. I pride myself on the fact that I have got a very capital staff, and I will tell you this, that since we went to Prince's Street I am safe in saying we have 75 per cent. of the responsible hands we engaged fifteen years ago. That I can prove.

MR. PETTIGREW, called; and Examined.

By the Chairman.

Mr. Pettigrew.

10 July 1908.

19061. You are one of the Town Councillors of Glasgow ?—Yes.

19062. What is your firm's name ?—Pettigrew and Stephens, Ltd.

19063. Where is your place of business ?—In Sauchiehall Street.

19064. What is your class of business ?—A good class general drapery business.

19065. How many assistants have you ?—Including assistants altogether employed within the premises I gave my figure, I think, as about 500, but I find on further inquiry there are nearly 600.

19066. Have you any living-in in your business ?—None whatever.

19067. That is living-in over night ?—Not one.

19068. Do those who live out feed in ?—They have their lunch in.

19069. No tea ?—They have tea, but that they pay for themselves. It is optional. They can have it or not, as they like. If they wish to have it they have the privilege of having it, but they have to pay for it.

19070. Those who have their luncheon in Scotland call it their dinner ?—Yes.

19071. How many are there of those ?—187 is the figure I have given already.

19072. You give them a good substantial meal ?—Yes, of two courses. I may say they get as much as they like. They can come back again, or send their plate back. There is no limit. Those are the instructions.

19073. Then have you a dining-room in the premises ?—Yes.

19074. Taking those 187, in how many lots, so to speak, do you dine them ?—There is a running table. The hours are set so as to have the dining-room always full, and after a time, of course, each has got to know the hour that they should go in at. We do not run it in tables, as other firms do. We begin the dinners at twelve o'clock, and they run on till half-past two, and each assistant simply follows his predecessor.

19075. How long do they get for this meal ?—Thirty-five minutes.

19076. Then is living-in not necessary for your business ?—No.

19077. You have got a thriving business without it ?—Yes.

19078. Is there any system of living-in in Glasgow at all ?—No, none.

19079. Could you tell the Committee from what class of society you would get your assistants ?—The respectable working people, small country merchants, and small tradespeople who have become comfortably off in life, and have given their sons and daughters perhaps a better education than they have had themselves. These are the kind of classes, I think.

19080. That is the kind of class ?—Yes.

19081. Then do they enter your service as apprentices ?—Yes, many of them do.

19082. Are they mostly residents in Glasgow, or are their homes mostly in Glasgow ?—There, or in the immediate neighbourhood.

19083. We all know that Glasgow has most excellent facilities for travelling, and at very cheap rates ?—Yes, quite exceptional.

19084. And they are able by that service to get to the outskirts and have better housing in that way ?—Yes, that is so.

19085. Now have you any reason to doubt that those assistants who come to you under these circumstances are well housed and lodged ?—We are sure they are.

19086. Could you give the Committee any idea of what proportion of your assistants live in homes or with their relatives, and how many live in lodgings ?—I could not say at the moment, but I could send you that figure exactly.

19087. It is rather interesting for us to know that ?—Yes, and I will do so.*

19088. Then with regard to those in lodgings, do you give any facilities for their obtaining respectable lodgings by way of information or otherwise ?—We have never needed to do so. Our business has grown from small beginnings rapidly but regularly, and our staff has increased with the same regularity, and they seem to have come in naturally and found lodgings with friends, or through other assistants in the warehouse. So that we have never needed to help them in that way, and also because there is no need generally. The supply of lodgings in Glasgow in the immediate vicinity of the warehouse, for example, or in the suburbs, is very great—that is, highly respectable lodgings.

19089. According to my recollection of the south side of Glasgow particularly there is a very large residential population there of a class that can give lodging accommodation ?—Yes, that is right.

19090. We know from the Electoral Returns that Glasgow's chief electoral product is the lodger franchise ?—Yes.

19091. Now have you any opinion with regard to the living-in system in other places ?—Yes, I have.

19092. To begin with, you are aware that it prevails pretty largely in London and in the provincial centres in England ?—Yes.

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* The witness has forwarded the following statement to the Secretary :—

Buyers and Assistants.

Male	Married	42
	At Home with Parents	24
	In Lodgings	14
		80
Female	At Home with Parents	119
	In Lodgings	21
		140
	Total	220

19093. What do you say with regard to that?—I do not think it is at all necessary in any provincial town at all of England or Scotland. I know it is asserted that a better class of assistant is got by that means, but my experience in a provincial town does not tally with that at all. We get as good a class of assistant if we are able to make the conditions such that that class will come to us. I would like to make that statement, because I know it has been met with or is being met with a strong denial. It does not contribute in a provincial town to improve the class of assistant; but as to London I hold a different opinion. I do not think that you would get the same class of assistant in London, particularly young lady assistants, unless you offered this opportunity of living-in. I believe that the ideal system would be to have it optional. They have a very good class of lady assistant in London, indeed, but I am quite sure that to satisfy parents and the heads of the families out of which that class comes in the country, and to keep up the stamina, both moral and physical, of the assistants, you must lodge those coming from the country. I am quite sure that they would not permit their daughters to come to London unless they knew they were coming to a home where they would live under moral restraint and be looked after.

19094. Have you in view the distance that might have to be travelled by a young lady assistant to get lodgings?—Of course I quite understand that in London it is entirely different. That is why I make London exceptional to Glasgow. I think that equivalent lodgings in point of comfort and sanitation and hygiene and class would be much dearer in London than in Glasgow, and distances would be greater to travel, but I found my main objection on the moral question, and I say that coming from the country to London where there is a great vortex of population, to allow young men and young women in their earlier years in London to live without restraint, and to have the whole of the night to spend themselves, certainly would not, I think, tend to contribute to their moral welfare. But of course they habituate themselves to it in time.

19095. To enforce that you would require to know the conditions. Supposing you have, for instance, the women entirely separate from the men. Assume that to begin with?—Yes, undoubtedly; but that does not enter into it at all. Of course, on the one hand it is necessary to make sure that the conditions under which these employees who live in are right and proper; but, on the other hand, the objection I have lies in the direction of bringing up young men and women from the country and exposing them without any restraint whatever suddenly to the temptations of a city like London. If you would permit me to draw attention to the case of one young man who is coming from Glasgow to give evidence, that is Mr. Stewart, I may say he has lived in at O 8 for quite a number of years, and also in Glasgow for a number of years, and he will tell you his experience at O 8. He lived both in and out there, and I think he will be a very valuable witness from the assistant's point of view.

19096. But upon that general question, assuming that there is living-in, I presume that you would agree with most of the people who have been before us that a system of inspection would do good employers no harm at all?—None.

19097. And it might assist in rooting out evil conditions?—Yes, if I were an employer who adopted the living-in system I should have no objection whatever to inspection.

19098. Then about the finances of it. If you do not mind, I will ask about that. You give dinner, do not you?—We do.

19099. What allowance would you reckon from a business point of view that stands for?—It is equivalent in the case of the men to £9 10s. per annum, and in the case of the women to £5 16s. per annum.

19100. The single meal?—Yes, the single meal. But I will tell you how that is operating. We began this dining-in in 1901 in the warehouse, and what led me to do it was this. It had always been said in our own place, and in my own experience as an employee I have heard it said, "If the governor would only set aside a room and let us have a dinner inside, how much nicer it would be." Remembering that all these years, I made up my mind when rebuilding our premises that I would establish this desired room, which I believe was really desired by the bulk of the employees.

19101. When did you re-erect your establishment?—In 1901 we opened the re-erection. We had then to face the financial question and how it was to be managed, and we decided to deduct from the existing salaries 7d. a day from the men and 5½d. a day from the women, giving them in lieu of that a substantial meal of two courses, without limit as to the quantity. They can have as much as they like of either soup and potatoes or meat and pudding, as the case may be. That was right enough so far, but I am finding now as the years go on that we are actually giving the same salaries to our newcomers as we gave before the price of the meal was deducted; so that the meal will in a few years time really become an extra

19102. There has been, in fact, an economic rise in the wages?—No, it is rather like this. I do not say that that is the reason, but there seems to be a difficulty on the part of people who come, to appreciate that their dinner is of so much money value. They want the salary that they have their minds on, and that is really coming to be an established fact. I believe in three or four years time all over the warehouse we will find the dinner, which costs us about £1,400 a year, is an extra.

19103. Supposing we were to prevent that—which is rather a strong supposiiton—by legislation, do you think the result, looking to past experience, would be that the assistants would find that on the whole they were having less salary under the new system?—Do you mean preventing dining-in?

19104. Yes?—Supposing on January 1st of next year a law came into operation preventing us from giving our people their dinner as we have been doing, we would of course logically and fairly require to give them the equivalent that I have stated in money, but I am absolutely certain that the condition of the assistants would be infinitely worse, because although they would probably spend as much money on their meal they would not get anything like as good a meal. They would have probably a bun and tea or a pie and a glass of beer, or something like that. This meal that we give them is equivalent to anything they could get outside for 1s. 2d. or 1s. 4d. and the average assistant cannot spend that.

By Mrs. Tennant.

19105. I gather that you think there might be two chief difficulties in a living-out system in London. One, expense as regards lodgings, and the other absence of moral supervision?—Yes.

19106. If it were proved that the first difficulty were solved by the supply of lodgings meeting the demand, do you consider the other difficulty would be met if the shopowners, when asked, helped their assistants to ascertain which were good class of lodgings?—I do not think so.

19107. You believe that system would not work?—No. My view of the whole case is that it should be made optional. There is a movement in the direction of it being done away with ultimately, going on. I can see it clearly. If you attempt to enforce it arbitrarily by law you will enforce a great hardship on the owners of businesses, and upon many of the assistants themselves. On the other hand, if you make it optional, you will find that before very many years elapse the question will solve itself in a natural way. I believe that ultimately in London the thing will be done away with, but by the development of a natural law or natural force.

19108. But I am putting the question to you, without consideration of compulsion, and in order to get from you advice on as to what would be the best way, to secure the advantages for which parents look, which they now believe they get from the living-in system. Whether they believe that rightly or wrongly is a matter of opinion, but we have had it in evidence from a firm who have living-out that they take means to secure that the lodgings in which their assistants live out should be respectable lodgings, and that they keep a list of lodgings for their assistants?—Yes, but then, again, what guarantee is there that the assistant will stay there always? Then, again, how many employers have these moral impulses behind them that would ensure a con-

Mr. Pettigrew

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tinuous overlooking of the home life of the assistants? They might begin under a kind of inspiration, but I would be bound to say the thing would fall through in a short time.

19109. The overlooking is not so great as perhaps you have understood. It has not fallen through in this case, perhaps because it is not oppressive. They do not overlook the life of their assistants after their assistants leave the shop. I understand they simply ensure, as far as they can, that the assistants go to respectable lodgings. They do not compel them to go to them, but they give them that help?—In reference to that, the natural law I refer to is this law, that in their own interests as time went on employers would see that their assistants were living respectable lives. That would be the force that would be behind them. They would need to do that for the sake of their business, ensuring the assistant must be fit. He could not keep efficient and live anything but respectably. So that the force behind that I see will ultimately come to the aid of the difficulty you speak of would be that employers will be forced to look after the moral welfare of their assistants by the need of getting thoroughly respectable assistants and keeping them.

19110. Then do you feel that this law would not operate if the employer were required to do it?—No, but I think if you made it optional to begin with it would ultimately. F 9 have just begun, and it would be very interesting to hear the result of this experiment of theirs, but I have not heard officially yet.

19111. You will forgive my pressing you on this, because your evidence is valuable, and this is an important point. Why do you feel this natural law would not operate if it were stimulated by the Legislature?—It would ultimately, but not at once. Supposing that you do away with this living-in system by law. It will come upon them in a wholesale fashion, just at once, as it were, and ultimately after they feel the need, which may not be for some time, of overlooking the life of their assistants, it will come into operation and force them to, but not just at once.

19112. No, but if there were a time limit, for example. If people were not called upon to abandon the system this year, or the year after, but were given some time to rearrange their businesses, would not it work?—It might do.

19113. But the class of assistant is a question that all employers have to consider?—Yes. There is no doubt the ideal system would be living-out, if the conditions of London life would permit of it. There is no doubt whatever of that.

19114. It strikes me there is a class which corresponds accurately to the class which supplies assistants in shops, and which now lives out; that is, typists and women clerks?—Yes.

19115. Have you any experience as to whether this class has any difficulty in finding suitable lodgings?—I cannot tell as to that in London.

19116. But you would say it is as much to the interest of their employers as to the interest of any other employers to have a good class of assistants?—Yes, but there are not so many in point of numbers as drapers' assistants.

19117. There are some very big places in London which have some 300 girl clerks, or even more than that?—Yes.

19118. I do not say for a moment that they all have to find their lodgings. Some of them, as in the case of shop assistants, would live in their own homes, or live with relations?—Yes.

By Sir F. Cawley.

19119. How much would a good assistant, an ordinary assistant, that is, a young lady, say, in the lace department, receive in your establishment?—18s. a week and her dinner. That is an ordinary assistant, you understand—from 18s. to £1 a week you may fairly put it at. That is a member of the rank and file of assistants.

19120. Now, you said that giving them dinner is becoming an extra?—Yes.

19121. An extra pecuniary burden, if I may put it so?—Yes.

19122. Now look at it the other way about. Supposing in O 8 or any one of these places where they live in, an assistant was getting, say, £40 a year, or £30 a year, and living-in, do you think if living-in were done away with there might be a tendency rather to reduce the wages in a greater proportion?—I can tell you exactly what the arrangement is that O 8 make, and this Mr. Stewart who follows me will tell you about that particular point. I am informed that they have a number who live out after they have been with them a number of years, and they give them £25 a year extra in lieu of the accommodation that they provide in—not all their food, of course, but their breakfast. I was asking this young man the particulars of that. He was one of my employees before he went to O 8, I may tell you. He says they breakfast at home, then go downstairs about eleven o'clock and get a sandwich and milk, or a glass of beer, and then their luncheon and tea in the afternoon. They get £25 a year in lieu of the lodging accommodation, and in lieu of their their breakfast and supper.

19123. That is in O 8 now, but my point is rather this. Your having a meal in has really made you pay now practically the same wages as you used to do without the meal?—Yes.

19124. Supposing living-in were done away with and an assistant got £40 a year, and then living-in was made illegal, or was given up, do not you think the tendency might possibly be to drift to £40 a year being the wages without the living-in?—No.

19125. I mean rather on the same principle that you enunciated about giving an extra meal?—No.

19126. Money value, I mean, would be the consideration without living-in being taken into consideration, would it not?—No, I do not think the assistant would suffer (if this is the point you wish to make) financially ultimately though the living-in system was done away with

19127. That is hardly what I am thinking of. It is not a case like O 8. But I am looking at the ultimate end of it?—I may tell you there is none too great a supply of proper assistants of the right class, and they can always command and will continue to command an increased rate of pay in the years to come.

19128. It is a question of supply and demand?—Yes.

By Mr. Walsh.

19129. I do not wish to go over the ground previously covered, only there did seem to be two special points on which you laid emphasis. First of all, the financial character of any change that might be made, and, secondly, as to lack or otherwise of moral restraint?—Yes.

19130. Now take the case of your own city. It is a very large city, and you do not find any lack of moral efficiency there, do you?—But it is a very different place from London. Glasgow is a small provincial place compared with London, proud as we are of it.

19131. Yet you always acclaim yourselves the second city in the Empire?—No, you do it for us. But it is a fact well established that after all Glasgow is, compared with London, a domesticated place. Everybody pretty well knows everybody else in Glasgow. It is utterly impossible for a young man or a young woman long to escape observation from his neighbours or her neighbours if they go wrong in Glasgow. I am speaking to you about what I know, and I say that is an essential difference from London. In London they may get absolutely lost and live any life they like out of doors.

19132. With regard to the subject of means of communication, of the facility with which an assistant could reach home, I do not think that London suffers in that respect, even compared with Glasgow?—Except that the distances are longer.

19133. But the speed with which communication is made is not less than that in Glasgow, is it?—The new Tube system and motor 'buses make it quite as good, but the distances are longer.

19134. Take for a moment in order to get your opinion upon it the case of girls at a West End shop. Many of them will live out at Camden Town or a little further out even and they could get there for 2d. in possibly twelve minutes, where there is a good deal of fresh air and where apartments would be comparatively cheap, and where they could communicate readily with all points?—I admit that.

19135. Do you think there would be any lack of moral restraint under such circumstances ?—No, that would be all right.

19136. Almost every point of London is in similar communication now ?—Yes, but still the temptation remains, of course.

19137. You think really the attractions and temptations of a mighty city are such as might readily cause a moral lapse, is that it ?—I say it would be much easier for a young man or a young woman coming from the country to go wrong in London than it would be in Glasgow, because of the absence of restraint and because of the possibility of them doing anything they like without it being known or overlooked, or being restrained.

19138. I quite see the point, and I do not press it any further except to ask you as to your experience. Have you had any personal experience, or have you made any general observations as to the conduct of that class of assistants that is engaged in large businesses such as Mrs. Tennant suggested in London and who do not live in ?—I have not had that opportunity. I do not know about it.

19139. From the moral point of view you have not made any special observations ?—No.

19140. Or great stores like X 6 ?—But they live mostly in, do not they ?

19141. No, they do not live in at all, as I understand ?—Then they have stopped it.

19142. They never had the living-in system ?—I have had no opportunity of observing with regard to that.

By Mr. Maddison.

19143. With respect to this question of moral restraint apart from the actual facts of London life, I rather gathered that it was your view that the opinion you had expressed would be in the minds of the parents of these girls especially ?—Yes, that is right.

19144. And that being in their mind it would prevent a better class of girl coming ?—Yes.

19145. Do you make a distinction rather between the men and women in this particular ?—Yes, I do. There is a very good class of girl here. The better-class young lady in the drapery business in London is a very good type.

19146. Then I take it that with all this fear in your mind and operating in the parents' mind about the moral difficulties of London, if they were only men you would not urge it quite so strongly ?—No.

19147. The girl is in a little different position ?—Yes.

19148. When you told us about the smallness of Glasgow it appeared to me to be so very strange, because Glasgow always appears to me a very big city. That is how it has impressed me, and if you say everyone knows everyone else in Glasgow, I think the Scotch must be a very friendly people. But with respect to London lady assistants you have been impressed with their superior quality, I gather ?—Yes.

19149. Now with respect to the optional character of this question. In practice could anything like option prevail ? I mean if employers wished to keep up a living-in system in practice, could such a thing as a real option operate?—Of course, although not having experience, I see that certain difficulties at once loom up. There is the question of maintaining accommodation for an uncertain number, but I do think that things would adjust themselves gradually and all the difficulties could be got over, I do think the optional system, if you touch it at all, would solve the problem in a natural way ultimately.

19150. Then I take it after your own experience of the living-out system and your observations on the living-in system you would not advise this Committee to abolish it by Act of Parliament ?—That is right.

By Mr. Delevingne.

19151. What do you say is the reason why the living-out system is universal in Scotland and the living-in system is practically universal in England ?—So far as I know it arose out of the old apprenticeship system in London which did not exist in Scotland. The apprentices went with their employers and became members of their families and learnt their business, and I think that is at the root of the whole matter. Then the question of distance came in also, and without the means of locomotion and transit that we have to-day it must have been impossible for assistants to travel any distance to their homes.

19152. But the conditions in provincial towns are the same in the two countries ?—No. I do not think it applies. In the case of provincial towns in England it has its root in the apprenticeship system which obtained in England and which did not obtain in Scotland.

By Mr. Walsh.

19153. You seem to think that if the system is to cease at all (leaving out that for the moment) there ought to be an option ?—Yes.

19154. Do you mean that the law should not recognise any condition of employment which compelled their people to live upon the premises, that the law should declare it to be illegal to have any condition of employment which compelled an employee to live upon the premises ?—Do you mean I would abolish the living-in system altogether ?

19155. I am putting the case of an engagement between the employer and the assistants in which it was a condition of that engagement that he or she should live upon the premises, because unless there is some such condition as that the option would not exist. The employer would say, "Well, now, you have come to me, and you must live upon these premises, or leave unless you are prepared to agree to such a condition" ?—There is a certain difficulty in the way.

19156. But how would the option be exercised ?—I do not think the difficulty is an insurmountable one.

19157. In certain industries which I have been connected with there are conditions of employment that are very unserviceable, the employer simply saying: "Now look here, this is the custom here, and of course if you are not prepared to agree to our custom we will not engage you," and do not you think the option might be exercised in that way ?—Yes.

19158. It might very well result in an employee not being engaged at all ?—Very likely, and I admit that difficulty.

By the Chairman.

19159. But notwithstanding that, I gather that the balance of your judgment is against compulsion ?—Yes.

19160. Before you go there is one point I was very much interested in as to what you said on this matter, namely, that you thought there would be a natural law which would in the event of the system disappearing promote this kind of thing, that the employer would find it to his interest to ascertain the moral conditions under which his out-workers, if we may so call them, were living ?—Yes.

19161. And that by so ascertaining and helping that moral condition he would promote his own interest in the sense of physical efficiency ?—Yes.

19162. That is from the employer's point of view. Now do not you think there would be a counterpart of that natural law operating in this way, that gradually as the abolition came about and the system of living-in was abolished, the workers upon their part would see it to be to their interest to promote the system analogous to the American system where there is excellent boarding accommodation, and where people of a certain class agree that they can live together under conditions of freedom and comfort ?—I am quite sure of it.

19163. So that on both sides, if the system were allowed to evolve, the employer might exercise a certain pressure in a good direction and the employees would exercise a certain pressure in a good direction, probably by combination ?—I am quite sure that things would adjust themselves from both sides as time went on

MR. H. R. TAGGART, JUNIOR, called; and Examined.

By the Chairman.

Mr. H. R. Taggart, jun.

10 July 1908.

19164. You are a member of the firm of Moore, Taggart & Co., manufacturers and wholesale warehousemen at the Cross, Glasgow?—Yes.

19165. How many employees have you in your retail business?—In our retail business we employ 135 men and women.

19166. I understand that there are seventy-eight women and fifty-seven men?—Yes, exactly.

19167. Can you tell me how many of these live in?—We have none living-in.

19168. None living-in?—Absolutely none.

19169. Where do your employees live. Do they live at their homes or in lodgings?—Five of the women live in lodgings and nine of the men live in lodgings.

19170. That is five women out of seventy-eight?—Five women out of seventy-eight.

19171. And nine men out of fifty-seven?—Yes, exactly. The rest live at home either with their own people or with sisters or grandmothers, or some relative.

19172. What distance from your place of business are their homes?—Roughly about two miles—a penny car ride.

19173. You have a very good system of locomotion from the Cross at Glasgow?—Yes, an excellent system.

19174. Do they live out Dennistoun direction?—Some Dennistoun, some Springburn, and some on the south side and some on the west. Only one of these women lives in the centre of the town out of the five, and she told me she had great trouble in getting respectable lodgings.

19175. In the town?—In the centre or within a short distance of the centre of the town.

19176. But with your tramway accommodation, and your ability to get to the outskirts you avoid that trouble?—Yes, we avoid that trouble altogether.

19177. Did you take a census of all the hands?—Yes, I did.

19178. Are you able to tell us about the condition of the lodgings?—I interviewed all these men and girls who are in lodgings, I think.

19179. I should like very much if you could tell us what the lodgings cost?—The average cost of the five girls was 13s. 6d. a week.

19180. Was that for lodging and board?—For lodging and board, 13s. 6d.

19181. Then the nine men?—The nine men boarded-out at 14s. 1d.

19182. May I put it to you in another way. The average weekly wages of the five women is 26s. 7d.?—Yes.

19183. And their board and lodging is 13s. 6d.?—Yes.

19184. That would leave them with a net amount for other purposes of 13s. 1d.? Is not that so?—Yes, exactly, for the five, on the average.

19185. Then as regards the nine men in lodgings their average wage is 30s. 10d.?—Exactly.

19186. And their average cost of board and lodging is 14s. 1d.?—Yes.

19187. Leaving them with 16s. 9d. of a surplus?—Yes, but I may put it to the Committee that I was rather astonished that the average wages of these employees was so high, because, of course, in a retail business like ours many of them earn very much smaller wages than these. I should not say it was an exactly fair representation of the wages in retail businesses. It just happened to be the average of the nine and the five.

19188. But at all events, so far as the board and lodgings go, whether of the men or the women, might we take that as the average cost to people in that class of life?—Exactly so.

19189. That is to say respectable, good lodgings, but not of an extravagant class?—No; they get all their meals.

19190. Then in addition to the cost that they have of board and lodging they have their car ride?—Yes.

19191. How much is that per week?—I count that the most of our hands all over live a pennyworth away. They get about two miles for a penny in Glasgow.

19192. How often do they go home?—They go home for dinner.

19193. So that it is 4d. per day?—4d. per day.

19194. That is 2s. a week?—Yes. Then, of course, they have other expenses to come off that, such as washing, and in the winter some of them have to pay 6d. a week for fire extra.

19195. Then have you any doubt with regard to the moral standard of these people?—No. I should say that in my experience the class of people we employ as a class are very moral—in fact extremely so. Looking back for twenty-seven years I can only recall one girl who in any way lapsed in connection with ourselves and our own business.

19196. Then do you think that there is any necessity, at least in a town like Glasgow, for a system of living-in?—I do not think there is any demand for it, and I do not think that we would adopt it.

19197. I gather from you that there is only one meal a day to which they go out, and what are their hours?—Rather long hours. They come in at nine in the morning and they get an hour for dinner. But, as a matter of fact, our dinner-hour works out at an hour and a quarter. We really give an hour, but where they live a long distance away, and they find it difficult to go and come back in the hour, we add on another quarter, so that we may say that for all our hands it works out pretty much at an hour and a quarter.

19198. Then they retire from business at what time?—Part of the year at seven o'clock, and part of the year at half-past seven, and for a short time at eight o'clock.

19199. Then what about Saturdays?—Nine o'clock on Saturdays, part of the year, and half-past nine for the rest of the year. Before the Fair time we keep open later than nine on Saturdays.

19200. Take the case of a man or woman who comes out to dinner at one o'clock, and returns about two o'clock. How are they supported in the interval between two and seven, or eight, or nine as the case may be?—We give them their tea on Saturdays.

19201. But otherwise they wait till they go home for another meal, do they?—No, they get a tea time off when open to eight. We do not give them the tea, but they get a time of twenty minutes for tea.

19202. In that part of Glasgow there are a good many restaurants, I believe?—Yes.

19203. I mean places like Cranstoun's, and so on—very large and well-conducted places?—Exactly, and we have a tea-room.

19204. At which you supply them?—Yes, if they desire. If they want to they can go out. It is not compulsory to come to the tea-room, but they get it at a reduced price if they take it there.

19205. So that really you have no impression on the subject one way or the other except this, that so far as Glasgow is concerned you hold that it is in no respect a necessity of the business to have living-in?—Absolutely no. I think that so many of our employees, and so many assistants generally enjoy home life in Glasgow, that I do not think it would work very well in Glasgow.

19206. Is your supply of labour taken substantially direct from the home?—Yes, pretty much so. I think in Scotland the parents often bring their children to a town and find situations for them, the father gets employment, they all live together and so the parents keep touch with their children. I think that is very largely so in Glasgow.

19207. So that it is not the case of the father going out in the world and taking his family with him, but it is the other way about?—That is so.

19208. The family goes out into the world and the home follows them?—Yes. There is, I think, something in that.

19209. That is supposing two or three young people emerging from school life are all accommodated similarly with employment in a town like Glasgow.—Yes.

19210. In that way the household, as it were, migrates to the centre ?—Yes.

By Mrs. Tennant.

19211. Do you find any tendency amongst your assistants to economise in the matter of food ?—No.

19212. Their food is their own responsibility ?—Yes, entirely.

19213. Do you think they feed themselves properly ?—I think the great majority pay for their board and lodging and are very comfortably fed; at least, all the girls that I spoke to on the subject said they were very comfortable and had very comfortable lodgings.

19214. They do not, as far as you know, try to cut down the price of the lodging by cutting down their food supply ?—I think not. I came across one girl, I may tell you, who was an English girl who had lived in for many years, and she told me she found it very difficult when she went to Scotland at first to get comfortable lodgings; that she then took a room, in other words, a house (I was rather astonished at it) of a single apartment, and fed herself. I said to her: "But that seems to me strange—you have to go home tired from your work and start and cook"; and she said: "I can do it very much more economically in that way." She was a girl earning 17s. a week, and very comfortable, and I said: "What do you do if you are sick; it would be serious, would it not?" She said: "Oh, of course it would be, but the neighbour would come in and attend and help me if I were sick." She said: "I like that much better than living-in, as I have done in England." Of course, I suggested to her then that if a girl was very strong-minded it might do, but with many flighty girls it would not be at all a suitable way of doing. She paid £9 a year for the room and £1 for taxes—£10 altogether.

19215. From what class did that girl come ?—I should say she was what I should call a respectable girl.

19216. I mean, had she come from the class where her mother would have taught her how to cook and prepare her own meals ?—I should think so—yes, she must have done.

By Sir F. Cawley.

19217. You say most of them get their board and lodging together and pay so much a week ?—Yes.

19218. I suppose some would hire a room—not such as you have just spoken of, but as an apartment in a house ?—Yes, exactly.

19219. And feed themselves at restaurants, and so on ?—No. As a rule they hire a room, and the landlady buys in the food, and they live in their sleeping-room. The landlady buys in what is suitable for their breakfast, and so on, and brings it into the room for them. Otherwise they live with the family in the dining-room.

19220. When you say these people live in that way, not boarding, do you not think that they sometimes might rather starve themselves, or do with less than they ought to, for the sake of other things ?—Of course, they might, but as far as the girls that we employ are concerned, the ones that pay for a room only do it because they require a sort of special food. Some of them have perhaps a weak stomach and require more of a milk diet, perhaps, than the ordinary diet of a household.

19221. About how much a week does the ordinary assistant get in your shop—a young lady, say, in one of the departments, the lace department for instance ?—Here is a girl, for instance, that is in lodgings and she earns about £1 a week.

19222. Is she typical ?—Yes, she is quite typical.

19223. An able assistant ?—Yes, an experienced hand, she is.

19224. What should you say she would get ?—This girl happens to pay 12s. 6d. for her lodgings, and she lives with her sister, and they both occupy one room, and therefore it comes in a little cheaper.

19225. That is board and lodging ?—Yes, that is board and lodging.

19226. Is it usual for them to have rooms with friends when they board at these places, or do they often share it with another girl in some other employment ?—No, unless with relatives—two sisters, or a girl and her aunt.

Mr. H. R. Taggart, jun.

10 July 1908.

By Mr. Walsh.

19227. I understand you to say that you had about twenty-seven years knowledge of this kind of business ?—Yes, I have been in business for about twenty-seven years.

19228. In this particular place how long have you been ?—I have been all that time there.

19229. Twenty-seven years there ?—Yes.

19230. In the whole of that time under the conditions you have laid before the Committee, have you had many cases of inadequate feeding of the assistants—that is, where the assistants have not adequately fed themselves ?—No.

19231. Speaking generally, they have attended properly to their meals and physical needs ?—Yes. I would say from the general appearance of them that they do feed themselves well. Of course, if they fed themselves badly they would become anæmic.

19232. And it would soon show ?—Yes.

19233. Have you any knowledge of the living-in system at all ?—Absolutely none.

19234. You do not know it ?—No.

19235. You of course would be prepared, I take it, to put the class of assistants employed by you as high as those from any trade in the whole city ?—It is very hard to say, but I may say we hardly have any change with our hands. Looking back for the last nine months, I do not think we have changed three of the girls.

19236. In your place is there any deduction whatever made from the assistants' wages ?—We have no fines.

19237. For no service supplied ?—No fines of any sort.

19238. Nor deductions ?—Nor deductions of any sort.

By Mr. Maddison.

19239. I think you said that out of the total of your young ladies there were only five of them who lived in lodgings, and nine men ?—Yes, exactly.

19240. Of course, those living with their friends live under ideal conditions—I mean in their own homes ?—I presume so.

19241. As far as that class goes, that is ?—Yes, quite so.

19242. Has that proportion, do you think, who live in lodgings been maintained during a number of years ?—It is very difficult to say, but I should say yes.

19243. That is to say, there has always been an overwhelming majority of your assistants living in their own homes ?—I should say yes, and perhaps there is a reason for that, because as a rule when a girl comes into the business she comes in as an apprentice, and if she is a nice girl and gets on all right she is moved up and up and so goes on for years. The young girl may come in as an apprentice, and she is not able to look for lodgings so she is sent to friends, or her own people see after her.

19244. I take it many come from the country ?—A good many.

19245. The young people come from the country ?—They come from the country.

19246. But as a rule do they find relatives or friends in Glasgow ?—Yes, or their friends come with them perhaps—a son and daughter, or two daughters—and they go to look for work and get it, and the father says: "I will come and join you."

19247. Have you thought about the London situation at all ? In the case of a girl coming up and looking for a place, would you make any difference between Glasgow and London in regard to your outlook on the living-in system ? You have no views perhaps on that subject ?—I do not understand the conditions in London.

By Mr. Delevingne.

19248. Is your case typical of most of the Glasgow shops, I mean to say in respect of the class from which you draw your assistants ?—Yes, I would say so.

Mr. H. R. Taggart, jun.
10 July 1908.

19249. The majority of the Glasgow assistants live in Glasgow with friends or parents or relatives ?—I would say, speaking from my own experiences, yes, but I may say I was very much astonished when I started to take this census that there was such a small proportion living in lodgings. I thought it would be more.

19250. But you have no reason to think your case is exceptional ?—No, I should not think it was exceptional at all. It is quite fairly typical.

19251. I notice a very large proportion of the wage seems to go in board and lodging and tram fare ?—Yes.

19252. 13s. 6d. for the women and 14s. 1d. for the men is spent on board and lodging, and about 2s. a week for tram fares ?—Yes.

19253. That makes in the case of the women 15s. 6d., and in the case of the men 16s. odd ?—Yes.

19254. You gave the case of a woman earning only 20s. a week ?—Yes.

19255. That leaves only about 4s. to 5s. a week for dress and pocket money and incidental expenses ?—This girl I gave you earned 20s. a week, and she spent about 12s. 6d. on board and lodging.

19256. *Plus* tram fare ?—*Plus* 2s., that is 14s. 6d., which does not leave very much.

19257. It leaves 5s. 6d. ?—Yes.

19258. How does that compare, do you happen to know, with the wages of shop assistants in England ? Would you get a shop assistant in a provincial town in England to come for £14 or £15 a year *plus* his board and lodging ?—I would not like to say ; I have no experience, and I could not tell you, but I would think that it is pretty much the same.

19259. Supposing you had a condition of things in Glasgow under which you could not draw assistants from private homes in Glasgow, but all your assistants had to live in lodgings, paying for board and lodging at the proper market rate, do you think you would be able to get assistants to come to you for the same wages as you are paying them now ?—I should hope so.

19260. They would be content, would they, with a sum like £14 or £15 over and above the actual cost of living ?—Yes, I am quite sure they would.

19261. You do not happen to know how that compares with conditions in England ?—No.

MISS PETTIGREW, called ; and Examined.

By the Chairman.

Miss Pettigrew.
10 July 1908.

19262. I understand you are in the service of the last witness, Mr. Taggart ?—Yes.

19263. What is your department ?—I have charge of the boot department.

19264. That is at the Cross in Glasgow ?—Yes.

19265. Have they a large retail trade ?—Yes, a very big retail trade.

19266. Have you made any enquiries into the condition of people in your class of life?—Yes, I have. I know all about them.

19267. In what capacity ?—I do some secretarial work in connection with the organising of women workers in Glasgow, both in shop life and in different branches of trade, so that I know the wages and conditions pretty well, and I have been twenty years employed in a shop myself, so that I have had considerable experience.

19268. There is no living-in in Glasgow, I understand ? —No, there is no living-in in Glasgow.

19269. Do you happen to know, do the majority of Glasgow shop assistants live in their own homes ?—Yes, I believe I am quite safe in saying the majority live at home.

19270. Then with regard to these who live in lodgings, can you tell me is there much difficulty in obtaining lodgings ?—No, there is no great difficulty in obtaining lodgings. Of course, it depends on the wages the girls earn whether they get good lodgings or lodgings which are not so good.

19271. Then are these lodgings obtainable within easy distance of their places of employment ?—Yes, and then, of course, there is a good tramcar service and train service by which they can get out of town.

19272. So that you do not think the difficulty of obtaining lodgings, by which I mean thoroughly respectable lodgings, exists in Glasgow ?—No, it does not exist to any great extent.

19273. Can you give the Committee any idea, speaking roughly, of the cost in that respect ? We will take a young girl not in such a good position as yourself, but coming on in that way of life as a shop assistant ?—There are some girls, for instance (this refers to those whose wages are not so good), who board with certain landladies for 7s. or 8s. a week, and then others rent a room to themselves and buy their own food.

19274. How many would there be—two in a room ?—Two in a room.

19275. For 7s. or 8s. ?—Yes, and in some cases they even get a room for that, but pretty often that is two in a room when they give 7s. or 8s.

19276. What type of living do they get for that ?—Just the ordinary working class fare.

19277. Porridge and milk in the morning ?—They are not great on porridge in Glasgow although they are supposed to be. I do not think there are many shop assistants who have porridge.

19278. Have you come to that state in Glasgow that you have abandoned the national fare ?—I had porridge when I came to London, I know, and that is the first time I have had it for years.

19279. They cannot make it better in London, can they ?—No. The first time I got it, it was singed, and I told the landlady, and it was better this morning.

19280. What we are anxious to find out is how the thing could be done at that figure. Observe, there are seven days in the week to live, and how can they manage out of 7s. or 8s. ?—I consider that is too low a figure myself. I lived in lodgings with a sister in one room, for which we paid 10s. per week. It was probably a high rate, but it was a respectable house, with all conveniences, and it was a big room, and between us our board and lodging came to about 21s. or 22s., or so.

19281. That would be 11s. each ?—Yes, 11s. each. I should say that for 10s. they would be well-fed and comfortable.

19282. If they lived two together ?—Yes, but of course you could have a bedroom for the same price as we have a room. I paid 10s. for a big room for two of us, but you can have a smaller bedroom for 5s. a week. So that the cost of living would work out at the same rate.

19283. I am still rather anxious to begin with the breakfast and see what they can get for 7s. or 8s. a week ? —For 7s. or 8s. a week they could have porridge and milk and tea and bread and butter, or they might have tea and bread and butter and perhaps fish or an egg, or a bit of ham and egg, or something like that for the breakfast. Then for dinner they probably would have soup and meat and potatoes on one day, or they might have meat or fish and potatoes and pudding another day—perhaps two courses. Then at tea most of them would just have a plain tea of tea and bread and butter, and nothing else before they go to bed.

19284. That leaves mighty little profit for the landlady ?—Yes. Of course, I am taking the case where the girls are boarded, and they do not look then to make such a big profit. Where the girls pay so much for a room, where 5s. is paid, or where some girls would share a room for 3s. 6d. each, that is 7s. altogether, then of course, their food is charged up to them.

19285. Have you any opinion upon this point ; that if they lived-in on the assumption that they were well-fed and well-attended to, do you think their condition would be better or worse ?—I think it would be worse.

19286. Just explain that ?—The first reason is that I consider that being always beside your work and assoc

ated with your work, has a very depressing effect upon you. You want to get away and have a change. It is better for the girls both physically and mentally, too, to have some outside interests, and I think you nullify that when you have the living-in system. Of course I have not experienced the living-in system. I only know anything of that from what I have heard. Then another thing is that even if the conditions are good, and you are well-fed, and so on, in most cases I understand they have to share a room and do not have a room to themselves. Perhaps Scotch people are more reserved, but it would make me very unhappy to be in a room and have to share it with strange girls, and have no place of my own. There would be also a certain amount of restriction as to how you spend your time. If you are fond of reading or anything like that it might be a nuisance to somebody else.

By Mrs. Tennant.

19287. Have you any experience of meeting especial temptations going between your place of business and home ?—No, I do not think so. I think, taking the class of shop assistants in Glasgow at any rate, they are a most respectable class and I think in respectable lodgings as a rule the average landlady is pretty careful about the behaviour of the girls, and their hours, and so on, and sees that the women come home. I do not understand what special temptation there could be. In fact, I am of opinion that if you live-in away from outside life, you would be more apt to go out and look for some place to go to.

19288. That is a very important point. You feel that the landlady considers she has responsibility ?—Yes.

19289. Responsibility, that is, towards those who are lodging with her ?—Yes. Then another point is that the general rule in Glasgow at any rate is that when a country girl comes to work in Glasgow and her people are working in the country, the parents generally come to Glasgow and secure lodgings for the young folk, and see that it is in a respectable place that they are staying. So that I think they are quite well looked after.

19290. Do you think the supervision is confined to the landlady after the initial supervision of the parents, or do you think there are cases in which the owners of shops ascertain that their assistants are in respectable lodgings ?—No, I do not think the employers in Glasgow take any interest as regards how their assistants are housed, I think they leave that to the parents and the girls themselves, and I think that works out fairly well. I do not think young people, if morally brought up, require such very close supervision as that. They generally develop a little strength of character if they are left to look after themselves, provided they are decently brought up in the first instance. Under the living-in system the only regulation is that you must be in at a certain time, and you can get out at night until that time. That sort of thing would apply in decent lodgings, especially as to coming in at a certain time, though meanwhile they can do as they like, so that it is exactly the same.

19291. Then I understand you to say you think that if a girl is going from her place of business to her lodgings she has a definite task when going through the streets, and is less liable to temptation than if she has to go vaguely from her occupation into the streets ?—Yes. If you are walking with a definite object in view you are not so likely to be talked to as if you go with no particular object in view. That is a bad thing.

By Sir F. Cawley.

19292. On the question of boarding, I presume when you get board and lodging for 7s. or 8s. a week, it does not include ham and eggs for breakfast, does it ?—When I said you got that I was giving the tariff of course, as near as possible. But all the ham and eggs that a girl would take for breakfast would not be very much. They might get that at an odd time.

19293. But if the landlady properly boarded and lodged a girl for 7s. or 8s. a week she could hardly afford to give ham and eggs for breakfast and two courses for dinner, and then tea ?—No, not every day. She could not afford to do it if she wanted to make a big profit, but I may tell you where these instances are met with. There may be a woman with a family of one or two. She may have a girl, and she may take in a girl, perhaps she hears about her, and not so much to make money, as just to take the girl in. They talk about having the turn of the money, but I do not know the benefit of that myself. But they might take them in because they have heard about them, or it may be she is a relative. Sometimes they stay with relatives under these conditions, but I certainly do not wish to say that 7s. or 8s. a week is sufficient to board or keep a girl in lodgings. I do not say that it is sufficient to give her what she requires. If you put it down at 10s. a week it would be better.

19294. What do you consider an ordinary young lady shop assistant would pay for board and lodging ?—9s. or 10s. a week, I would say.

19295. How much wages would she get in your department, say, as saleswoman ?—Of course, in my department an ordinary salesgirl gets from 10s. to 15s. and then they have commission over and above that.

19296. How much would it be that would be made in that way per week on an average all the year round ?—I should take it at about 3s. Some might be lower than that, and others more.

19297. That is 15s. to 18s. a week ?—Yes.

19298. Does that mean for a competent saleswoman ?—Yes, a saleswoman that has learnt her trade.

19299. That is one who knows her business ?—I do not mean one in charge.

19300. Not one like yourself ?—No. I have 25s. a week, and there are others have more than that. That is not a very high wage; there are other women have higher wages than that in the same position.

19301. Then those get 15s. to 18s. and they ought to pay about 10s. for their board and lodging, you think ?—Yes, about 9s. or 10s.

By Mr. Maddison.

19302. I understood you to say that you thought the majority of the shop assistants in Glasgow lived in their own homes or with relatives ?—Yes, that is so.

By Mr. Delevingne.

19303. When you say that 10s. is a fair average amount for board and lodgings, what accommodation are you thinking of ? Does it include conveniences such as a bathroom in the house ?—Yes, it would do that.

19304. Would it include the use of a sitting room ?—No, they might only have a share of a fair sized bed-sitting room with a bed in it.

By the Chairman.

19305. A hole in the wall ?—No, not a hole in the wall. It is not a concealed bed, which is a Scotch custom, and a very bad one too. But they have a big-sized room with a bed in it—open of course, or a small bedroom to themselves with one only. Take a big bedroom, what we call a bed-sitting room in Scotland, perhaps sharing it with another two girls in the room. That would come to about 10s. a week. That is in houses where there would be a bathroom.

By Mr. Delevingne.

19306. Would they have their meals with the family ? —No, they might take their meals in the same room that they used.

19307. In the winter would a fire be provided in the bed-sitting-room ?—Yes.

19308. Would they have to pay for that ?—No, the 10s. would cover that on the average.

19309. You say they would get the share of a large bed-sitting-room ?—Yes.

19310. Is that a common practice ?—Yes

19311. They would be friends who would agree to go together, perhaps ?—Yes, friends or sisters.

Then may I say that I think from a health point of view it is not desirable for assistants to feed in. In some places in Glasgow assistants dine on the premises. This is not the custom where I work, but there are tea rooms where we can get luncheon if we don't wish to go out. My own and others' experience is that on any day we did not go out for meals, the day dragged and a more tired feeling was experienced towards closing time than when the day is broken by going out for meals.

Mr. STEWART, called; and Examined.

Mr. Stewart.
10 July 1908.

By the Chairman.

19312. You are in the service, I understand, of Messrs. Stewart and Macdonald, Glasgow?—That is so.

19313. A well-known firm of warehousemen in Glasgow?—Yes.

19314. What is your function there?—I am buyer of the dress department.

19315. Do you know about, or have you considered the subject of living-in?—I have experienced it.

19316. Are you Scotch yourself?—Yes.

19317. What part of the country do you belong to?—A county called Renfrew. I come from Barrhead, near Glasgow.

19318. Where did you have any experience of living-in?—In 08., London.

19319. About what time was that?—1892.

19320. How long were you living-in there?—As near as I can tell you, about seven years.

19321. Did you go there as a skilled assistant or as an apprentice?—As an assistant,

19322. Had you served your apprenticeship in Scotland?—Yes.

19323. Then you have, since that time, had experience of living-out?—Yes.

19324. In 08.?—Yes; also while employed there.

19325. When did you leave their employment?—About four years ago.

19326. Where have you been since that?—With Messrs. Stewart & Macdonald.

19327. Of course, you have lived in lodgings or your own house since?—Yes; I am a married man, I am glad to say.

19328. Having thus experienced both systems, would you kindly tell the Committee what your view is on the question?—My view of living-in is that it has its advantages and its drawbacks, in this way. I say that it is the finest thing that can happen to a young fellow, if he comes to London from seventeen to nineteen or twenty years of age. He is not in a position to know how to act for himself, and if he lives in there he has a comfortable home and has his breakfast and dinner and supper, and can be a member of a good many clubs for the small sum of 1/6 a month, and has a smoking-room and a library and a reading-room and a writing-room, and in fact, almost everything he wants. I think it is a good thing for any young fellow, if you could do something to bring it about that after four years of living-in he should have the option of living-out or in if he liked.

19329. With regard to Glasgow, and provincial towns, as compared with London, of course, there are special advantages in having living-in in London?—Yes, certainly.

19330. The distance that people would have to travel for rooms and the temptations of the town life are greater in the one case than in the other?—Yes, quite so.

By Sir F. Cawley.

19331. I suppose you would think that would be almost accentuated in the case of females?—It applies in the same way, I should say.

By Mr. Walsh.

19332. In the case of people who have arrived at manhood or womanhood you think, then, that there ought to be no actual restraint upon them to live in?—No, not to keep them in.

19333. Having arrived at manhood or womanhood you think they ought to know then how to exercise a choice?—Certainly I do.

19334. Are you aware of any restraint having been put upon people who had arrived at manhood?—Yes; but I hardly know any instance of it in any house except in the West End of London here. I had to apply in 08. to live out. I was living-out for six years though working in the place, and it was a hard job to get to live out. I had to apply to the manager and get it put before the firm and then before the board, and eventually I was allowed to live out after being there for seven or eight years.

19335. How long did the process of application take?—Not very long for me. It depends entirely on when you apply. It comes up at the next board meeting as a rule, that is, every month.

19336. In your own particular case you had made up your mind pretty clearly as to your desire?—Yes.

19337. How long did it take before your application was granted?—About three weeks.

19338. So that in your case there was not very much to complain of?—No, not in my case.

19339. Do you find the process of delay any longer in other cases?—Yes; in my case they were rather hard up for room and they wanted a few men to live out, and I got to know, and applied for it and got it.

19340. So that really it was not because they were any more enamoured of living-out, but because it suited their convenience at the time?—Yes, but it is a hard job to get living-out now, I know, with that company.

19341. So that to your knowledge there do exist many cases of people who desire to live out, but who are unable to obtain permission?—Quite so.

19342. It has been urged before us that great mora advantage results to the young people, both men and women, and not merely to young people under twenty, and so on, but that all people obtain great moral benefit because of the living-in system. Is that your experience?—Yes, I agree with you there—that is so.

19343. In the case of young people who have obtained liberty to live out have they fallen morally by the way?—I have no experience of that.

19344. You have no knowledge of any cases where they have gone astray?—No.

19345. They have kept all right so far as you know?—Yes, all right so far as I know.

19346. In the case of Glasgow do you find the people are just as efficient who are not under the living-in system as they are in London?—Yes, just as good.

19347. Just as good a class of assistant?—Yes.

19348. Do they work just as well?—Every bit as well; probably better.

19349. From your knowledge of London) (of course, you did a good deal here) would it be any more difficult for the people to get to their places of residence in London if they were living with friends, or if they had apartments in London or within the suburbs of London, than in Glasgow?—Not a bit.

19350. You think that the facilities are equally as great in London as they are in Glasgow?—Yes, more so, I should say.

19351. Quick means of communication and everything?—Yes.

19352. Also from your knowledge of London do you think it would be any more difficult to obtain respectable apartments in London than in Glasgow?—No, I should say certainly not, but I daresay you have got to pay more for them.

19353. But that would probably be made up by the fact that wages are higher here?—Yes, that is so; wages are higher here than in Glasgow.

By Mr. Maddison.

19354. So far as young people are concerned from eighteen to twenty you have told us that you think it is a good thing to live in?—I certainly say so.

19355. Do you think that that view is shared by the parents of the shop assistants class?—That I do not know; but I know myself, if I had a son, I should certainly share that view.

19356. If that is so would you agree with what we have been told, that the living-in system to that extent gives the firms a better class of employee?—I would not like to say. You are speaking of London, are you?

19357. I am speaking of London, where the living-in system is in vogue ?—Yes, I believe it does.

19358. In Glasgow, what about these people at the same age, where there is no living-in system; how do they manage ?—I think the majority of them live with their parents.

19359. And there you would say is the distinction between London and Glasgow, would you ?—Yes, there is no comparison.

By Mr. Delevingne.

19360. What is the reason that makes a young fellow desirous of living-out after four or five years living-in, if they have all the advantages you mention ?—There are various reasons. Speaking for myself I obtained a great number of friends in London, and I was continually being asked out here, there, and everywhere, and I found out that as I had always to be in by eleven o'clock or twelve o'clock on Wednesdays it was awkward. Supposing I had to go down to, say, Brockley, or somewhere in the suburbs of London, by the time I got down there after leaving business, I had hardly a minute in the place before I had to be looking at my watch to see about getting back by eleven o'clock again. Therefore, I think that is a strong reason against living-in under these circumstances.

19361. And that is the reason which operates with most young fellows and makes them desire to live out ?—I think that is so.

By the Chairman.

19362. You were living-in with O8., and also later living-out there ?—Yes.

19363. Can you tell me what was the financial difference that was made when you began to live out ?—They allowed me £25 a year when I went to live out, and I had all my food just the same, and, in fact, a little more, but without breakfast, of course. I had a little refreshment about half-past ten, my dinner as usual, as if I were living-in, and my tea as usual as if living-in. So that the only thing that I lost was my breakfast and my bed.

By Mr. Maddison.

19364. What about your supper ?—That was neither here nor there—they allow you bread and cheese. *Mr. Stewart.* 10 July 1908.

By the Chairman.

19365. Were you married at that time ?—No.

19366. So that there was no consideration except the difference of the meals that they were estimating, so to speak ?—That was the only difference, just the difference of the meals between my bed and breakfast in the place, and they allowed £25 for that.

19367. How did your £25 work out in getting lodgings with your breakfast ?—Certainly I was a little out of pocket; not much, perhaps half-a-crown or 2s. a week.

19368. Supposing that the difference had been only a ten-pound note, of course, it would have been a very considerable change to you for the worse ?—I should say so. I should say that it is impossible for anyone to get bed and breakfast in London on a ten-pound note for a year.

By Mr. Maddison.

19369. Would you say the same about Edinburgh as to the ten-pound note ?—I should say it would not be sufficient there either.

By the Chairman.

19370. Of course, as you say, there is no doubt a difference in the matter of rent between London and Glasgow and Edinburgh ?—Yes.

By Mrs. Tennant.

19371. Did you realise almost at once that living-out caused you to be something out of pocket ?—We felt that of course, some time after. I will tell you what we did do. There were four of us went out, and we took a house of our own with a cook, and she looked after us and kept the place tidy, and we enjoyed ourselves very nicely, I can assure you.

19372. And you preferred to be out of pocket with that enjoyment ?—Yes. I would prefer to live out and get what I wanted.

19373. Had you a little flat ?—Yes, in Kilburn.

MR. COX, called; and Examined.

By the Chairman.

19374. You are in the employment of Mr. Pettigrew, who was a witness here to-day, are you not ?—Yes.

19375. What are you ?—I am second hand in the linen department.

19376. Have you any experience of the living-in system ?—Only in regard to dinners.

19377. Have you been brought up all your life in Glasgow ?—No; I have been in Ayr six years.

19378. In Ayr do they have the living-in system ?—We lived out there.

19379. Do you get a good class of assistant with this living-out system ?—Yes.

19380. Are you able to testify at all to the differences between the two systems of living-out and living-in ?—Do you mean not dining-in, not having your dinner in ?

19381. Living-in every night ?—You get a healthier system from living-out; all our fellows are fairly healthy.

19382. How many have you ?—I could not exactly tell you.

19383. Taking your own case, how far away from your place of business are your lodgings ?—I am about a mile or three-quarters of a mile away.

19384. How do you get to it ?—I walk.

19385. How long have you for dinner ?—We get half an hour for dinner.

19386. How do you manage ?—But I do not go out. I take my dinner in.

19387. Give me your hours. You start business when ?—At nine o'clock in the morning.

19388. You walk in to business ?—Yes; and I start at nine in the warehouse.

19389. Then you get dinner in the warehouse when ?—I go up at 12.30.

19390. Then when do you get away from the warehouse ?—Generally at ten past six, unless about one week in the year. *Mr. Cox.* 10 July 1908.

19391. How do you exist between 12.30 and ten past six ?—We can go up for tea; it is optional, and as a rule I do not go. But you can get it if you want to.

19392. Supposing you went upstairs for tea what would that cost you ?—It would all depend on what you ate. You might have a cup of tea and two scones or three scones. It costs you a penny for a cup of tea.

19393. And a halfpenny for the scones ?—I think it is a penny each. I have been up; but any time I have been up I was perhaps going out and not going home and I had a substantial tea.

19394. Your general programme is that you walk home and get a good hearty tea ?—Yes.

19395. Which you will get at about half-past-six at night ?—I am generally home at half-past-six at the very latest.

19396. Then could you tell the Committee what is about the rate of lodgings ? Do you live by yourself or do you have a chum ?—I have a chum.

19397. What accommodation have you ?—A parlour-bedroom.

19398. Is that what is known as a box-bed ?—A hid bed; it is not exactly a box-bed.

19399. What does that cost you ?—It costs me about 13s. a week.

19400. And your chum the same ?—Yes.

19401. So that the landlady gets 26s. a week for boarding the two of you, plus the accommodation in the room ?—Yes.

19402. Is that just about the general run of things for people in your class ?—I could live cheaper if I liked to curtail myself; but I always have a good breakfast and a

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good tea, and I always have something substantial. I could live, of course, on less if I wanted to.

19403. Do you know cases of young men in your position living, shall we say, down to as low as 10s. a week?—Yes, I believe so. It all depends on what you eat of course; I may be a big eater, of course, but I could curtail myself if I wanted to.

19404. It is not from any curiosity, but it is just for comparison that we want to know what is your salary?—£75 a year and commission. Do you want to know my full salary?

19405. Yes.—£108 10s. a year I make.

19406. But then there must be a lot of people in a humbler walk in your employment, are there not?—Yes. I have been with Pettigrew's twelve years, which adds to my salary a bit.

19407. But will there be lots of men there with 25s. to 30s. a week?—Yes, there will be, and their dinner.

19408. And that figure you gave up to £108 was plus the dinner?—Yes.

By Mrs. Tennant.

19409. I gather you live about twenty minutes walk from your place of business?—Yes.

19410. Does that nearness make the cost of your living more expensive?—No.

19411. Is not the rent rather dearer?—No; I might go further out and pay more.

By Mr. Maddison.

19412. Do you and your chum sleep in one bed?—Yes, we do, but he is away a good deal. He is a traveller, and he is not always there. He might be there only six months in the year; but when we are together we sleep together.

19413. You would not say it would be possible to go below 10s. for anyone to live, would you?—No, not a fellow; a girl might.

19414. But not a man?—No.

19415. I am speaking of a male for the moment?—Yes, I understand.

19416. So that you think that, while you could get your lodgings a little cheaper, the 10s. would be as low as anyone could go to, to live in anything like decent comfort?—I could not say, but I would not like to live on anything less than that myself. Of course, if I were away for the week-end it would cost me less.

19417. The man getting 25s. a week of course, would be an adult?—Yes; it all depends on the time you have been in the employment and what you are fit for.

19418. Therefore, he would have to pay at least 10s. a week, and he ought not to live on less than that?—No.

19419. I suppose the majority of people live with friends, do they not, or relatives?—I should not like to tell you that. I could not be positive on that.

By Mr. Delevingne.

19420. When you said that your board and lodging cost you 13s. a week that was, of course, excluding dinner?—Yes, I get my dinner from Mr. Pettigrew included in my £108 10s.

19421. Then you said that 10s. a week was about the lowest that a man could go down to, but was that 10s. without or with a dinner.?—That includes his dinner outside. Now I am talking about one employed by Mr. Pettigrew.

19422. You did not include in the 10s. the charge for dinner?—He would be getting his dinner from Mr. Pettigrew.

19423. What would a young fellow who had to find his own dinner and to find his own board and lodging be likely to pay a week? What difference would it make?—I should say he would have to pay the matter of from 13s. 6d. to 14s. if he had to get his dinner in his lodgings to live comfortably.

19424. Do you have a bath in the house you live in?—Yes.

MR. Y., called; and Examined.

By the Chairman.

Mr. Y.
10 July 1908.

19425. You are in the employment of R 6 are you not? Yes.

19426. That is in Bradford?—Yes, in Bradford.

19427. At a place called the Kirkgate?—Yes.

19428. Then the place where the assistants live in is called Eldon Lodge, I believe?—Yes.

19429. How long have you been there?—Twelve and a half months.

19430. I want you to tell the Committee if you please what you think of the living-in system as you have experienced it in your present situation?—I had perviously been in business on my own account and I failed a little over twelve months ago, and this place was offered to me—quite an alluring place it was—as superintendent and buyer for several departments, and I thought it was quite a very nice place to take on till I got pulled round again. When I got the place I was more than disappointed with it. Of course, I do not live in the place at all; I do not sleep in the place, but I get dinners and teas in it. As far as that is concerned the food I find is the cheapest and nastiest stuff you could possibly eat. You could not possibly eat worse. The meat is cheap and nasty, and very often it is so tough that though you are only served with a very little piece that is quite sufficient for you.

19431. Is that the opinion of the assistants, speaking generally?—Speaking generally. I know people who have been there for something like fifteen years who are so terrified of the governor, and they have been there so long that they have no chance to get places outside, or their chances would not be of the best, and rather than change they put up with the conditions that are existing in the house; and I know men who are there who have been there fifteen years who bring their meat down in a piece of paper almost daily to throw it down the w.c.

19432. You know that yourself?—I have seen it; I have watched it day after day; and these men, if you say to them "That is a nice piece of meat," would say: "It is very nice meat"; but at the same time they will lift it off the plate and put it in a piece of paper and come and throw it down the water closet. I have just dinner and tea, but I know a good bit about the house arrangements also, and for tea there is never anything on the table but bread and butter. The bread is generally about half-an-inch to a little more than that thick, and the butter is put on so sparingly that it is impossible to know whether it is butter or candle grease or ordinary fat, or what it is; and the tea is of a rank nature. It is very weak and sometimes very black.

19433-34. Where were you brought up in business?—In W——, the iron town.

19435. Then did you learn this drapery business there?—I learnt the drapery business there, and afterwards became the manager of the drapery department of a large store, which position I held for six and a half years.

19436. Then have you ever yourself been under the living-in system?—No, I have never lived in before. This is my first experience of it.

19437. Was there any such thing in W——?—No, nothing of that kind.

19438. Have you any objection to your name appearing as a witness?—At the present time I really do not know: I was summoned to come yesterday and I asked for a day off, but I suppose I shall be dismissed when I go back for taking two days, so that I do not suppose it will matter a great deal whether my name appears or not. But until I give you permission to publish it it would be just as well to keep it quiet, I think.

19439. Do you happen to know of a communication that was made to the Secretary of this Committee signed, "Sixty Living-in Assistants"?—From Bradford was that?

19440. Yes, from Bradford, referring to a private house situate in Kirkgate and to a law case about bad meat?—

I know that, but it was previous to my going into the employment of R 6. But I know quite well about the case. The meat was found and condemned by the meat inspector of the market. The meat was condemned because it was putrid. It was being conveyed down to the shop for the assistants. Almost daily the fellow who carves the meat can see it is for about a quarter-of-an-inch impregnated with a pink substance, and it tastes very much like Condy's Fluid or permanganate of potash. The soup that you get is occasionally all right in taste but sometimes very salty, and at other times it is not like soup at all.

19441. Have you any complaint to make about smells in the place ?—As to the lavatory there are two w.c.'s in one place. There is no privacy, and the place absolutely hums ; it smells strong every morning to anyone going in. There is one urinal and two basins ; that is four men can be in the place at once, and there is not a little bit of privacy at all.

By Mrs. Tennant.

19442. Do you know where your employer gets his provisions ?—He goes round the cheapest market. I do not know what he considers the cheapest market, but I have heard it said, (of course, I do not know whether this will be evidence or not), that he buys from sling butchers about the place. Anyone that will take a cheap piece of meat to him he will buy it. But the meat that he buys cannot be bought of any ordinary purveyor. He has a brother-in-law in the trade, and if inquiry were made, and if he were questioned about it, he would say that the meat came from this place, (which is a very classy butcher's shop in the town), that his brother-in-law keeps ; he would say at once that the meat came from there and bring plenty of evidence to prove that it did, but I can assure you that the meat does not come from there.

19443. Do you happen to know if he has ever supplied himself from another branch of his shop ? Has he ever sold provisions as well as drapery ?—Yes.

19444. Is some of it left over and given to his assistants ?—I do not know about that at all. But he goes to all the cheap and bankrupt grocers, and if there is a bag of rice to sell cheap, it does not matter if the rice has been got at by the mice and has been lying in the shop for a year or two that is a detail ; he buys the rice and that is the rice pudding you get. I know ladies who have brought rice of him at very very low prices.

19445. What happens in the case of assistants who are unable to eat this food ? Do they wait till they go outside and buy meat ?—Yes, and they will bring it in the morning with them. Every day during the week they get a sort of skilly—they call it porridge—for breakfast, and dry bread and tea or coffee ; I do not know what it is, it is one or the other ; but that composes the breakfast. Out of all the men who stay there (I do not know the exact number) there are about four or five who go in to breakfast in the morning ; the rest get their breakfast outside, and go to any ordinary coffee shop and buy a pennyworth of tea and two pennyworth of bread and on that they exist till dinner time, unless they have a quarter of an hour's luncheon, which they buy themselves.

19446. Are they engaged on the understanding that they receive board in part payment of wages ?—They come at so much a year and live in, which means that. I know that R 6 have replied to people and said that they would have absolutely no expenses outside, whereas all the wages go in food to eat.

19447. Have you heard any complaints of want of cleanliness in the matter of bed clothing ?—I just heard one man say a little before coming away that his quilt had been changed about a fortnight previous to the day he told me, and that was the first quilt that had been changed during his ten months stay in the place.

19448. How often are the sheets changed ?—I do not know anything at all about that. I know that the beds are not places that I would like to sleep in myself, or the bed-rooms places that I would like to go into. I could not really say how often they are changed.

19449. Do you happen to know whether the men sleep two in a bed or not ?—No, they sleep in small single beds.

19450. Do you know what is the system with regard to the men who live in ; can they have all their meals in, if they wish ?—Yes, they can have all their meals in breakfast, tea and dinner.

By Sir F. Cawley.

19451. Is this a low-class business in the Kirkgate ?—It certainly cannot be termed a low-class business, although he does his best to make it one, I believe.

19452. It is a draper's business, pure and simple, is it ?—It is a drapery business, and we quite often get the Lady Mayoress in, and people of that sort.

By Mr. Maddison.

19453. You said that when you left you asked for a day ?—Yes, one day.

19454. And you knew it would take two ?—No, I had intended to get back that night ; but the secretary informed me he had instructed the factory inspector at Bradford by wire to inform me to attend on Friday morning.

19455. Has any representation been made to your employer about these various things ?—People have left and told him that the food was not fit to eat, and that he ought to be ashamed of himself, and that sort of thing. He knows quite well. It is not that he does not know that the food is not good and that the people would be pleased to eat something better. It is not for want of that knowledge at all that he fails to provide better food.

19456. Your evidence is that he deliberately buys all the cheap bad stuff that he can get hold of ?—I do not say that absolutely. I say that he gets the cheapest food that it is possible to have placed before you. I do not suppose that you could cook cheaper food.

19457. The meat is all bad ?—I do not say that it is all bad.

19458. But a good deal of it is ?—Very often it is in such a condition that men who have been in the place for many years bring it down (at least one man I know of) and throw it down the closet basin.

19459. But you say that some men had been there fifteen years ?—Yes, and one man has been there for over twenty years.

19460. And he is treated in a similar way ?—He is treated in the same way.

19461. Do you know what your employer has ever allowed to anyone living-out, that is what he has reckoned his living-in to be worth ?—I do not. I have had several days off, which have been stopped off me, but I have noticed that on each occasion the full amount is not stopped. There is some allowance made for food, and it is something between 1s. and 2s. per day.

19462. Two shillings a day ?—Yes. That is for dinner and tea. That is what I get. I have noticed that in my own particular case.

19463. When you have noticed that have you said anything to him about it ?—It is no good saying anything to him about it. He is a man you could not talk to ; he would call you a fool, and then go and talk to somebody about it. You cannot get any sense out of him. You might as well talk to the wall.

SIXTY-SIXTH DAY.

Thursday, 16th July, 1908.

PRESENT.

The Right Hon. THOMAS SHAW, K.C., M.P., Lord Advocate for Scotland (*Chairman*)

EDWARD A. BROTHERTON, Esq., M.P.
Sir FREDERICK CAWLEY, Bart., M.P.
MALCOLM DELEVINGNE, Esq.
FREDERICK MADDISON, Esq., M.P.
Mrs. H. J. TENNANT.

T. E. BETTANY, Esq. (*Secretary*).

MR. RENDELL, called; and Examined.

By the Chairman.

Mr. Rendell. 16 July 1908.

19464. What is your business ?—Draper.

19465. Where is your establishment ?—Kirkgate, Bradford.

19466. What is your general line of business—have you house furnishing in addition to drapery ?—We have a large number of trades—we have about twenty-five departments, I think it is.

19467. Are you the sole partner of the firm ?—Yes.

19468. How many people have you in your employment ?—It varies very much. It depends entirely upon the season and the trade. Some departments are much busier than others at different times of the year.

19469. Have you a class of employees called shop assistants ?—Yes.

19470. How many shop assistants have you ?—In and out, you mean, I suppose.

19471. This is the month of July, and how many shop assistants have you now in your employment in Kirkgate, Bradford ?—We might have seventy—it might be more, but it depends on the season.

19472. But you know the season ?—Yes.

19473. You are here on the 16th of the month of July, and cannot you tell the Committee how many employees you have ?—Yes, but the month of July is a quieter month.

19474. Would you mind starting with something, then ?—Seventy, say, now we have.

19475. How many men ?—That is including the men.

19476. But how many men and how many women are there ?—I suppose it would be about thirty men and forty women.

19477. At other seasons of the year have you sometimes more than that ?—We have different classes of hands in the Christmas and the summer seasons.

19478. How many of those seventy live in ?—About thirty of the young ladies, or about twenty-five to thirty, and twelve to fourteen of the young men, about.

19479. You are referring to this present month of July, are you ?—Yes.

19480. And you have twenty-five or thirty young women who live in ?—We have.

19481. How long has the system of living-in continued in your business ?—Ever since we started.

19482. How long ago is that ?—About twenty-seven or twenty-eight years.

19483. Where do you live personally ?—I live at Eldon Place, in the same house as the young ladies do.

19484. Do your family live there ?—Yes.

19485. Where do the male assistants live ?—They live in a house on the opposite side of the road. It is a private house.

19486. Do they live in the same building as the business premises ?—No, it is five minutes walk from that.

19487. Where do the female assistants live ?—In one house—they live in No. 13 and the young men in No. 12, which is on the opposite side of the road.

19488. In what street ?—In Eldon Place. It is a private place.

19489. On what side of the road do you live with your family ?—I live with the young ladies.

19490. At No. 13 ?—Yes.

19491. They feed in as well as live in your premises do not they ?—Yes, a certain number of them do.

19492. Do all those live over-night on premises supplied by you ?—Yes.

19493. And board every day ?—Yes.

19494. Where do they board ?—In the morning they have their breakfast at the private house, and in the day they have their meals at the shop.

19495. What are your arrangements for the supervision of these boarding establishments ?—They are looked after by the housekeeper.

19496. Have you a housekeeper ?—Yes, two housekeepers.

19497. One for the male department ?—Yes, one to look after the males. One goes to the shop and one stays at the private house.

19498. I do not quite understand you. I ask about the male living-in establishment ?—Yes.

19499. Have you a housekeeper for that ?—We have two housekeepers, but one of them goes away after breakfast to the business place to see to the food being prepared there. They do not go back to the private house.

19500. What about the other one ?—They do not have food there in the daytime.

19501. I am afraid we are at cross-purposes. I do not quite understand you. May I start again ? You have a living-in establishment where there are male assistants ?—Yes.

19502. How many housekeepers have you for that ?—Two housekeepers.

19503. Why do you require two ?—One stays at the private house looking after it—the linen and the bedrooms, and so on.

19504. But I am not asking you about anything but the private house, where your male assistants board in ?—They do not board in the daytime at the private house.

19505. But they live there over-night and get their breakfast ?—Yes.

19506. Now can you tell the Committee in answer to my question how many housekeepers have you for that establishment ?—We have one always.

19507. One ?—Yes.

19508. What are the hours of the housekeeper ?—She generally rises about seven in the morning and she locks up at 10.30. She locks up the young ladies' house at ten o'clock.

19509. But about the male assistants only I ask first. You have one housekeeper for the male assistants ?—No, not for locking up. One of the young men locks up the private house.

19510. Have you, or have you not, a housekeeper for the male assistants ?—No.

19511. No housekeeper ?—No, not specially for them.

19512. How are the arrangements regulated if you have not a housekeeper ?—They look after the house and get it in order.

19513. Who does ?—The housekeeper—by the servants. They go over from the female establishment and put it in order.

19514. They see that the place is cleaned out in the morning, do they ?—Yes, everything is put right.

19515. Then who remains to take charge of them ?—The house is locked up.

19516. During the day ?—Yes.

19517. Then when is it opened at night ?—When they come up from the shop.

19518. When who comes up from the shop ?—The young men.

19519. What hour is that ?—About half-past seven to eight.

19520. Who opens it ?—One of the young men—the first young man who comes up. He comes with the keys and opens it.

19521. It has been closed during the whole day, has it ?—Yes.

19522. When is it closed at night ?—At eleven o'clock.

19523. Who takes charge of the premises from the time that this is opened between seven and eight till eleven ?—One of the young men—the head man of the house. He locks up. It is Mr. Smith.

19524. But who takes charge of it between half-past seven and eleven o'clock at night ? Is there anybody who takes charge of it ?—Not more than ourselves. I am here on the spot myself the whole of the time in No. 13.

19525. And if you are not there, there is nobody there ?—No, but I am always there unless I come to London on a special thing like this.

19526. Do you live there ?—Yes.

19527. At night ?—Yes.

19528. Away from your own family ?—No, my family live at 13—it is all side by side.

19529. Can I get an answer from you to this effect: that there is no housekeeper specially for the male establishment, and that it is shut up through the day ?—After it has been put right—yes.

19530. After it has been put right by the servants from the other premises ?—Yes.

19531. And that at night it is opened by one of the men ?—Yes.

19532. The first that is there ?—Yes.

19533. Who locks it up at night ?—The young man that is in charge. Mr. Smith is the gentleman that is at it now.

19534. What does he do with the key ?—He locks it up and takes it to his bedroom, and unlocks it in the morning.

19535. So that beyond that there is no supervision at all ?—No, certainly not. They do not require it.

19536. Now I will come to the female establishment. Is there a housekeeper there ?—Yes.

19537. A female housekeeper ?—Yes.

19538. Is that her constant work ?—Yes

19539. She is not employed in any other part ?—No.

19540. What is her salary ?—About £30 or £35—generally.

19541. Do not you know ?—That is what we pay.

19542. £30 ?—Yes.

19543. How many females are there just now, did you say ?—We have not so many there now. We might not have got them in. I could not tell you the exact quantity, but that is about what we have—there might not be thirty there now.

19544. What have you accommodation for ?—We accommodate over thirty.

19545. How many rooms have you in which the thirty are placed ?—About eleven rooms for the thirty.

19546. How many bedrooms ?—It is bedrooms I am alluding to.

19547. Eleven bedrooms ?—Yes.

19548. Are there any single bedrooms ?—No.

19549. Are there any double bedrooms ?—Yes, two in a bedroom.

19550. Are there sometimes three in a room ?—Yes, two or three rooms, but they are all single beds.

19551. Sometimes four in a room ?—There might be one bedroom.

19552. But now would you favour us by saying as a fact whether it is so ?—Yes, it would be two.

19553. Two rooms with four each in them ?—Yes. But I had an inquiry from the office. I do not suppose you have seen this. (*Handing document to the Chairman.*)

19554. Can you leave this with us ?—Certainly.

19555. This is an enquiry from Mr. Frank White, Chief Inspector of Nuisances in the Public Health Department in Bradford ?—Yes.

19556. He, we know, had permission to inspect the premises in Eldon Place occupied by your assistants ?—Yes.

19557. This was in February of 1907 ?—Yes.

19558. How did this arise ?—They told me something about some meeting at the sanitary committee.

19559. There was some mention of your premises at a meeting of the sanitary committee of the town council, I presume, of Bradford ?—Yes, they had been agitating a lot of little things there.

19560. What kind of little things had they been agitating ?—For instance, I had a farm and they wanted that, and, of course, they have got it now. That is a farm which I could grow things at—vegetables and things of that kind. They have got that.

19561. But I do not quite see what is the connection between the nuisances on your premises and that one on your farm. How do you link them up ?—Mr. White and the gentleman there came to me (they are all strangers to me) and they said they would ask my permission, do you see, to look at the place, and I said "With pleasure, they could look over my place," because my place is not private to a certain extent. Anyone could come, by asking me, to see anything.

19562. But I was wanting to get from you, if I could, how this question as to the state of your premises arose ?—I could not tell you exactly. You know a certain class of people come about asking questions and inquiring into things, and stirring up things, and it is all meaning mischief, I suppose.

19563. That is your only explanation ?—Yes, that is all.

19564. Did anything happen after this investigation ?—No,—well he said to me when he was there, "I am surprised, after hearing what I have heard, to see a place like this. It is a great credit to you." That is all he said to me.

19565. Now to go back to the premises; are there any of those rooms where there are four people staying ?—There might be two rooms—there are two rooms.

19566. Are you able to testify that that is so ?—Yes. One room is over the other. That is where it is.

19567. Are there any where there are five staying ?—No, not that I know of.

19568. How many servants have you attending to these rooms ?—We have about six servants.

19569. Six servants attending to eleven bedrooms ?—Yes. Six servants up there. Our shop is not with the private house or near it. It is five minutes walk from it. So that there is a servant and a housekeeper goes from there, and the cook. Also we have a man carver at the shop besides. We have four at the shop, and when they have done there they go to Eldon Place, excepting the carver. He lives out.

19570. Can you answer this question: In this establishment where there is a housekeeper attending to the

Mr. Rendell.

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wants of thirty people, how many servants are resident in the premises ?—We have six servants.

19571. Resident there ?—Resident there.

19572. Doing nothing else but attending to them ?—Attending to them; that is all. Nothing but that.

19573. I thought you told me just now four of these people came from the business premises ?—The four people are on this particular spot the whole of the day but the other two are in and out.

By Sir F. Cawley.

19574. Going backwards and forwards ?—They go backwards and forwards. They go backwards and forwards; after breakfast they go to cook down at the shop.

By the Chairman.

19575. How many bathrooms have you in the place ?—We have got one bathroom.

19576. Where is it situated ?—On the young men's side.

19577. On the female side is there any bathroom ?—We have got one, but they do not use it.

19578. Where is it ?—It is more on our side—on my side.

19579. You are quite intelligent enough to know that I am asking you about that portion of the premises which is occupied by these thirty young women ?—Yes.

19580. Is your evidence that there is a bathroom there for their use ?—No, not for their use.

19581. Then why do not you give me a straight answer ? Now can you defend a system of boarding thirty young women from week end to week end with no bathroom for their accommodation at all ?—We have hot water and cold water. We have never been asked for a bathroom.

19582. You have never been asked for one ?—No.

19583. Now what about the lavatory accommodation ? —We have two of those.

19584. Where are they—what flats are they on ?—Both on one flat.

19585. Have you never had any complaint with regard either to the lavatory accommodation or to the bathroom accommodation ?—No, never.

19586. Is it your evidence that this lavatory accommodation is clean ?—Oh, yes; it is looked after by the servants.

19587. I put it to you that it is in a dirty state ?—No, that is wrong. We should see to that.

19588. Do you have in that young ladies' place where they wash their hands, wash-basins ?—Yes.

19589. How many are there ?—They wash on two sides. There is a wing to each. On each side there are four basins. We have a proper room. There is a lavatory and bath-room for their use. They do not wash in the bedrooms.

19590. There is no washing material in the bedrooms ? —No.

19591. Then we will take the lavatory where they wash. There are four basins, you say, in that ?—Yes.

19592. Are those all in working order ?—Oh, yes. We look after that.

19593. Now just consider seriously your position. I put it to you, are these all in good working order ?—Yes, every one.

19594. Have they always been so ?—We have to see to that, on account of the water going through the ceiling below. It must be seen to.

19595. Have they always been in good working order ? —Yes. If one of these basins is out of order in the least we should have to send a man or woman at once to see to it.

19596. I put it to you that some of these basins are sometimes stopped up and not used ?—That is where young people get and put things into them and stop them up. There might be paper. I cannot avoid that very well.

19597. That may have happened, may it ?—We should hear of that—yes. It is where they wash their hair and the hair comes off and gets in the pipes.

19598. So that you admit that may have happened ?—Yes, and you could not avoid that. But we should see to it at once.

19599. You have never heard any complaint as to the state of these wash-basins, have you ?—No, never in my life, and that is a great thing to say.

19600. Now I will ask you about the food in your establishment. Do they get breakfast in the place where they sleep ?—No—yes, in the house—in the private house.

19601. Who cooks the breakfast ?—The cook.

19602. Does she go over from the premises to the place and cook it on the spot ?—She cooks in the house she is in. They all come to dine in No. 13.

19603. I am not asking about dining at all, but about breakfast ?—Breakfast then.

19604. Where is the breakfast given ?—At No. 13.

19605. Where is that ?—Where the women are.

19606. How do the men get their breakfast ?—This is a private house, and our place is in its own ground.

19607. The men come to No. 13 and get their breakfast there, do they ?—Yes, they have to walk round the house, and we have got a special private entrance for them.

19608. What do they get for breakfast ?—Porridge in the morning, and bread-and-butter and coffee.

19609. Any milk to the porridge ?—Yes.

19610. Porridge and milk, and bread-and-butter and coffee ?—Yes, and I always have my breakfast with them too—with the young ladies—every morning.

19611. The same stuff that they feed on ?—Exactly the same. I like my porridge very much.

19612. Did you ever know of any complaints about the food supplied ?—No, I do not know of any. If we ever heard of such a thing as that we should go into it at once.

19613. But you have never heard any complaints ?—No; no more than I have seen in the paper you sent to me. But, of course, this is a case of some aggrieved person rather. But I do not know what the meaning of it is.

19614. But you have told me about the breakfast, and just go through the meals. What hour is the breakfast at ?—The young men up to eight o'clock, from about half-past seven. At eight o'clock they leave.

19615. Then what is the next thing ?—The young ladies come in at any time after eight up to a quarter to nine.

19616. Is it to the same dining-room that they come ? —Yes, the same dining-room.

19617. Have not you separate dining-rooms for the men and women ?—No, but the men are not there with the women.

19618. I know that, but have not you a separate dining-room ?—No.

19619. What is the hour of the next meal ?—They go to lunch from ten o'clock to eleven at the shop.

19620. Do you supply that ?—No, we merely supply them with tea. They get a little food—light cake with that, or what not.

19621. They buy that for themselves, do you mean ?—Yes.

19622. Then the next—what is their next food ?—Dinner.

19623. That is when ?—That starts at a quarter-past twelve and that goes on in three parties.

19624. What is their dinner course ?—For the first dinner we have soup, beef, mutton, or pork, and vegetables and potatoes, any class of vegetables in season, and pudding and tarts, and they can have cheese after that.

19625. Can they have more than one supply ?—Yes, as much as they like.

19626. Did you ever hear any complaint about the dinner ?—Not more than I have seen in your paper here. We have got young men and women who have been with us for many years. We have one young lady who has been with us for over twenty years.

19627. You never get any complaints ?—No, no complaints more than with discharged servants.

19628. After they were discharged they made complaints ?—Yes.

19629. And they made certain revelations or disclosures ?—Yes.

19630. But so long as they are in your service they do not complain ?—No. We have never heard any complaint. It would be the same with me or you. If we have servants about our place and they are dissatisfied, they can leave at a minute's notice—they need not stop with us.

19631. You do not know of any cases of meat being thrown down the closet or sink, do you ?—No, and if we found that out we should want to know something about it.

19632. You never heard of such a case ?—No ; I have never heard of any case any more than that we found a servant or cook some time ago had thrown a lot of fat, and that kind of food, down a closet, and stopped the closet up. That congealed in the closet and we sent for the plumber to see what was the matter, and we found this, and we had to get rid of her.

19633. When is tea after that ?—We start tea at 4 o'clock.

19634. What do they get for tea ?—Bread-and-butter and tea, and they buy little things themselves—they have jam or anything they take a fancy to, and they buy that for themselves.

19635. Then supper ?—Bread and cheese, and that comes on at 7 o'clock.

19636. What are the hours in your establishment ?—Our hours are for the young men from half-past eight to half-past seven and eight.

19637. And on Saturdays ?—Later on Saturdays—to nine and ten. It is according to the months. When we are not busy we close earlier—in the winter months about nine and in the summer about half-past nine or ten.

19638. Then what are the young women's hours ?—Just the same hours.

19639. I think you said there never have been any complaints with regard to the food ?—No, not more than from a discharged servant. I should like to explain one thing to you, and that is that we have young people in our employment that have been in it for many years. We have had young men in our employment nearly thirty years since we started, and young ladies over twenty, and many young ladies over ten years, and there are some that have been away and have come back again and have stayed many years with us.

19640. Now do you deal in food ?—Do you mean buying and selling ?

19641. Yes.—No, we do not.

19642. Do not you ?—No.

19643. Have you any connection with any food establishment ?—No, none whatever.

19644. Have you any relations at all dealing in food ?—In Bradford ?

19645. In or about Bradford ?—No.

19646. Where do you supply yourself from with fish, for instance ?—We buy it in the wholesale market.

19647. From what merchants ?—Different merchants we should buy it from—where it is fresh.

19648. Then as to meat. Where do you supply yourself from with that ?—We get it from two butchers. We get it at L 11. He is the regular butcher. We get a good deal from him ; and there is M 11.

19649. Are you any connection of theirs ?—Yes, M 11 we have a little connection with.

19650. What is it ?—He married my niece.

19651. He is just a distant connection in that way ?—Yes, but we do not buy so much from him, but he is very nice and handy for us along the summer months when it is very warm. We have got a difficult job with meat in that way.

19652. Now I think you said you never were in trouble about the supply of food ?—No, not food—or what do you mean ?

19653. I will remind you of what I mean ?—Do you mean to say the matter of the sheep case I had on.

19654. I ask you a simple question, and cannot you answer me ? Were you ever in trouble with regard to the supply of food ?—I was in trouble with a sheep case.

19655. Tell us about that sheep case ?—The sheep case was this. We had a farm at Baildon, 4 miles from Bradford, and we had a ewe that had two late lambs in the month of September, and these lambs of course they came off the hills. They were very wild and we kept them up as long as we could, and our man said they were getting out and annoying people, and we arranged to kill them, not for the assistants but for my own use, because they were only small—about 25 lbs. weight each. We killed them and they were brought home, and next morning after being brought home my man in the yard came to me and said there was an inspector from the police office at the side entrance. It was very dark, and I got out and saw them, and asked what it was, and they said they wanted to look at some meat there. I said : " With pleasure," and got a candle and went into the meat house and looked for them, and there was a large piece of meat there and beef, and these two lambs. He looked at it and said : " I want to see the skins," and I called out to the man in the stable with the horses, and said : " This young man wants to see the skins : where are the skins of these sheep—these lambs ? "—and he said : " In my cart," and they were got out and he looked at them, and said : " That is no use to me," and I put them back. Then he came back and said : " Where is the pluck of these things ? " I said to the man : " Where are the plucks ? " and he said : " In the house," and he went up and got them down in a basket, and he took them out and looked at them, and he said : " I won't have them," and then he hesitated for a moment, and said : " Well, I will take one of these lambs." I said : " What do you want them for ? where are you going to take them to ? " He said : " To the town hall." " You had better take them all," I said, " You had better take the whole of them," and he said : " No, I will take this one." So he was going to get a cab and I said : " No, my man will take it down for you. You need not trouble about that." He looked and I said : " Let my man take it down," and my man went with him, and he took it away to the police station. I thought afterwards it was very strange, and I went and saw my solicitor and asked him : " What is the meaning of it ? " and he said : " For goodness sake, you should not have let that go. They will make mischief out of them." I said : " What will they make out of them ? " and he said : " You do not know what they will do with this." I said : " It is a funny thing," and he said : " You go and get your veterinary surgeon to come at once ; " and I went and told him what had happened, and told him to go and see to it, and they would not let him see them when he got there, My solicitor said they must be seen, and we went to the town hall and said we wanted to see this, and they would not let him see it till twelve o'clock. " Now what are they up to ? " we said, and we waited till twelve o'clock, and when the time came the stipendiary was there. They got the stipendiary and the doctor that they have got there, and the inspector of nuisances, and they had got it in a room with a fireplace similar to that there—in a very small room and heated up, and in a very dirty state, and I said : " This is a nice mess ; " and the solicitor was sent for ; he was one of the council ; and they looked it over and said : " Yes—yes—yes," and " We shall see to it ; " and they walked out and left it, and my veterinary surgeon went in and looked at it. They said it was dropsy—this here doctor of health said that. But it was only a lamb with merely small kidneys. I knew that. I could tell dropsy in a minute, and the veterinary surgeon looked at it and cut it open at the flank, and pulled it open and said : " You see that—there is no dropsy there : he does not know what he is talking about." I said : " You know more than I do," and I said : " What is the meaning of it ? " and he said : " I do not know." Then they summoned me, and I had someone to appear for me, and he said : " They are sure to lose," and I said : " I do not understand it." So they brought me before the court, and in this court there were all these town

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councillors walking backwards and forwards and this here stipendiary—silly man—not an ordinary man to me—and he reserved his judgment for a week, and then he fined me £5, I think it was.

19656. Now the Committee has heard you because they wanted you to express the thing in your own way, but we would like to know whether you mean to represent that that carcase which was seized was fit for human food or unfit for it ?—It was fit for human food. It was for me personally. It was not for my assistants. I should not give lamb to the assistants.

19657. Your representation to the committee is that, notwithstanding what was found by the Court, the carcase was fit for human food ?—For me to use it was fit. We ate the other lamb. The lambs were both the same. In fact it was a most extraordinary thing—I never heard of such a case—the man came to me and said, "I am very sorry, but I am forced to do these things—never mind about the cost."

19658. You saw the thing yourself, and you formed the opinion that the carcase that was condemned should not have been condemned ?—No, it should not. There is one thing I should like to put before you. As I have told you, the man that actually came and took the thing afterwards came and told me he was very sorry, but he was made to do it; and not only that, but there is a letter from the town clerk about the very same thing, and he told the people they had no case against me, but that made no difference.

19659. You put this forward that they had no case against you for our information, do you ?—Yes, I do.

19660. So far as the case was concerned the point was whether the food was for sale ?—It was not for sale ; it was for myself only, personally.

19661. But so far as the condition of the food was concerned I gather that you now represent that that food brought into your place, whether it was for sale or not, was quite fit for human consumption ?—I do. I suppose you have the case, have not you ?

19662. Yes, we know about it ?—You will see what my veterinary surgeon says on the matter.

By Mrs. Tennant.

19663. I think you say that your men assistants come back to Eldon Place ?—Yes.

19664. At half-past seven ?—Half past seven or eight, but with young men when they leave the shop, you cannot tell whether they are coming home or not.

19665. But they do come back at half past seven ?—The first one that comes back calls in for the key. We do not open the door till someone is there.

19666. The first one comes back at half-past seven ?—I do not think that young men come back except at what time they like. When they go out of the shop we do not know what they do. The house is there for them to go to.

19667. In reply to the Chairman I understood you to say that they came back ?—We have nothing to do with them after business. They do as they like. We cannot deal with them after that. A young man would not stand that.

19668. But you know at what hour they come back ?—I could not tell you what time a young man came back. He might have an appointment.

19669. I do not want to take any one young man in particular, but is there any hour at which the assistants come back to the lodging ?—No, I could not say that. We never time anyone. They are quite free.

19670. I do not quite understand your statement about the hours. At one moment I think you said the young men's hours were from half-past eight to eight o'clock ?—Yes, at half-past eight they go to business. They are at the shop then.

19671. What is your closing time ?—We close at half-past seven, you might say, but if there is a customer in the shop, or anything like that, we have to do business.

19672. Do you ever remain open, except on Saturdays, to eight ?—Yes, very likely.

19673. Have you any rule according to the season ?—Yes, it depends on the weather.

19674. Is there any season at which you remain open to eight ?—As I say you cannot regulate the time to a nicety, but the porter stands at the door with the shutters waiting for the customers to go out.

19675. Surely your customers understand that your shop is open up to a given time ?—They will not do that. That would not be business. You cannot tell a woman to do that.

19676. I mean they may start for your shop and arrive at eight and find it had shut at half-past seven ?—The lower class of people come the latest.

19677. But it is open to your customers to go to your shop at eight o'clock believing it to be open, and find that on that evening it has been closed as half-past seven—is there no regular rule ?—No ; we do not bind it for the customers, but the assistants get out of it at that time—all those who are not employed. If a customer is there we have to treat him with courtesy and not drive him or her out.

19678. Then if a customer arrives at eight under the impression that the shop is open to eight, and finds it closed, do you open it for the customer ?—No.

19679. Then what information have your customers to rely upon ?—If a customer comes when it is open I should serve him.

19680. I know a particular shop will be open or shut at six o'clock, and I have some security as to the hours of my shopping ; but your customers do not seem to have any ?—No, you cannot regulate a customer's hours. We have a porter standing at the shop door waiting with the shutters to put them up, and if you came up and wanted something I should be very pleased to get it for you.

19681. Have your customers any more security with regard to Saturday ? Is there any closing time definitely fixed then ?—We close at a certain time, and directly the time comes for closing my manager goes to all the young people when they are ready, and says : "Time is up," and they go.

19682. How do you define it ?—Directly it comes.

19683. How does it come ?—It is at half-past nine.

19684. Never ten ?—Yes ; but I cannot say exactly the times. You could not do that with a customer. It is not like machinery. You cannot turn them off like a piece of machinery.

By the Chairman.

19685. Of course, you understand Mrs. Tennant's difficulty is apparently quite the same as mine, and that is the difficulty of getting from you, who ought to know, an exact statement of the fact. Cannot you make your evidence more definite ?—I could not tell you definitely the exact time that the shop is closed, because we have only one entrance to the place, and if we were to put the shutters up at a certain time, we should lock a lot of customers in.

By Mrs. Tennant.

19686. At any rate, are there any difficulties peculiar to your shop which other shops have not to meet ?—No, but we do all we can to please them that we possibly can, and also the assistants as well.

19687. Most shops feel that their customers would be pleased by the knowledge that if they come at eight or nine or ten o'clock they would find the shop open at that time ?—If they come at half-past eight they would always find it open punctually.

19688. But in the evening, I mean ?—But we open punctually, and we try to close at half-past seven or eight, but if the customers are in the place, which they are very often, you cannot avoid it. A person might come and say she is going to a wedding or a funeral, and she is short of a certain thing, and can we oblige her, and we do so.

19689. Then I may take it your closing hours on ordinary days in the week may be half past seven or eight and ten on Saturdays, or half past nine or ten ?—Yes.

19690. After that how much time has the assistant to spend in putting away things which have been on sale during the day ?—They are gone away by that time—they are all off.

19691. But is not the shop put to bed at all, so to speak ?—Yes, everything is put away at once at that time.

19692. How long does that occupy ?—Everything is off by ten o'clock.

19693. How long does it take for the assistants to put away the things which have been on sale during the day ?—They start at half past seven or eight.

19694. How long does it take them ?—Till we close.

19695. That is on Saturday ?—Yes.

19696. Does that take longer or shorter than on other days ?—At half past six they begin to get them away on other days.

19697. After the shop is closed is there any time which is given to the putting away of the things ?—No, when the shop is closed it is all empty.

19698. Then I gather there is no fixed time for supper ?—Yes, there is a fixed time for supper; seven o'clock punctually for supper.

19699. Do the shop assistants go for supper before the shop closes ?—Yes.

19700. How long do you give them for supper ?—About half an hour or twenty minutes, I suppose.

19701. Then they return to the shop, do they, or do they go home to Eldon Place afterwards ?—They come back into the shop again in some cases.

19702. Have you one set for supper, or do they come in in different sets for supper ?—They go in parties.

19703. What time does the other party go which does not go first ?—Seven or half past to supper to start at it. It is not very long they take at supper.

19704. What do they have for supper ?—Bread and butter and cheese and coffee.

19705. Is there any day on which they have bread and cheese especially, or is that every day ?—No, they have bread and butter or bread and cheese every day.

19706. Bread and cheese is there every day of the week ?—Yes.

19707. You say quite definitely there is bread and cheese, do you, available for supper for the assistants every day of the week ?—Yes.

19708. Is it butter or margarine that you give them ?—Butter.

19709. Where do you buy it ?—From N 11.

19710. A place known as N 11 ?—Yes, and we buy from O 11.

19711. Do you ever give your assistants margarine ?—Not that I know of.

19712. But you would know if you gave it ?—No, we do not use margarine except that we use it for pastry. I suppose you are pretty well up in butter and margarine, and that sort of thing.

19713. I know something about it ?—I tell you candidly I do know all about butter.

19714. Knowing all about butter and margarine, you say you have never given your assistants margarine ?—No, they do not get it.

19715. What is your system for dealing with the washing of the shop assistants ?—They get washing at P 11.

19716. Do they deal directly with P 11 or do you deal with it on their behalf ?—We arrange with the laundry that they shall not charge but a certain amount of money for each assistant, to avoid them getting any excess charged them. You are talking to me about these young ladies and, of course, these young ladies cannot manage for themselves, as you are quite aware, and we do what we can to help them.

19717. I am afraid I am not aware that young ladies cannot conduct their own washing arrangements ?—I am surprised at you not knowing it. At some of these laundries they make money out of them.

19718. I suppose their business in life is to make money ?—Yes, but the young ladies send their clothes out and do not make a list out, and they do not get them back, perhaps. They do it in a careless way.

19719. Does your housekeeper make out a list ?—No.

19720. Who does it ?—They make out their own lists.

19721. But I thought you said they were incapable of doing it ?—But we arrange it so that they shall send their goods to the laundry and have them marked plain, and a list with it, so that when it comes back they can check it off and get their own things back. But we can only do that as a matter of form to make it easy for them. They do not do it, and, therefore, they lose part of their clothes.

19722. But you are arranging for your young ladies what all other young ladies do naturally for themselves. They send a list with their washing ?—They do not do it with us. The washing has nothing to do with us.

19723. But I want to have information about the charge for the washing ?—I think they pay about 1s. a week, or 1s. for the whole washing. I think we make arrangements so that they can have them nice and clean. They get two pairs of stockings, six handkerchiefs, six collars, a night-shirt, knickers and chemises. All that is put in for the one price of 1s. a week. They cannot make money.

19724. That is your contract price with the laundry ?—That is the terms we have with the laundry.

19725. Are you quite certain of that ?—Yes.

19726. Quite ?—Yes.

19727. Then if those are your contract terms with the laundry, why do you deduct 1s. 6½d. from the young ladies ?—We do not deduct anything from them.

19728. To whom do they pay the money ?—They will pay it either way they like, to the laundry or to us, but they would rather pay it to us because we take it and send it to the laundry.

19729. How do you obtain the 1s. 6½d. from them ?—When they get their money at the month's end they pay with it; but I do not have anything to do with it.

19730. But you pay them their wages less washing money ?—No, not less. They can take their washing home.

19731. I am not speaking of that, but of the money which they pay for washing ?—We make a term with this laundry that any young lady or young man sending their clothes to that laundry can get it done for 1s. a week; and if he lives in the town or near, he can take his washing home with him.

19732. My information is that the young ladies pay 1s. 6½d. ?—That might be with extras. That is where there are blouses extra, perhaps.

19733. No, there is nothing extra. I am told it is 1s. 6½d. ?—I do not know about that.

19734. You say that is incorrect ?—I do not know about the young ladies washing.

19735. But you have just said you take especial precautions ?—We do, because we help them all we can to get them done at a price that will please them, and not be a burden on them.

19736. Then is it for that service that you deduct 6½d. ?—We do not deduct anything.

By Sir F. Cawley.

19737. You have just told Mrs. Tennant that when you pay the young ladies their wages you deduct 1s. a week for their washing ?—No, we deduct nothing; we pay them their salary and they pay it back.

19738. They pay at the end of the week ?—At the end of the month,

19739. You pay them their salary ?—Yes.

19740. You pay them all the money you owe them ?—Yes.

19741. In cash ?—Yes.

19742. And you do not deduct anything ?—I do not deduct anything.

19743. How do they pay for the washing ?—They pay my clerk back the amount of money that we have got put right for them.

19744. But I understand that it is 1s. a week ?—No, it is not. This lady says it is more.

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19745. No, no. You told Mrs. Tennant that you arranged that the laundry should charge each young lady 1s. a week ?—Yes.

19746. And now you say that the young lady pays that to you ?—She can pay it to us—she does pay it to us.

19747. 1s. a week ?—Yes ; we do not force her to pay it to us ; she can do it with the laundry.

19748. But have not you got an arrangement with the laundry to do the young ladies' washing at 1s. a week ?—I think it is that.

19749. You told us it was that—is it more than that ?—I will say 1s.

19750. But you led us to understand that out of the goodness of your heart because the young lady is liable to be swindled by paying too much you have an arrangement with the laundry by which they shall do the young ladies' washing for 1s. a week ?—Yes.

19751. Have you that for so many articles ?—Yes.

19752. But have you or have you not that arrangement with them ?—Yes, for only a certain amount of articles. It is not all the articles they like to send there.

19753. Then what is the good of the arrangement?—The arrangement is this, that they shall have sufficient clean clothing.

19754. But have you the articles specified which the young ladies may send for 1s. a week ?—Yes, I could send you up a list of the articles if you wish to see it. I cannot tell you exactly what it is, because it has nothing to do with me about the laundry. They have their own washing done which way they like, and they do not need to send it there unless they like. They can have any laundry they like.

19755. Is it your contention that they can have a list of the articles which a young lady may send to the laundry and for which the laundry must not charge more than 1s. a week ?—Yes, that is the price.

19756. Then it is not correct to say that you have an arrangement with the laundry by which you pay the laundry for the young lady 1s. a week, and that you very often get 1s. 6½d. a week for that washing ?—No. If she was to pay 1s. 6½d. of course that has to do with the laundry. They would get that 6½d. ; it has nothing to do with us whatever. Whatever they charge at the laundry they pay and the laundry people get that amount of money.

19757. Then about the meals. Do you have all the meals with them ?—Yes, every meal. In the morning I have breakfast and I have my dinner. I generally have soup, and I like it very much.

19758. What members of your family have meals with them ?—None—only me alone.

19759. Then you have your breakfast and dinner ?—Yes, I always have soup with them.

19760. Your dinner you have with them ?—Yes, and tea.

19761. But do you have exactly the same food as they do ?—At those two meals, except at breakfast, when I have a little bacon.

19762. At dinner do you have the same soup ?—The same soup.

19763. And the same meat ?—Just the same meat.

19764. Nothing more than exactly what your assistants have ?—At these two meals ; but I do not take so much at twelve o'clock, and when it comes to my tea-time which is at five o'clock I have my tea with them, just the same, but I have a fish generally. I am very fond of white herring and very fond of eel, or something of that sort—just a little—I do not want a lot.

19765. Would it be right to say you have soup with them ?—Yes.

19766. But not meat ?—I do have a little meat. I like meat—I like a little fat meat.

19767. But you said you did not eat much meat ?—No, not a lot of meat; but I have my food with them exactly as they do.

19768. You eat exactly the same food as they ?—Yes, precisely.

19769. For breakfast and dinner ?—Yes.

19770. And for supper you have a little extra.—Yes.

19771. A little extra for breakfast and a little extra for tea ?—Yes.

By Mr. Brotherton.

19772. You spoke of your assistants, and might I ask whether you have any apprentices ?—No, we have not.

19773. Have you any married assistants ?—Yes.

19774. They do not live in, do they ?—They do not live in, but they have their food in.

19775. They do not sleep there ?—No.

19776. Now with regard to the young ladies, do you engage them by the month ?—We engage them monthly. We engage them and pay them and they can leave at a minute's notice if they wish.

19777. And you can give them a minute's notice ?—They can leave at a minute's notice.

19778. And you can give them that notice ?—Yes.

19779. But when you find for some reason or another that trade is slack, what is your customary way of dismissing them ?—If we have very good hands we do not like to part with them. We put them into other departments and do anything we can to keep them.

19780. But supposing you find it is necessary, as I assume it is occasionally, to dismiss some of them, how do you do it ?—There are hands which are not much use.

19781. What is your procedure then. Do you give them a minute's notice or a week or a month, or what ?—No, they are familiar hands—some of them are very nice hands and we generally lose money if we part with them, and we keep them the season round, but if hands are inferior we can do without them and get rid of them.

19782. But I ask you about the junior hands. They do not know perhaps till you pay them that you have finished with their services ?—Yes, but we do not part with hands much. It is very strange that you ask me that question ; but I do not know that we have discharged a hand for many months. They have left on their own account.

19783. You said July was a quiet time ?—Yes.

19784. Would they all leave of their own account in July till you got the desired number, or would you dismiss some ?—No, July is a holiday month, and these young ladies go for their holidays then. We are obliged to keep all the hands to fill up the vacancies.

19785. I want you to tell me this. Am I to understand rather that you never dismiss any young girls ?—Very seldom—there is something radically wrong, that is, if we do.

19786. And you never dismiss them when trade is slack ?—No, it is something else besides that.

19787. Now with regard to fines and deductions. Have you any penalties ?—No.

19788. You use no fines ?—No.

19789. And you have no deductions ?—No, nothing at all in that way.

19790. Are the young ladies under the necessity of buying their wearing apparel from you, or can they buy that elsewhere ?—Yes, they can buy that anywhere. We allow them 10 per cent.

19791. If they buy from your establishment you allow them 10 per cent. off the ordinary selling price ?—Yes.

19792. With regard to medical attendance, do you call in a medical man sometimes ?—Yes. It is a very strange thing to ask about, and as to our hands you would hardly credit it, but we never have a doctor for our hands. That is done with us as to the regular hands not once a year I suppose ; but in the case of fresh hands when they come, if there is anything the matter we arrange with the doctor to come and see them.

19793. Who pays for the attendance ?—They pay for the doctor. It is 2s. 6d. We arrange for the doctor in that case.

19794. What arrangement have you ?—If the doctor calls to see them he is not to charge more than 2s. 6d. We arrange it.

19795. Half-a-crown for what ?—For the visit.

19796. Per visit ?—Yes. If we call him in he charges me 7s. 6d. for myself.

19797. Supposing a girl had to have the doctor once a day for many days, what then ?—She would go off home. We should get her off home if we thought she was going to be very ill.

19798. You have had to do that sometimes ?—Yes, at one time or another.

19799. Have you any room for either the young men or the young women who might be on the sick list ?—No, not except one of the bedrooms.

19800. But that might also be occupied by somebody else ?—They can go into the sitting-room for the day, and at night they use their own bedroom.

19801. Now with regard to Sundays. These who live in are free either to remain with you over Sunday or perhaps go home ?—Yes, that is so. They go away some of them ; for a week-end, for instance.

19802. When they go away do they give you any notice ?—Yes, always.

19803. Do they give you notice or the housekeeper ?—They give the housekeeper and me notice.

19804. That they will not be returning at night ?—Yes.

19805. As to the returning at night arrangement, can they return at any hour they like ?—No. The young ladies have the place locked up at ten and the young men at eleven.

19806. Supposing there is someone after then, and they have not given notice ?—We should want to know.

19807. But would the door be locked at ten or eleven ?—Yes.

19808. And they could not get in ?—Yes, the young ladies can.

19809. Supposing a young lady happened to arrive a little after ten and she found the door locked, would you admit her ?—Yes, we should admit her. We have a side entrance with large wooden doors. The housekeeper is waiting in the sitting-room, and she would go outside and admit them.

19810. The housekeeper would admit anyone at any time they arrived ?—Yes.

19811. Have you ever locked anyone out ?—They have always got in however late.

19812. You have never locked anyone out over night ?—No.

19813. You have never had complaints of locking them out over-night ?—No. It would be a very serious thing to lock out a young lady over-night. But if she does it she reports it to me in the morning.

19814. Have you ever had a report of a young lady being locked out all night ?—No, not all night. I was thinking, when you asked me that question about being locked out, that having been in business so many years we may have had one young lady who was locked out and discharged in the morning.

19815. There has been no fine—the housekeeper would not fine them ?—No, we do not fine them, but we have got to ask questions in the morning.

19816. But you do not know of any fines the housekeeper may inflict ?—No.

19817. Now with regard to soap and towels ; do you provide that sort of thing ?—No, they provide their own towels.

19818. And they have to pay for the washing of the towels ?—Yes.

19819. Do they provide their own soap ?—We provide soap, but they can provide their own fancy soap.

19820. You provide common soap ?—Ordinary soap.

19821. I was very much surprised to hear what you said about the arrangement as to baths. With no baths how can a young woman or anybody else expect to have a bath in a washing basin ?—Ours are large places—they have plenty of room for washing. They have pans for feet washing, and that sort of thing.

19822. With regard to the laundry, am I to understand that you charge the assistants the same price as the laundry charges you ?—Just the same.

19823. You make no profit, or discount or anything ?—Nothing at all in the least. They could change that laundry if they wanted to, or if there was any complaint. They need not go to it. They take the responsibility.

19824. With regard to food, have the assistants their portion handed to them or can they go and help themselves ?—No. People wait on them.

19825. It is handed to them ?—Yes.

19826. As to such a matter as milk in the morning, can they have as much milk as they want. Supposing somebody wanted a pint of milk could they have it ?—No, we have not got so much milk as that.

19827. You could not do that ?—No, we could not do that.

By Mr. Maddison.

19828. I understood you to say that for the young women's side there was one housekeeper ?—Yes, always one there.

19829. And you have one now ?—Yes.

19830. You have not been without a housekeeper I suppose lately ?—Well, now you mention it, we changed housekeepers this last month. I could not say—we might not have one, but we have got other people to take their places. My two grown-up daughters would soon see to that.

By the Chairman.

19831. Mr. Rendll, ewill you attend to Mr. Maddison's question. He put to you as the proprietor of the premises a plain question. During the last month have you or have not you had a housekeeper in that establishment ?—Yes, we have.

19832. Your answer is yes ?—Yes.

By Mr. Maddison.

19833. I know nothing about particular times ; but during this year, say, there never has been a time, a week say, in which you have not had a housekeeper ?—We have changed housekeepers it might be. But I have two daughters who take the place of the housekeeper. We are obliged to have one to look after the place.

19834. As the chairman puts it, my question is a simple one, and it is whether you have done without a housekeeper within a recent date for any length of time ?—For a week I will say we might have been without one.

19835. Do you say that your daughters would officiate during that time ?—Yes.

19836. Any young lady who had a complaint to make, or who wanted to know anything, could go to your daughters instead of to the housekeeper ?—Yes.

19837. So that it would be untrue to say that there had been a period lately when there was no one in charge ?—My daughters or my wife or family would be there.

19838. You have told us you have no bathroom on the young ladies' side ?—No.

19839. You have no bathroom at all ?—Two rooms, but no bath in them.

19840. You have no bath ?—No. We have foot baths there ; that is all we have—basins with hot and cold water.

19841. Then how do the young ladies manage ?—We have hot and cold water in large basins in the rooms for our young ladies to keep the water from going through where they splash about.

19842. What is the furniture in one of your bedrooms ?—The bedrooms have linoleum and carpets at the sides, and a chair and dressing table, and also cupboards besides for clothing.

19843. A chair ?—Yes.

19844. You have no wash-hand basin, I understand ?—No, not in the bedrooms.

19845. What about hot water ?—We have hot water taps.

19846. Can these young ladies get hot water in the morning ?—Yes.

19847. They can get hot water just as well as cold ?—Yes

19848. Are you sure of that ?—Yes.

Mr. Rendell.

16 July 1908.

19849. You are quite sure that any of these young ladies can go into this lavatory where these four basins are that you have told us of, and get it ?—Yes.

19850. Over these four basins there is a hot water tap always in use, is there ?—Yes, the fire being lighted at five in the morning.

19851. And there is no difficulty at all ? No.

19852. With your knowledge, you being a business man and a family man, you would say it was essential that a young lady should have hot water available. ?—I do not advise them to take hot water.

19853. But you would think it a great hardship if there is any difficulty in a young lady getting hot water ? —I say I do not advise them to take hot water at all, I always advise young people not to use hot water for washing.

19854. Would you not think it a great hardship if a young lady at all times found a difficulty in the morning or an impossibility in the morning in getting hot water to wash in ?—She can have hot water every morning if she likes.

19855. She can have it in the ordinary lavatory ?—In the ordinary lavatory.

19856. For instance she has not to fetch hot water up in pans to her bedroom ?—Oh, no. We do not allow them to have pans in their bedrooms. We have two kitchens and there are boilers attached to each fireplace.

19857. On each storey ?—On each storey.

19858. Did you not say the young ladies were on the second storey ?—Yes. There are two kitchens—a top and a bottom kitchen, and in the top kitchen the water is attached to one side.

19859. I want to be very clear as to your evidence, and it is that on either storey there is always a plentiful supply of hot water, that these young ladies can get ?—On each floor I tell you there is one put to each kitchen, and there is hot water and cold water to each, and if you were down at my place I should be pleased to show it to you.

19860. I will take your word for that. Now you have told us that there were four basins roughly to about fifteen people ; that is to say you have about thirty living-in, and four basins on each storey ?—Yes.

19861. You also said you never knew of any of these being out of order ?—That is so. If they have been out of order with hair, say, we should send somebody to see to it at once.

19862. What should you say if one or even two of these basins were stopped up for several days or even a week, and that the fifteen had to get washed at two basins. What should you say to that ?—I should say the young ladies are very foolish not to complain of it, because if they did we should have it put right at once.

19863. Would it be the duty of the housekeeper to see to a thing like that ?—Yes.

19864. Do you think that could possibly happen if you had a housekeeper. Would not it be part of her duty to see to everything ?—But a thing like that might happen to our place as well as to other places.

19865. Now what sort of a house is this of yours. What is behind the bedrooms. Are there fields immediately behind your house or what ?—There are houses. There is a road at the back. Eldon Place is a private road, and I am trustee for the road too ; at the back is a road for carts to pass up and down.

19866. You have told us about a stable I think that you had ?—Yes.

19867. Are those stables very near to the bedrooms ?—No, they are a very long way off.

19868. No smells come into the bedrooms at all ?—Oh, no ; this house has been built by me and passed by the Corporation of Bradford, and built under the byelaws.

19869. Now with respect to a question that Mr. Brotherton put about the provision for sickness, I think you said that there was no sick room set apart ?—No ; but we look after them if there is anything of that sort. We should pay great attention to them and get them anything they wanted, and the doctor.

19870. In the case of other firms besides your own, we have had all sorts of statements made about sick accommodation, and we have had the statement made where young ladies have been taken ill and been ill a day and sent off a long distance without any proper accommodation, and so on, Do you ever do that in your place ?—No, that is very little with us. Our people are very healthy ; you would be surprised to see them. If you saw our young ladies you would say you never saw a more healthy lot of people than those who have been in our employment a long time. They improve very much with us.

19871. They improve under your feeding ?—Yes, and you would not find a more cheerful lot than with us. You have asked me questions and this young lady has asked me questions, and I say I know because I have lived in the best houses of business in this country, and I know my trade. That is what you do not find amongst the assistants—they do not know the trade, as to a lot of them, and that is where you might find the evil prejudices come.

19872. I think I understand your position, but I want to be sure. With reference to this washing, you tell this Committee that you do not make a penny out of the laundry accounts ?—That is so.

19873. Whatever is charged by the laundry you only charge, or, rather, the assistants only pay ?—That is all—nothing more. We would rather they took it themselves as far as that goes, than pay it, for there is a lot of trouble with the laundry. The laundry person asks us to take it. Calling there after business hours, the young lady has got to go up there to pay the account if we did not pay it for her.

19874. With respect to the alleged diseased meat, in the course of the evidence was not it held that you did intend to give the assistants the meat ?—Yes, they might say so.

19875. But did they say so ?—They did say so, I believe, but there was not a word of truth in it, because anyone with common sense would know we should not give assistants little lambs like that. It would be something for my own use. I would not do it.

19876. Then the charge was confined entirely to lamb ?—Yes.

19877. What about Sunday feeding ?—There is no difference. They have it at one o'clock, and I carve myself.

19878. That is porridge and bread-and-butter for breakfast ?—On Sunday morning it is different.

19879. I asked about that ?—We have cold ham in the morning, and, for dinner last Sunday we had, for instance, Salmon and potatoes and cucumber, and raspberry tart ; and we have fruit.

19880. Then as a matter of fact you give them a little better fare on Sunday than on the other days ?—Yes—cake and bread and butter for tea.

19881. I did not quite follow your answers on this. Supposing a young lady does not turn up at half past ten ? —Ten o'clock.

19882. But supposing she does not turn up till twelve, what then ?—We should want to know something about it.

19883. But would you lock her out ?—No, we should not, if she came to the door.

19884. You would not ?—No.

19885. And you never have locked anybody out, have you ?—No, not that I know of.

By the Chairman.

19886. Do you know what a yard behind a place of business is, or behind a residence ?—Yes.

19887. Have you such a yard ?—Yes, we have one.

19888. Is there a cow kept in the yard ?—That is at the private house you are speaking of, is it ?

19889. Yes ?—Yes, but we have a yard at the back of the business premises.

19890. Please to attend. I am referring now to the private house ?—Yes.

By Mr. Maddison.

19891. I meant to say I was referring to that. I took it for granted you understood ?—Yes.

By the Chairman.

19892. Do not let there be any mistake. The questions Mr. Maddison and I put to you have reference to a yard behind the private house where the young ladies dwell. Is there such a yard ?—We have a large yard.

19893. In that yard is there a cow kept ?—Yes, there are two.

19894. Are there two horses kept ?—Yes.

19895. Are there any fowls kept ?—Yes.

19896. Are there any other animals kept ?—No—Yes, we might keep a dog and cat, but our place is a large place.

By Mr. Maddison.

19897. I want to put this question, if I may, following up your answer. I ask you whether there is any disagreeable smell arising therefrom, that can enter the bedrooms ?—No, not that I know of.

19898. But do you think it is likely ? Are they so situated that it is at all likely that such a smell can arise ?—No, not unless the wind happened to come that way, when there might be. At my house, speaking about that, we are rated for £200 a year. It cost me £300 to paint the inside of it. It is not a small place—there is good accommodation.

By the Chairman.

19899. You have told one of the members of the Committee that the assistants bring their own towels ?—Yes.

19900. And pay for them being washed ?—Yes. That is at the private house, but not at the shop.

19901. Then will you kindly again accept my statement to you that I am referring to the private house where these young ladies live ?—Yes.

19902. Into that private house they bring their own towels ?—Yes, they use their own towels.

19903. Then when they have them washed they pay for the washing of these towels ?—It is all included in their washing. They go in with the washing.

19904. They might pay for anything except the plainest soap ?—Yes, that is so.

19905. Do they pay for any other household washing than the towels ?—No, nothing else.

19906. What about the sheets on the beds ?—They have nothing to do with the sheets on the beds.

19907. Now, one question in reference to what you stated to one of the members of the committee. Mr. Maddison wanted to know what the provision was for hot water ?—Yes.

19908. I understand on principle you rather favour cold water ?—Certainly.

19909. Now, supposing a young lady wanted, not having a bath in the establishment, to have her feet washed in her own room, she would have to do that in a room occupied by one or two others ?—We do not like that. We do not allow them to wash in their own rooms.

19910. Then where would she go in order to wash ?—Into her bath-room.

19911. That is the place where there is not a bath ?—No, not a bath.

19912. That is the place where there is the wash-hand basin ?—Yes.

19913. Then I gather from you that she would have to take a pan with her ?—No.

19914. And fill the pan with hot water ?—No ; there is hot water on the tap.

19915. But you told Mr. Maddison that there were pans for them to wash in ?—There are foot pans, and there are pans to wash in, which are basins set in marble.

19916. Whatever the substance is, I want to get from you what this girl if she wants to wash (we must speak familiarly) her feet after having been out and has got wet, or the like of that, has to do. What has she got to do ?—She has got her foot-bath, and she can use that.

19917. She must take that out of the common place and fill it with hot water out of the pipe ?—Yes, and she could take it to her bedroom then.

19918. And wash there in the presence of others if they happened to be there ?—There are only one or two in the room with her.

19919. Do you think all these arrangements are satis- satisfactory ?—I always find it so.

By Mrs. Tennant.

19920. In most cases it would not be possible to fill a pan from the tap which is above a washing-basin, and is your case different from others ?—The tap stands up from the basin.

19921. But is it possible to put as big a thing as a pan between the tap and the basin ?—Yes.

19922. I have never heard of such an arrangement ?—Yes, you can do that very easily. They also get jugs to take it out with besides.

Miss L. A. E. Deane, one of H.M. Lady Inspectors of Factories, who had made a careful inquiry into the living-in system throughout the principal cities of England, Wales, and Scotland, was to have given evidence on this subject, but, unfortunately, owing to illness, she has been unable to attend before us. We attach the notes of the evidence she had prepared, and much regret that she was unable to give us the results of her inquiry in person.

Towns visited.—London, Oxford, Worcester, Malvern, Hereford, Wolverhampton, Walsall, Bedford, St. Albans, Brighton, Portsmouth, Manchester, Bradford, Liverpool, Glasgow, Edinburgh, Rhyl, Cardiff.

One hundred and thirty representative boarding establishments, besides boarding-houses for women, Y.W.C.A. secretaries, and others have been visited. I have had no power to require information, and have been dependant for it on the courtesy of the persons visited.

The living-in system is by no means general in the trade, and is on the whole becoming less so.

There is a marked dissimilarity in different towns and localities. In Scotland living-in is unknown, except in one establishment in Edinburgh, where English women are employed. In Wales, on the other hand, all live in. In Liverpool, a seaport town, the majority live out. In Bradford, with the exception of two establishments, all live out. In Worcester all live in. In Manchester the two systems are found side by side. Repeated inquiries from all sorts of persons have failed to elicit any reason for the curious dissimilarity. I am inclined to think that local custom is largely responsible.

The custom arose originally under the apprentice system (which is fast dying out, if not practically dead) and the lack of cheap and quick means of transit, and the fact that in England and Wales the employees were largely recruited from the sons and daughters of small farmers, who preferred being apprenticed as shop assistants in towns to learning the duties of a farmer or farmer's wife. The apprentices were inexperienced country girls, whose parents, people of some substance, bound them apprenticed for three or even seven years, paying a premium of from £10 to £20 a year for them. Lodging accommodation was bad in those days, the streets were less safe, and it was a simple way out of these difficulties for the employer to have the employees "living-in." It was, moreover, cheaper for him, for where several lived in they could be boarded and lodged for less than it would have cost to allow a sufficient sum to keep them in respectable lodgings. The employees generally dined with the employer and the daily life and work was shared in common. The number employed in one establishment was far less than is the case nowadays, and the employee was under the direct control of her master during every minute of the day. Many of these conditions have died, or are rapidly dying out ; shops have turned into enormous emporiums, the number employed in them is largely increased, and the class is somewhat altered. The employee

is now taken on, like any other worker, without an apprenticeship. Her home on the outskirts of the town, formerly unreachable except on Sundays, is now within a penny tram ride, but the two main advantages to the employer of this system not only remain but have become intensified. If it is cheaper to lodge and board fifteen or twenty than to give each a lodging allowance, this is still more the case when the numbers concerned are 500 or more, and the advantage in control, if all are under one roof, is obvious.

Accordingly, in many establishments living-in is made a condition of employment, *even where the homes of the women are within daily reach.*

I found employers were, on the whole, very reticent:—

(*a*) As to the equivalent for wages—in the form of board and lodging—which they provided to those who lived in.

(*b*) Where they did state a sum (*e.g.*, 6s. to 10s. a week) as the estimated equivalent, they seldom informed me how much of it was actually spent in this way.

It must be understood that even where there is no living-in it is a common practice to make *feeding-in* a condition of employment. Dinner and tea are provided, and must be taken on the premises, and so much less salary is paid in proportion to this; this practice is not dying out, but is growing.

It was only in establishments which prided themselves on their comfortable conditions that I received permission to visit bedrooms and kitchens. By far the greater number of complaints received related to the food provided. I received complaints that the food was:—

(*a*) Scanty.

(*b*) Ill-cooked.

(*c*) Lacking in variety.

The last complaints, as far as I could judge, were the most often upheld.

The contention put forward by many of the more thinking employees, that inasmuch as the cost of living-in or feeding-in is reckoned in computing their wages, they are entitled to know whether they are getting equivalent value, is, I consider, perfectly justified. At present they have no means whatever of really judging, and discomfort and hardship in living-in can only be remedied by throwing themselves out of their situation. In this respect the conditions are parallel to domestic service but the similarity ceases there.

One of the main arguments put forward in favour of the living-in system is that it is absolutely necessary for the protection of the women and the discouragement of immorality. This is the reason almost invariably given me for it by employers. I have, therefore, given it careful attention. Under the old conditions it may probably have been a good one, and at the outset of my inquiry it seemed to me a strong one, but the result of a more careful investigation regarding this aspect of the question has led me very considerably to modify my views upon it. It cannot be too strongly borne in mind that the old semi-patriarchal system is almost gone, and the "protection" afforded under the present conditions is comparatively small. The employee is bound to be in at 11 p.m. This is often extended on one night in the week to 11.30 p.m. She is, after the shop closes, as free until this hour to go where she chooses, to frequent bad places and bad company, as any ordinary girl. In the majority of establishments it is unusual for a woman, unless she is in a superior position, to have a room to herself, and she is bound, therefore, to share, not only her room, but in many cases her bed, with another woman of whom she knows nothing. That, as a matter of fact, she does not frequent bad company, and that careful employers do not subject their employees to the companionship of disreputable characters, does not alter the fact that the "protection" afforded by this system is not superior to that given to girls at home, or by a respectable landlady. It is true she does not have to go to and fro to work, an occasion when, it is urged, she might be spoken to, but this is certainly less likely to occur to a respectable girl going to work at 8 a.m. or going home at 8 p.m., than to the girl who from 8 to 11 p.m. is free if she chooses to loite. in the streets. It must be borne in mind also that thousands of women and girls of the same class are employed in commercial business houses as cashiers, etc., and that they do not live in; I cannot find any trace that among these the standard of morality is lower than the high one which exists among drapery assistants.

On the other hand, I have been struck by one aspect of the modern living-in system, which is of importance, namely, the lack of the mental and moral training which home affords, or which is given, though in less degree, in simple lodgings. Those thousands of girls and women are living practically institution lives. They have no responsibility and no knowledge of the cost of living. Their lodging, food, firing, utensils and service are all provided. The little shifts and contrivances, the small duties and difficulties which form so valuable a training in home or even lodging-house life, are evaded. It is impossible not to comment gravely on the training such an existence affords to a grown woman, who will have eventually to make and manage a home of her own, when it is remembered that the man she may marry has lived a similar institution life, and is equally without the strengthening and bracing effect which ordinary independant life gives. The result is not likely to be satisfactory.

The advantages of the "living-in" and "feeding-in" systems where *well* carried out lie in the good accommodation and good food provided at very low cost; the resulting indirect, but distinct, gain to the employer in the increased health, efficiency and contentment of his workers would appear to be the only legitimate profit to which he is entitled. Where a direct money profit is made by him out of the lodging-house or catering business which, by the terms of his contract with them, he compels his employees to support, the transaction seems to be an infringement of the Truck Act. Even where no direct profit is made, many feel that there is a great gain to the master in the increased control over his workers which he enjoys where these not only work but play, sleep, eat and live under his incessant regulation and on on his premises.

I found some bitterness on this point among employers and employees, the former declaring that it is impossible to exercise proper control unless this is the case, the latter stating that such a condition is unnecessary and undesirable. The evidence obtained at large firms, such as X 6., or R 11., or S 11., where hundreds of employees of both sexes "live out," and where the managers state that they are fully able to exercise all legitimate control, that the percentage of late attendances is extremely small, that fines are unknown, and the general good character and good behaviour of the employees is well known, is therefore interesting and useful.

A point which I should like to emphasise is that the legitimate advantages of the "living-in" and "feeding-in" systems can be obtained by voluntary co-operation for this purpose among the employees themselves, with or without that of the employer. Thus, at K10., the messing arrangements, which are excellent, are controlled by a committee elected by the employees. This is an establishment where a very intelligent class of assistant is found. At the other end of the scale may be cited the example of a type-foundry in London, where the women club their pennies together and pay a cook who, for 3d. a head, supplies to thirty women a good wholesome mid-day meal, the employer providing the mess-room and gas-stove as his share of the joint undertaking. In a large drapery establishment at Manchester, the firm has made an arrangement with a neighbouring restaurant, and their workers are there catered for on specially advantageous terms in consideration of the amount and regularity of custom which thus accrues to it. In some cases a firm keeps a list of reliable lodgings to which assistants coming from other towns can be recommended.

In factories, co-operative messing arrangements are extremely common and work well, and it is surprising that they are not more often found in shops. I attribute the fact of their rarity to the comparative helplessness

and dependence of the employees in these establishments, a helplessness and dependence fostered by the "living-in" system. It is most certainly not due to the difference in the class of persons employed, for the workers in many departments of warehouses and factories, the clerks and officials in Government and other public offices, where co-operative mess-rooms and kitchens are found, are at least as good a class as the assistants in many shops.

I suggest, therefore, that much remains to be done in this direction, but as long as all responsibility for their living and feeding arrangements is kept entirely out of the hands of these men and women, and these necessaries are provided as part payment of wages, this modification of the "living-in" and "feeding-in" system is not likely to be encouraged.

I found among many of the employees, and among a considerable proportion of the employers, a feeling of objection to the living-in system, and among the former a desire that in every case it should be summarily abolished by law. I do not know whether this is possible, even if it were desirable, but I consider that the facts justify a regular control of these places which would ultimately tend to discourage a system which is no longer much to be recommended, and is liable to abuse.

The growing demand for lodgings for girls and lads is already being met everywhere by clubs, chambers and boarding-houses of the type of the "Shrimpton Houses," and the Young Women's and Young Men's Christian Association Lodging-Houses, and these will inevitably increase as the "living-in" system dies out.

LUCY A. E. DEANE.

RECOMMENDATIONS.

1. Systematic inspection relating to *safety sanitation*, including ventilation, cubic space, temperature, cleanliness, sleeping accommodation; *period of employment; dietary.*

2. "Living-in" not to be made a condition of employment.

3. Household account of living-in establishments to be audited and published to the employees of such establishments, and to be open to official inspection and inquiry.

The officials charged with the duty of administration to be for the purposes of this duty under the direct control of the Local Government Board or some central authority.

N.B.—The medical officer of health and sanitary inspectors already visit these places for purpose connected with sanitation and public health, so that the employment of these officials would avoid duplication and overlapping of inspection, but for many reasons it is desirable that any regulations they may be required to administer should be enforced under the direction of a central rather than the local authority.

These officials are already appointed subject to the approval and ultimate control of the Local Government Board, and it would be well if their duties in this particular respect could be carried out under the direct superintendence of the central body rather than the local public health committee.

SUGGESTION.

The encouragement of joint catering committees among employees, and of employers and employed.

I attach a translation of the Order in force in France, where "living-in" establishments connected with commercial business-houses are under regulation and inspection.

LUCY DEANE.

(Extract.)

ANNUAIRE DE LA LEGISLATION DU TRAVAIL.

PUBLIE PAR L'OFFICE DU TRAVAIL DE BELGIQUE.

8me Année—1904.

FRANCE.

Order of July 28th, 1904, regarding Living-in in commercial and industrial establishments regulated by the Act of June 12th, 1893, modified by the Act of July 11th, 1903.

Article 1.—The cubic space of the apartments allotted to those who live-in in establishments regulated by Article 1 of the Act of June 12th, 1893, modified by that of July 11th, 1903, must not be less than 11 cubic metres per head. These apartments must be well ventilated, and for that reason are to be provided with windows or other apertures with moveable casements, which open directly to the outside air. Such of these places as are not ventilated by a chimney must be provided with some means of continual ventilation.

Article 2.—The dormitories must have an average height of at least 2 metres 60; a less height, but greater than 2 metres 40, is permissible in dormitories belonging to workshops erected before the present Act came into force. When the ceiling is the roof of the house it must be watertight and covered with impervious coating. If the masonry is less than 30 centimetres thick the outside walls are to enclose either a space, or some isolating materials, thick enough to protect the occupant of the room against sudden changes of temperature.

Article 3.—Each household is to have a separate apartment. Those rooms set apart as dormitories must only accommodate persons of the same sex, each person having for his exclusive use bedding consisting of frame, horsehair or straw mattress, mattress, bolster, pair of sheets, blanket, and a piece of furniture or a cupboard for belongings. The beds are to be separated one from the other by a distance of at least 80 centimetres.

Article 4.—Nobody may sleep in workshops, shops, or in any place put to an industrial or commercial purpose. This regulation does not apply to the watchmen who superintend at night.

Article 5.—The flooring of the dormitories is to be of impermeable material, or of some jointed one which can easily be scrubbed. The walls must be covered either with a coating which can be thoroughly washed or with whitewash. The whitewash must be done as often as cleanliness requires, and at least every three years.

Article 6.—The dormitories must never be obstructed in any way, and no soiled linen is to be kept there. They must be kept in a continual state of cleanliness, either by washing or by cleansing by means of brushes or damp cloths. This, as well as the making of the beds, must be done every day.

All precautions are to be taken, if necessary, for the destruction of insects.

Article 8.—Drinking water and wash-basins, at least one for every six persons, are to be provided. These wash-basins must be furnished with soap and towels for each person.

Article 9.—Apartments used as dormitories must not be crossed by chimney-pipes, unless these are in the thickness of the wall. They must have no direct communication with closets, sewers or wells.

Article 10.—One year will be allowed for the necessary alterations required by these regulations before the order comes into force.

Article 11.—The text of this order, and a notice, on which are written in easily legible characters the hygienic steps which should be taken for the prevention of tuberculosis, must be affixed in all rooms used as dormitories.

The terms of this notice are to be based upon ministerial resolution.

Article 12.—The Minister of Commerce, Industry and of postal and telegraphic affairs is to supervise the execution of this order, which is to be inserted in the "Bulletin des Lois," and published in the "Journal Officiel" of the French Republic.

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